

An Affirmative Defense May Exist if:

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

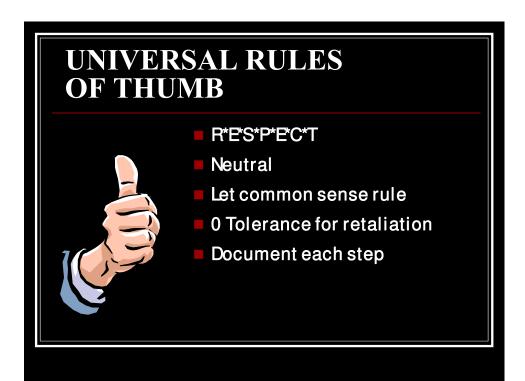
- it investigated
 - &
- took prompt action reasonably calculated to correct the problem.

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?



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

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"