

Investigation Questions

The Equal Employment Opportunity Commission (EEOC) will investigate employee-filed claims, but it is also the employer's responsibility to promptly investigate claims within the workplace. The interviewer should be unbiased and refrain from asking about the parties' personal lives outside of work. Below are questions taken directly from the EEOC's policy on employer investigations, found at www.eeoc.gov.

Questions to Ask the Complainant:

- Who, what, when, where, and how: *Who* committed the alleged harassment? *What* exactly occurred or was said? *When* did it occur and is it still ongoing? *Where* did it occur? *How often* did it occur? *How* did it affect you?
- How did you react? What response did you make when the incident(s) occurred or afterwards?
- How did the harassment affect you? Has your job been affected in any way?
- Are there any persons who have relevant information? Was anyone present when the alleged harassment occurred? Did you tell anyone about it? Did anyone see you immediately after episodes of alleged harassment?
- Did the person who harassed you harass anyone else? Do you know whether anyone complained about harassment by that person?
- Are there any notes, physical evidence, or other documentation regarding the incident(s)?
- How would you like to see the situation resolved?
- Do you know of any other relevant information?

Questions to Ask the Alleged Harasser:

- What is your response to the allegations?
- If the harasser claims that the allegations are false, ask why the complainant might lie.
- Are there any persons who have relevant information?
- Are there any notes, physical evidence, or other documentation regarding the incident(s)?
- Do you know of any other relevant information?

Questions to Ask Third Parties:

- What did you see or hear? When did this occur? Describe the alleged harasser's behavior toward the complainant and toward others in the workplace.
- What did the complainant tell you? When did s/he tell you this?
- Do you know of any other relevant information?
- Are there other persons who have relevant information?

Source: www.eeoc.gov/policy/docs/harassment

HARASSMENT

Contrary to popular belief, harassment is not just sexual any more. It can take all forms, including harassment based on age, race, color, sex, national origin, disability, or in retaliation to an employee participating in an investigation. All forms of harassment are illegal and it is the employer's responsibility to prevent and stop it. This month's newsletter will help you and your company deal with the often volatile subject of harassment.

Allegation Education

Having a solid harassment policy set up ahead of time is a great key in prevention. Be sure to include these tips when carrying out your policy:

1. **Multiple Paths:** Have more than one avenue employees can take for complaints. For example, employees can go to either the supervisor or the HR department.
2. **Keep it Simple:** Make sure the policy is written in clear, easy to understand terms and is easily accessible by all employees.
3. **Don't retaliate:** Be sure employees know that it is illegal for employers to retaliate against those who file or act as witnesses in harassment claims.
4. **Follow through:** Employers should investigate claims of harassment immediately and wrap it up as promptly as possible, even if the complainant gets cold feet halfway through the investigation. Let both parties know results.
5. **Be responsible.** Through vicarious liability (*Faragher v. City of Boca Raton*, 1998), employers are responsible for any harassment by supervisors or customers. Employers must also stop or prevent harassment from coworkers, customers, and vendors.
6. **Remember the men.** Sexual harassment can take many forms, such as male-on-female, female-on-male, male-on-male, or female-on-female. The main criterion is that the action was unwelcome or would result in tangible employment action, such as promotions, terminations, hiring.
7. **Maintain confidentiality.** Other parties are involved and often have to be brought in to the investigation. Complete confidentiality is impossible, so try to keep it as confidential as possible.
8. **Document, document, document.** As with all employee issues, keep complete written documentation of all allegations, interviews, investigations, and determinations. State only the facts and not your personal opinion.

If you need assistance dealing with any claims of harassment, please contact Nextep's HR Department at 888-811-5150.

Harassment Claims made to the EEOC

Source: www.eeoc.gov/stats/harassment

	Race	National Origin	Sex
1986	1,020	207	624
1996	4,902	1,622	4,508
2003	6,180	2,365	4,906

CORPORATE HEADQUARTERS:

3550 West Robinson
Norman, OK 73072

tel: 05.292.1428
fax: 405.292.1436

toll free tel: 888.811.5150
toll free fax: 888.811.5161