

EEOC-Approved Sexual Harassment Investigation Interview Questions

It's not easy to investigate claims of potential harassment in the workplace. You're dealing with highly sensitive situations, and you need to ask the right questions to get to the heart of the matter. The following interview template is designed to do just that. You can customize the questions to fit a specific situation and you should avoid "leading" questions and comments. Finally, remember that your documentation could become part of legal proceedings, and it's important to maintain the fact-finding intent of your company's investigation.

Note: The roles of employees reporting alleged sexual harassment can be difficult to ascertain at the outset, and may depend on the circumstances.

Example

An employee observes what they think is sexual harassment, is offended by the incident or behavior and reports it. We would typically categorize this employee as a third party. However, if the employee who is perceived to be the "victim" of the alleged harassment does not make a complaint, and the original reporting party (what we might call the third party) confirms that they were offended and maintains there is an issue of sexual harassment – then that third party can become the complainant.

Best practice:

You may find that the following questions will fluctuate between the parties. Adjust your interview questions accordingly.



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 they tell you this?
- Do you know of any other relevant information?
- Are there other persons who have relevant information?

This document is not intended as legal advice.

If legal advice is required or preferred, a licensed attorney in your state should be contacted.