

SEXUAL HARASSMENT INVESTIGATION AND RESPONSE CHECKLIST

- ___ Immediately as a supervisor or management representative has been notified of an alleged sexual harassment incident, the supervisor should inform the accuser of the seriousness of the allegations and of the possible liability upon the accuser if the allegations are found to be unfounded.
- ___ The initial response of any supervisor who receives a sexual harassment complaint or who becomes aware of or who believes there may be a sexual harassment situation, should promptly be to notify his or her immediate supervisor of the situation and seek the advice and assistance of support staff in investigating and responding to the situation. The investigation should be initiated promptly and conducted in a confidential manner and expediently concluded, according to a plan agreed to in consensus fashion by appropriate management representatives.
- ___ Immediately begin to document sexual harassment incidents or reports.
- ___ Individuals accused of alleged sexual harassment acts should be notified promptly of the allegations and given a chance to tell his/her side of the story."
- ___ Require of supervisors involved that any corrective action or disciplinary action of any nature which significantly alters the job duties or obligations of either any of the involved employees be very closely coordinated with the Labor Relations Department and EEO advisors BEFORE dealing directly with the employees.
- ___ Any action taken (job performance counseling, warning, disciplinary) should be directed toward specific employees, in private, by the immediate supervisor and with the provision (automatically) of a Personnel Department witness of the same sex as the employee being dealt with.
- ___ Do not discuss any action toward involved employees in the presence of other employees or with other employees.
- ___ Confidential records should be kept of all times and activities associated with sexual harassment situations. Those records should be kept in sealed envelopes with an outside notation, such as:

**CONFIDENTIAL INFORMATION: TO BE OPENED AND EXAMINED ONLY IN THE PRESENCE
OF AND WITH AUTHORIZATION OF THE PERSONNEL MANAGER.**

- Such records should be reviewed with and forwarded to the Company Affirmative Action Department.
- ___ Records of sexual harassment formal complaints, "off-the-record" reports, accusations and investigations and action taken, if any, should be maintained for at least seven to ten years following the incident.
 - ___ Any supervisor or official who accesses such records should be required to sign and date an access record attached to the file.
 - ___ Secretaries, clerks, and others who do not have a legitimate interest in such investigations should not be permitted access to such records and should not be privy to information in those records.
 - ___ Investigations of alleged sexual harassment incidents should not be allowed to drag on unnecessarily, as such delay increases the likelihood of loss of confidentiality and increased gossip and rumors, all of which make it more likely that individuals involved may believe that their reputations have been defamed or harmed, regardless of the outcome of the investigations.
 - ___ During the investigation the employer representative should ask both the accused and accuser to identify specific witnesses. The investigator should also ask the accused and accuser privately if either of them have any objection to the investigator's contacting the witnesses. If either has an objection, the investigator should ask them to explain the reasons for their objections. However, such objection should not deter the investigator from talking to the witnesses if the investigator determines such contact is appropriate and prudent.
 - ___ **NOTE:** Care should be exercised to not expand the "circle of knowledge" during the investigation unless the value of involving additional witnesses outweighs the risk of increasing the awareness of the investigation and the allegations.

- ___ Whether or not formal sexual harassment claims and allegations are substantiated, the employer should inform the complainant/victim of the corrective action taken. The perpetrator should be advised that the victim has been informed of the remedial action taken.

NOTE: For suggestions of specific steps to cover and specific questions to ask in an investigation and for legal references, see "The Internal Sexual Harassment Investigation," C. B. Bryson, EMPLOYEE RELATIONS LAW JOURNAL, Vol. 15, No. 4, Spring 1990, pages 551-560.

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- ___ Do not ignore the situation and hope that it will go away.
- ___ Investigate the claim. Contact the proper support department for guidance (Personnel, Affirmative Action, etc.).
- ___ Maintain all information in confidence. No information of this nature should be disclosed to any person who does not have a legitimate need to know.
- ___ Document all information gathered in the investigation. This information should be provided to the Personnel Department according to Company Policies.
- ___ If a claim is substantiated, action should be taken to stop the offensive conduct and disciplinary action taken against the offending employee, if appropriate.
- ___ If personally confronted with sexual harassment, tell the offending employee to stop, as such conduct violates Company Policy, and report such harassment to your supervisor.
- ___ Recognize that the complainant has a right to make legitimate claims.
- ___ Complaints should not be taken personally, but should be responded to in a prompt manner.
- ___ No retaliatory action should be taken against a complainant.
- ___ "Instruction Letters" may be utilized with proper confidentiality precautions in order.
- ___ Following investigation and administration of corrective action, the supervisor should meet with the complainant and discuss the supervisor's findings and any corrective action taken. The supervisor should inquire if the complainant believes such response taken was appropriate. The comments of the complainant should be documented as part of the supervisor's responsibility. Any additional action requested by the complainant should be discussed by the supervisor with appropriate company representatives to decide ultimately if any additional action is necessary.