

# HR STORIES FROM THE FRONT LINES

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## He-Said-She-Said...

### Finding Out What Really Happened

Linda is the HR Director at Clear2See, a glass manufacturing company. She called to discuss the following facts.

Brittney, one of the production employees, complained to Linda that Richard sexually harassed her. Richard has been the company's Marketing Manager for over ten years.

Brittney claims that Richard followed her into the breakroom and closed the door behind them. Brittney turned around to see who was behind her. She saw Richard, and he was exposing himself to her. Richard said, "Do you want some of this?"

Brittney did not know what to do, so she covered her eyes and ran out of the room. Brittney did not immediately report this incident because she was embarrassed.

Later the same day, Brittney returned to the breakroom. Richard was already there, and he immediately exposed himself again to Brittney and said, "Did you come to finish what you started?" He began to fondle himself. Brittney ran out of the room and immediately went to speak with Linda.

Linda asked Brittney if there were any witnesses. Brittney said, "No." Linda told Brittney that she would follow up after the investigation was complete.

Linda asked to meet with Richard. She told Richard about Brittney's complaints and provided him with an opportunity to respond.

Richard said he knew who Brittney was but had never interacted with Brittney. He admitted going into the breakroom that day, but stated that he was alone. The meeting ended.

Following the meetings, Linda thinks about both stories and finds Brittney's story is too farfetched to believe. Linda has known Richard for several years and has never seen or heard of him engaging in inappropriate conduct. After ten years with the company, no one has complained about Richard.

Linda wants to close her investigation, but she first calls our HR Professionals for guidance.

#### The Advice

Our HR Professional explains the company's obligation to conduct a thorough investigation—even if Linda suspects that Brittney's complaint is "made up." While there are not any witnesses to the alleged misconduct, Linda should tactfully talk to other employees in the workforce about whether they were aware of similar interactions involving either Brittney or Richard.

#### The Breakthrough

As we advised, Linda continued her investigation by questioning other employees about their interactions with both Brittney and Richard. Linda learns that two other female employees had similar interactions with Richard. Apparently, both employees chose to resign rather than file a sexual harassment complaint.

Based on this new evidence, Richard is terminated.

#### Conclusion

Never discount an employee's complaint of sexual harassment because (a) it seems too extreme to have occurred or (b) "Richard" is not that type of guy. With any sexual harassment (or other harassment/discrimination) complaint, employers must thoroughly investigate the complaint—no matter how outrageous or unbelievable it seems.

A "thorough investigation" includes, of course, interviewing the complainant and the accused harasser, but also any potential witnesses to the alleged harassment. If there are not any witnesses to the harassment, the investigation should include an investigation into the prior conduct of both the harasser and complainant, looking for similar behavior.

For workplace investigation guidance, please contact one of our HR Professionals or review our materials on conducting workplace investigations located in our online Knowledge Center: Login to our website → Click on **HR Tasks** → Click on **Harassment and Discrimination**, look under **Conducting Workplace Investigations**.

(\*This incident really happened; but, names and other details have been changed.)