



County Technical Assistance Service

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Conducting Effective Investigations

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Conducting Effective Investigations

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In order to avoid liability, the employer must investigate allegations of unlawful harassment in a prompt, thorough and impartial manner. The first thing the employer should do is find out whether the alleged harasser denies the accusation. If not, there is no need for further fact-finding, and all that is left is to determine the appropriate corrective action. If the alleged harasser denies the allegations, then the employer should launch a fact-finding investigation immediately.

Steps in the Investigative Process:

1. Find out if the alleged harasser denies the allegations. If not, determine appropriate corrective action. If so,
2. Conduct fact-finding investigation.
3. If necessary, take measures to ensure that further harassment does not occur, such as making scheduling changes to avoid contact between the parties, transferring the alleged harasser, or placing the alleged harasser on non-disciplinary leave with pay pending the conclusion of the investigation.
4. Interview witnesses.
5. Examples of questions to ask the complainant:
 - Who committed the alleged harassment?
 - What exactly occurred?
 - When did it occur, and is it still ongoing?
 - Where did it occur?
 - How often did it occur?
 - How did it affect you?
 - Has your job been affected in any way?
 - How did you react?
 - What responses did you make at the time, or afterwards?
 - Was anyone present when the incident(s) occurred?
 - Who might have relevant information?
 - Did you tell anyone?
 - Did anyone see you immediately after the incident(s)?
 - Has the person harassed anyone else?
 - Do you know if anyone has complained?
 - Are there any notes, physical evidence or other documentation?
 - How would you like to see the situation resolved?
 - Do you know of any other relevant information?
6. Examples of questions to ask the alleged harasser:
 - What is your response to the allegations?
 - (If the harasser claims the allegations are false) Do you know why the complainant might lie?
 - Who might have relevant information?
 - Are there any notes, physical evidence or other documentation?
 - Do you know of any other relevant information?
7. Examples of questions to ask third parties:
 - What did you see or hear? When did it occur? Describe the behavior of the alleged harasser.
 - What did the complainant tell you? When?
 - Do you know of other relevant information?
 - Are there other persons who have relevant information?
8. Determine Credibility - factors:
 - Inherent Plausibility - Is it believable on its face? Does it make sense?
 - Demeanor - Did the person seem to be telling the truth or lying?
 - Motive to Falsify - Did the person have reason to lie?
 - Corroboration - Is there witness testimony or physical evidence to support the testimony?
 - Past Record - Is there a history of similar behavior in the past?
9. Make a determination as to whether harassment occurred. This could be done by the investigator or by management reviewing the investigator's report. If no determination can be made because the evidence is inconclusive, the employer should still take further preventative measures, such as training and monitoring.

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