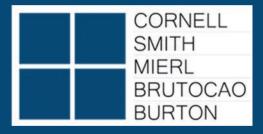
INVESTIGATIONS



CONNIE CORNELL

www.cornellsmith.com Austin, Texas (512) 328-1540



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



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:

With the Accused

With the Complainant







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Title search: Investigations

Also available as part of the eCourse 2021 Essential Employment Law eConference

First appeared as part of the conference materials for the 2021 Essential Employment Law: A Practical Course in the Basics session "Investigating Sensitive Employment Complaints"