HARASSMENT COMPLAINT INVESTIGATION FORM

SOWELA TECHNICAL COMMUNITY COLLEGE

**Investigator:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Complainant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Location/Dept: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

• Take the complaint seriously and inform Director of Human Resources

• Make arrangements to conduct investigation immediately – don’t delay. **Assure that the complainant is comfortable with the person(s) assigned to conduct the investigation**.

• Determine appropriate person to conduct the investigation.

• Have a witness during the investigation.

• Document the facts each step of the investigation beginning with initial complaint.

• Maintain the confidentiality of the investigation – limit to those involved and those with a need to know.

**1. Interview the complainant:** Explore the allegations thoroughly

1. 􀂾Who was the alleged harasser?
2. 􀂾What is your relationship with the accused (i.e. subordinate, co-worker, personal friend)?
3. 􀂾What exactly happened/nature of the harassment (comments, touching)?
4. 􀂾When and where did the incident(s) occur? Be specific: dates & times.
5. 􀂾Was the incident limited to one instance or was it continuing in nature? Explain.
6. 􀂾How did you react to the incident(s)?
7. 􀂾What did you tell the alleged harasser?
8. 􀂾Can any witnesses be identified (I may need to speak to them)?
9. 􀂾Is there any other evidence of the incident occurring?
10. 􀂾Are you aware of any other employees that may have experienced the same or similar…?
11. 􀂾Why the delay in reporting the incident (if not immediate)?
12. 􀂾Are you aware of the system’s harassment policy (provide a copy)
13. 􀂾Was there a specific reason for the harassment, i.e. intimidation, retaliation, or attraction?
14. 􀂾How were you and your work affected by this?
15. 􀂾Did you discuss the incident with anyone else?
16. 􀂾What is your desired result?
17. 􀂾Offer Employee Assistance Program assistance at this time, if appropriate.

• Express a genuine concern and assure the employee that you will take the complaint seriously.

• Inform him/her that retaliation will not be tolerated, and that you will follow up after the investigation.

• Instruct him/her to keep the incident & contents of discussion confidential as to not impede the investigation.

**2. Interview the Alleged Harasser:**

• Determine if any past problems in this or other areas.

• Inform the accused/alleged harasser of the claim (as specific as necessary) and afford an opportunity to respond to the allegations.

• Listen and document carefully.

1. 􀂾Are you aware of the system’s harassment policy? (give a copy)
2. 􀂾Are there any witnesses to substantiate his/her position?
3. 􀂾What is your relationship with the complainant?

• Communicate **NO** tolerance of retaliation, i.e. mistreatment of the complainant

• Be sensitive, yet firm

• Let him/her know how you intend to proceed and that confidentiality will be maintained to the extent possible, keeping the investigation on a need to know basis.

• Instruct him/her to keep the incident & contents of discussion confidential as to not impede the investigation.

**3. Resolve the complaint**

1. 􀂾Interview witnesses (consider whether to interview before or after the alleged harasser).
2. 􀂾Was policy violated?
3. 􀂾Was conduct of a sexual nature? Was the sexual conduct unwelcome?
4. 􀂾Was harassment *quid pro quo* or *hostile work environment*?
5. 􀂾Was the complainant a participant?
6. 􀂾What is the emotional character of the complainant? Should EAP assistance be offered?
7. 􀂾What is the accused/alleged harasser’s emotional character?
8. 􀂾How does the complainant want it handled?

**4. Follow up:**

1. 􀂾With the complainant, accused/alleged harasser, witnesses, or anyone else who has an ***absolute need to know.***
2. 􀂾Apply appropriate disciplinary action.

FAILURE TO INVESTIGATE PROMPTLY AND TAKE PROMPT REMEDIAL ACTION MAY SUBJECT EMPLOYER TO LIABILITY