# INVESTIGATIONS




**CONNIE CORNELL**

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## An Affirmative Defense May Exist if:

Once the Employer knew or should have known of a violation;

- it investigated

&

- took prompt action reasonably calculated to correct the problem.

## Who Should Investigate?

- Supervisor
- HR
- In House Counsel
- Outside Investigator
  - Non-Attorney
  - Attorney

## Identify the Investigator's Role

- To Be Neutral
- To Gather Information
- To Present Information to Whom?
  - **Orally?**
  - **In Writing? (Signed Witness Statements?)**
- To Draw Conclusions?
- To Make Recommendations?

# UNIVERSAL RULES OF THUMB



- R*E*S*P*E*C*T
- Neutral
- Let common sense rule
- 0 Tolerance for retaliation
- Document each step

# THE MOST TYPICAL STEPS



- Enlighten the Accused
- Interview:
  - Complainant
  - Accused
  - Witnesses
- Present the Evidence
- The Decision Makers Review the Evidence
- A Decision is Made
- The Investigation is Closed:
  - Accused
  - Complainant

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# Title search: Investigations

Also available as part of the eCourse
Answer Bar: Going to Trial on an Employment Law Case

First appeared as part of the conference materials for the
2017 Essential Employment Law: A Practical Course in the Basics session
"Investigating Sensitive Employment Complaints"