

# Workplace Complaint Investigation Guide



## Investigate Promptly

Begin an investigation once you have received a complaint or otherwise been made aware that wrongdoing may have occurred.

Document all steps of the investigation, including interviews, discipline, and incident follow-up.

## Select the Investigator

If selecting an investigator internally, look for someone with investigative experience and a knowledge of relevant employment laws who can be objective and unbiased. Strong interpersonal skills and attentiveness to detail are also preferable qualities.

Consider having someone from management or HR attend the investigations to act as a witness and take notes.

Determine whether to involve third-party investigators, such as an HR consultant or legal counsel. It may be wise to do so if the alleged perpetrator is a high-ranking employee or you are unable to identify a neutral internal investigator.



## Interview the Complainant

Always conduct investigation meetings in a private location.

Ask open ended and non-leading questions:

- » Who is/are the alleged perpetrator(s)?
- » When and where did the incident(s) occur? Be specific—find out dates and times.
- » Are you aware of other employees that may have experienced a similar situation(s)?
- » Are you aware of a specific reason for the hostility?
- » How were you and your work affected by this situation?
- » Did you discuss the incident with anyone else?
- » What is your desired result from this investigation?

Consider the situation and ask additional questions. Some additional considerations include:

- » Were there witnesses?
- » Is there any other evidence of the incident (e.g., video)?
- » Is there any other information that you believe to be relevant to the investigation?

Obtain written statements from the complainant and other witnesses if possible.

Inform the complainant that retaliation against them for reporting will not be tolerated and that you will follow up after the investigation.

Instruct the complainant to come to management or the designated investigator if anything new occurs related to the investigation.

Assess whether measures need to be taken to separate the complainant from the alleged perpetrator during the investigatory process (e.g., schedule change, transfer, or leave of absence).

## Interview the Alleged Perpetrator

Inform the alleged perpetrator of the claim and give them an opportunity to respond to the allegations. Be as specific as necessary.

Be fair and impartial—reserve judgment until you have heard their side of the story.

Listen and document carefully.

Ask if there are any witnesses to substantiate their position.

Remind them that the organization does not tolerate any type of retaliation, such as mistreatment of the complainant.



## Resolve the Complaint

Interview witnesses to the allegations.

Determine employees' credibility and whether there is any supporting evidence when there are differing accounts or conflicting versions.

Review documentation of previous employee behavior and incidents.

Determine whether a company policy was violated and, if so, who violated it.

Maintain good records of everything done during the investigation as well as the findings and follow up conversations or disciplinary actions.

Determine if the work environment is safe. Consider offering the complainant access to an Employee Assistance Program (EAP) if available and applicable.

## Follow Up

Follow-up with complainant, accusers, witnesses, and any others who need to know the outcome.

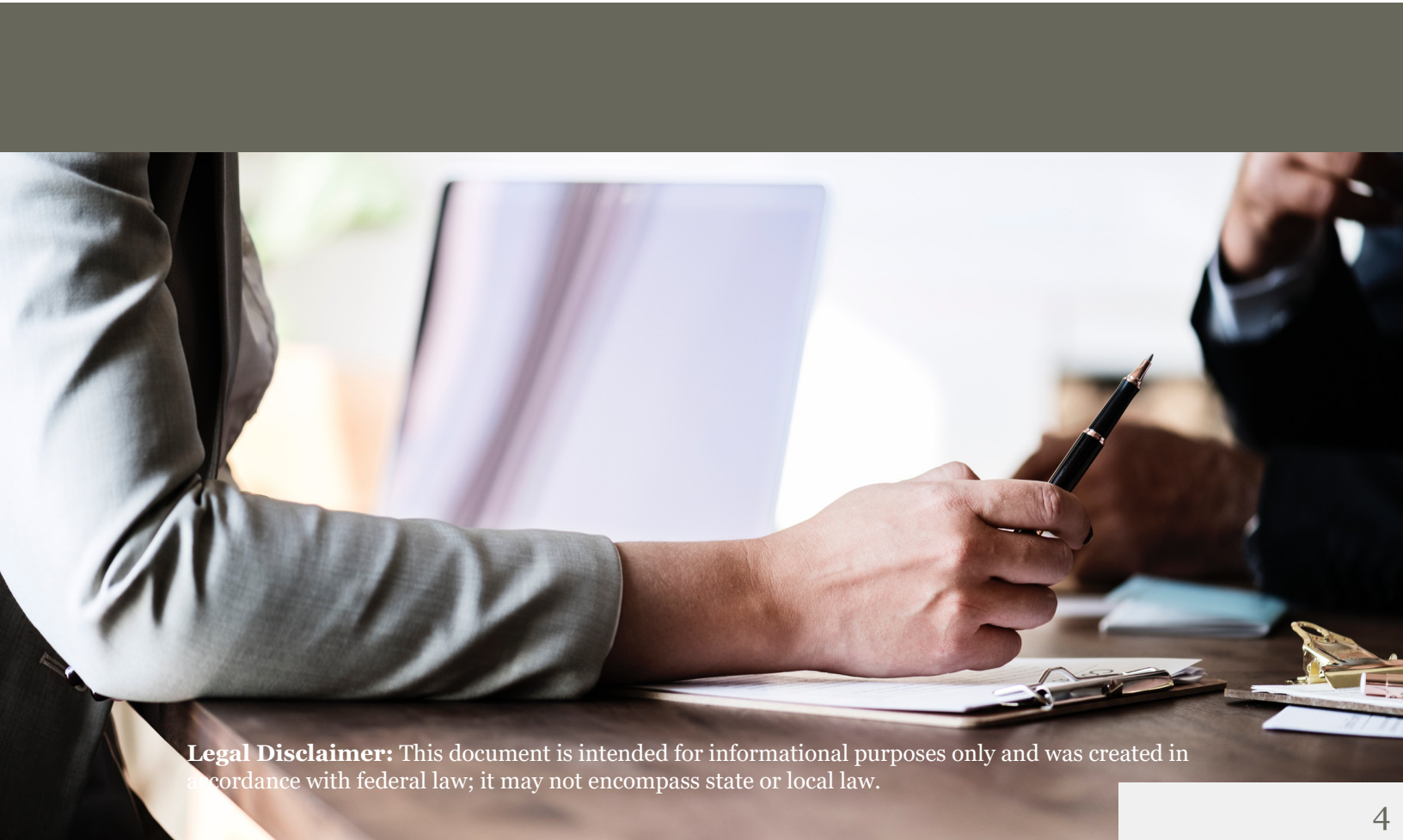
Apply appropriate disciplinary action as necessary.

Determine whether training or education would be beneficial for an individual employee or all employees.

Determine whether any modifications need to be made to existing policies and redistribute as needed.

Continue to monitor the situation.

Follow up with the complainant to ensure that retaliation is not occurring.



**Legal Disclaimer:** This document is intended for informational purposes only and was created in accordance with federal law; it may not encompass state or local law.