

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

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



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

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"