

<b>Document Name</b>	Sexual Harassment Investigative Checklist Guide Form
<b>Document Number</b>	H7025f
<b>Last revised</b>	October 3, 2022
<b>Purpose</b>	This checklist can provide you with the understanding needed to conduct a thorough and appropriate investigation.
<b>Connecting Documents</b>	7020p
<b>Connecting Forms</b>	H7021f, H7022f, H7023f, H7024f
<b>Connecting Systems</b>	Not applicable

### Sexual Harassment Investigative Checklist Guide Form

**Note to client:** *This checklist is designed to help employers investigate claims of sexual harassment in the workplace. It is for planning purposes only. Specific procedures should adhere to legislative guidelines for your jurisdiction and company policy (e.g., a violence, harassment, and sexual harassment policy). Following the steps below will help you complete a thorough investigation and determine what course of action to take, if any.*

Action	Steps to take	Complete
Obtain a description of the incident	<ul style="list-style-type: none"> <li>Obtain a written statement from the complainant and ask them to provide as much detail as they are comfortable providing, including the names of any witnesses and the respondent.</li> <li>Listen to the employee and allow them time to provide a full account of the incident.</li> <li>Treat the matter seriously. Maintain a professional attitude, avoid making any judgements or comments that downplay the seriousness of the accusation.</li> <li>Provide a written acknowledgement of the complaint to the employee.</li> <li>Ask the employee how they would like to see the problem resolved and whether there is a resolution that can be reached.</li> <li>Ensure that the employee is free from retaliation as a result of their coming forward.</li> <li>Inform the employee that they may file a complaint with the authorities if they choose to.</li> </ul>	<input type="checkbox"/>
Confidentiality	<ul style="list-style-type: none"> <li>Ensure that the complaint, investigation, and all information gathered remain confidential to the extent possible for the investigation.</li> <li>Do not promise absolute confidentiality, as some information may need to be revealed to the complainant and respondent.</li> <li>Information should be shared only where necessary, on a need-to-know basis, with appropriate parties. Limit who</li> </ul>	<input type="checkbox"/>

	<p>has access to information and inform them of the need to keep information confidential.</p> <ul style="list-style-type: none"> <li>To avoid defamation liability, never use the situation or the results as an example to others or as a training tool.</li> </ul>	
Investigate the incident	<ul style="list-style-type: none"> <li>Treat and investigate all claims seriously.</li> <li>Choose an appropriate, unbiased investigator who has no personal relationship with any parties involved.</li> <li>Conduct the investigation immediately after learning of the complaint. Ensure investigation is completed within any specific timelines required by legislation.</li> <li>Contact the authorities or legal assistance if it appears that the situation may require legal action.</li> <li>Remain impartial, focus on generalities, and never offer any personal opinions or say anything to compromise the investigation.</li> <li><i>If conducting the investigation:</i> Prepare interview questions that elicit as much information as possible and interview the respondent and any witnesses identified.</li> <li>Strictly adhere to the process detailed in the company's sexual harassment policy.</li> <li>Review any previous incidents, claims, or investigations of sexual harassment involving the complainant or respondent.</li> <li>If more than one allegation has been made, handle each one separately.</li> <li>Document all information appropriately.</li> </ul>	<input type="checkbox"/>
Interview the complainant	<ul style="list-style-type: none"> <li>Obtain a full written account of the incident and timeline of events, and document all details provided.</li> <li>Determine possible effects on the complainant, and assess the need for further support, medical care, psychological support, or accommodations while dealing with the incident.</li> <li>Explain the seriousness of a sexual harassment accusation, and that a thorough investigation will be conducted before reaching any conclusion or corrective action.</li> <li>Assure the complainant that they will not be retaliated against for making the complaint.</li> <li>Determine whether it was an isolated incident or if a pattern of previous episodes exists.</li> <li>Avoid making any statements about the respondent's character, job performance, or personal life.</li> </ul>	<input type="checkbox"/>
Interview the respondent	<ul style="list-style-type: none"> <li>Inform the respondent of the complaint and allegation against them.</li> <li>Allow them to respond to the situation.</li> <li>Remain neutral, professional, and do not use harsh interrogation tactics.</li> </ul>	<input type="checkbox"/>

	<ul style="list-style-type: none"> <li>• Obtain a detailed written statement from the respondent.</li> <li>• Document the areas of disagreement between the testimonies provided by both parties.</li> <li>• Identify any personal and reporting relationships, or hierarchy structures between the respondent and the complainant.</li> <li>• If the respondent is in a leadership role, indicate their job title, obtain a copy of their job description, and determine their specific duties at the time of the alleged harassment.</li> </ul>	
Interview witnesses	<ul style="list-style-type: none"> <li>• Obtain from any witnesses written statements that either support or deny any of the allegations made.</li> <li>• Assure all witnesses that their cooperation is important, their testimony is confidential, and they will not be retaliated against for testifying.</li> <li>• Clarify any discrepancies among the responses of witnesses, the complainant, and the respondent.</li> </ul>	<input type="checkbox"/>
Resolve the complaint	<ul style="list-style-type: none"> <li>• Review all documented accounts, interviews, and any information associated with the incident to prepare for a final resolution.</li> <li>• Ensure the decision is strictly based on facts and not opinion or emotion.</li> <li>• Provide a written letter communicating the results of the investigation and actions taken to both the complainant and the respondent. <i>Note that only the results and action taken should be communicated in a summary letter. The full investigation report is confidential company property.</i></li> <li>• Ensure both parties understand the resolution. Even if they are not in agreement, they must acknowledge they are aware.</li> <li>• If the complainant requires or requests a transfer, obtain their consent, and ensure that it does not negatively affect their employment.</li> <li>• Where disciplinary action is required, determine the level of discipline based on the severity of the incident, previous action taken in similar circumstances, the employee's previous history, and the frequency.</li> <li>• Any forms of discipline short of termination should follow company policy on discipline and be accompanied by a written warning stating that any reoccurrence of misconduct may result in immediate dismissal.</li> <li>• If no discipline is imposed, document the rationale.</li> </ul>	<input type="checkbox"/>
After the resolution	<ul style="list-style-type: none"> <li>• Review and revise any workplace sexual harassment policies as needed.</li> <li>• Communicate the company sexual harassment policy to employees.</li> <li>• Provide counseling where appropriate.</li> <li>• Provide employees with sexual harassment training.</li> </ul>	<input type="checkbox"/>

	<ul style="list-style-type: none"><li>• Carefully and fully document a final report that summarizes the investigation, parties involved, findings of the investigation, the discipline imposed, issues that were not resolved, and any remedial or preventive steps taken.</li></ul>	
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