



Requirement #4: Investigation & Resolution of Reported Concerns

a. Fair, timely and thorough

- Both the reporting party and respondent:
 - Present their side of the story, preferably in person
 - Provide supporting information and documentation
 - Respond to any potential contrary information or negative decisions
 - Have timely access to relevant information.
- Company conducts and concludes investigation even if the respondent resigns, retires or is restructured out of the organization.
- Company investigates independent of law enforcement.
- If applicable, reporting party notified of the right to file a criminal complaint.
- Procedure states that the investigator may be internal or external to the company.
- Process
 - Process in place (before reports are received) to decide who investigates what.
 - Verifies that investigator is independent and objective.
 - Conflict of interest protections embedded in investigations.
 - Procedures applied uniformly, regardless of parties' role or status.
 - Practices in place to ensure respondents not presumed guilty or punished.
- Documentation and tracking for reasonable, timely progress
 - Investigator documents all steps taken from first contact through written report.
 - Separate, confidential investigation file maintained.
 - Documentation of investigation steps followed, the basis for conclusion, and type of discipline.
 - Parties updated on statuses of the investigation and process at regular intervals and/or upon request.
- Standard of proof used to assess concerns is preponderance of the evidence.
- If, based on evidence, investigation reasonably concludes that a policy violation occurred, appropriate remedial and/or corrective measures are implemented.
 - Discipline proportional to severity of violation and cumulative conduct.
 - Available disciplinary action or other measures range from verbal counseling, verbal or written warning, suspension and termination.

b. Qualified Investigators

All individuals involved in investigation and resolution will be comprehensively trained on relevant misconduct, e.g., discrimination, harassment, sexual harassment, sexual violence, or workplace bullying. If company does not have trained investigators on staff, has identified an appropriate investigator service in advance of any allegation.

- Knowledge of policies relating to harassment.
- Investigative technique relating to questioning witnesses (including use of open-ended questioning techniques), documenting interviews and analyzing information.
- Sufficient communication skills to conduct the interviews and deliver findings in written or verbal form.
- For more complex and serious allegations, prior experience conducting such investigations.
- In California, external investigators (those who are not employed by the employer) must be licensed private investigators or attorneys acting in their capacity as an attorney.

c. Transparent

- Company provides anonymous way for workers to understand the process *before* deciding whether to report.
- Complaint process clearly explained.
- Written criteria and factors for which administrative leave or interim action may be taken.
- Possible outcomes identified.
- Parties kept informed as to appropriate information regarding the progress of the and reasons for any decisions.

d. Confidentiality

- Complaints designated confidential, to the extent possible. Only provides information to those who need to know so that they can act properly on the complaint.
- Explains limits on confidentiality.
- Protects confidentiality of individuals who file complaints or reports, individuals who provide information during the investigation and the responding party, to the greatest extent possible.