

Sample Questions to Ask in a Sexual Harassment Investigation

The Complainant

1. What has happened that you perceive to be sexual harassment?
2. To the best of your recollection, using his/her words, what did she/he say to you that made you uncomfortable?
3. Did she/he touch you? In what way did she/he touch you? Where did she/he touch you on your body?
4. What was said between you two immediately before the incident?
5. Where did this occur? If in the workplace, specifically where? Did it occur at a work-related function?
6. At what time of the day or night did this occur?
7. What was the context of the behavior? Did she/he treat it like a joke? What about his/her behavior or words made you believe that she/he was serious?
8. How would you describe your past relationship with him/her? How do you think she/he would describe it? If there is a difference, why is there such a difference?
9. Did you ever socialize (e.g., have dinner or lunch) with him/her alone or in a group?
10. Did you participate in the same company-sponsored extracurricular activities?
11. Did you ever date this person? If so, what was the outcome, and why?
12. How long have you known each other? Who else would know of your relationship?
13. Did you ever say or do anything in the past that made it clear to him/her that you might object to this behavior?
14. How would she/he know you object to it now? What did you say or do that would have told him/her that? Did she/he seem surprised at your response?

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15. What is the atmosphere like in the workplace? Is there a lot of joking or teasing with sexual innuendo? Are there any sexually explicit materials on the walls or desks?
16. Are there many close relationships between the employees in your work group? Did your manager know about this closeness? How would she/he have known?
17. How has the behavior affected you? Have you had a problem with your raises, performance appraisals, and opportunities for promotions, job assignments or other aspect of work?
18. Have you ever raised a complaint with management? When was that, and what were the circumstances? What ultimately happened? Did you feel comfortable with the outcome?
19. Did you wait for any period of time before reporting the incident? If so, why? What made you decide to come forward now?
20. Are there any witnesses to the incident?
21. Did you tell anyone about the incident at the time or since? If so, who, and what did you say?
22. Are you aware of anyone else in the workplace that may have had a similar experience with the same person? Who is that and how did you discover that she/he had a similar problem?
23. What do you want to get out of this investigation? If it were up to you, what would the ideal solution be? What would you feel comfortable doing to help effect that solution?
24. Do you understand what will happen next and how the investigation will continue? Do you understand who will ultimately decide how this situation will be resolved? Do you feel comfortable returning to your work group, or would you like us to look into alternatives for you?

The Accused

1. Do you know why I've asked to speak with you?
2. Is there anything you'd like to say in response to the brief summary I've given you?

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3. Tell me your side of the events she/he talks about. What did she/he say? What did you say?
4. Did you touch him/her? Where on his/her body? Why? What did she/he say or do or say immediately before and after the touching? Did she/he respond positively to the touching?
5. Where did the incident occur? If in the workplace, specifically where? Did it occur at a business-related function or social outing? Who else attended?
6. At what time of day or night did the incident occur?
7. Are there any aspects to his/her complaint that you agree with? What do you disagree with? Are there things that you do you not recall?
8. Is there anyone else who might have seen or heard something relevant to our discussion? Who are they? What would they have seen or heard?
9. Are there a lot of close relationships in the work group? Is there a lot of joking or teasing with sexual innuendo? Did she/he ever join in? When did she/he join in, and what would she/he do or say?
10. Had she/he recently quit participating in the joking or teasing? When did this happen? Why do you think it happened? What did others say about this change?
11. Did you participate in the joking or teasing? Did you enjoy it, or did you attempt to stop it?
12. How would you describe your relationship with the complainant? Was it strictly business, or did you two socialize at all? What did this socializing involve? Was it alone, or in a group?
13. How long have you known the complainant? How do you think she/he would describe your relationship? Who else would be in a position to know its nature and be able to describe it accurately?
14. Had you ever behaved in a similar way with the complainant in the past? When? What did you do, and how did she/he react? What did she/he say or do at the time? Did his/her reaction change recently? Did she/he say or do anything, to make you believe she/he

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now felt differently? What was it that led you to think so? Why do you believe this change occurred?

15. What was the business or management rationale for your rating, raise or promotion decisions about the complainant? What kind of documentation exists for that? Where is it and what does it consist of? If usual policies and practices were not followed in his/her case, why not?
16. Why would she/he be saying these things about you? Does she/he have any motivation to bring a claim that isn't true?
17. How would you suggest resolving this problem, and how would you involve yourself in the solution?
18. Do you understand how this investigation will continue and who will ultimately decide how the situation will be resolved? Do you understand that no one in the organization is permitted to retaliate against this employee for bringing this allegation to our attention, and that the consequences for doing so are substantial?

Relevant Others

1. Have you ever personally seen or heard anything to indicate that she/he was being made uncomfortable at work, or that she/he found her work environment offensive? What did you see or hear? Who was making things uncomfortable? What did she/he say or do?
2. Did the complainant ever tell you about this incident? What did she/he tell you and when? What was your advice to him/her?
3. What kind of relationship would you say the two people involved had? Did they socialize at all? Alone, or in a group? Were you ever with them when they socialized? If so, how did they act around each other? How long have they known each other? What would you say was going on with them?
4. What kind of relationship did the alleged victim have with the supervisor? Was the supervisor aware of the problem? How do you know? Did the supervisor do anything about it? What details can you provide of that?
5. Have you ever experienced similar problems with the accused?
6. Who else might know something about this?

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7. Do you understand the need to discuss this with no one else, at work and outside of work? Do you agree to do that?
8. How do you feel about the situation? What kind of relationship do you have with the two people involved and with the supervisor.

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