

From Complaint to Conclusion: Lessons from Real Harassment Cases



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**West
Virginia**

Presenters



Bonnie Thomas

Steptoe & Johnson PLLC

Member

bonnie.thomas@steptoe-johnson.com

(304) 933-8165



Allison Williams

Steptoe & Johnson PLLC

Member

allison.williams@steptoe-johnson.com

(304) 933-8144

Road Map

- ✓ Taking the complaint
- ✓ Conducting the right interviews
- ✓ Collecting the best documentation/data
- ✓ Making the right business decisions
- ✓ Minimizing risk
- ✓ Delivering the outcome



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Which Kinds of Complaints Do We Need to Investigate?

- Employees
- Contractors, etc.
- General public
- Lawsuit – first notice

Why?

- Employee morale
- Legal defense
- Illegal harassment
- Reliance upon reasonable, good-faith investigation
- Constructive discharges

Taking the Complaint

- React timely
- Carefully consider the team/investigators
- Who, what, when, where
- Witnesses
- Documents*



The Complainant

Felicia, Server

- Worked for the restaurant for over a year
- Reports directly to David
- No prior complaints of any kind
- No disciplinary issues
- Working full-time while in college for graphic design



The Accused

David, General Manager

- Worked for the restaurant for 6 years
- High-performing restaurant
- No prior complaints of any kind
- Positive employee satisfaction surveys
- College degree, live-in girlfriend



Taking the Complaint

My name is Felicia, and I work as a server at a high-end restaurant where David was my general manager. On the side, I do some volunteer design work with some local businesses.

Between May and August, David contacted me more than one hundred times by text message and called me approximately thirty times. The messages and calls were personal in nature. He repeatedly asked me out, commented on my appearance, and made remarks that were not appropriate for a professional setting.

I told him several times that I wasn't interested and that I wanted to keep things professional. After I declined his invitations, his behavior changed. My schedule was altered — I lost prime shifts, and my section assignments were downgraded. I also noticed that he avoided speaking to me directly during service, except when giving orders in a harsh tone.

The situation caused me significant stress. I began to dread going to work. I couldn't sleep properly, and I started to worry that saying anything would cost me my job.

I finally realized I had to report this behavior to management. I saved copies of the texts and phone records. I knew that if I stayed silent, it would keep happening — maybe not to me, but to someone else. I didn't deserve to be treated that way. None of us do.



What are we missing from here, if anything?

What else might we need to know?

0 response submitted

What are we missing from here, if anything? What else might we need to know?

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Who all would you interview?

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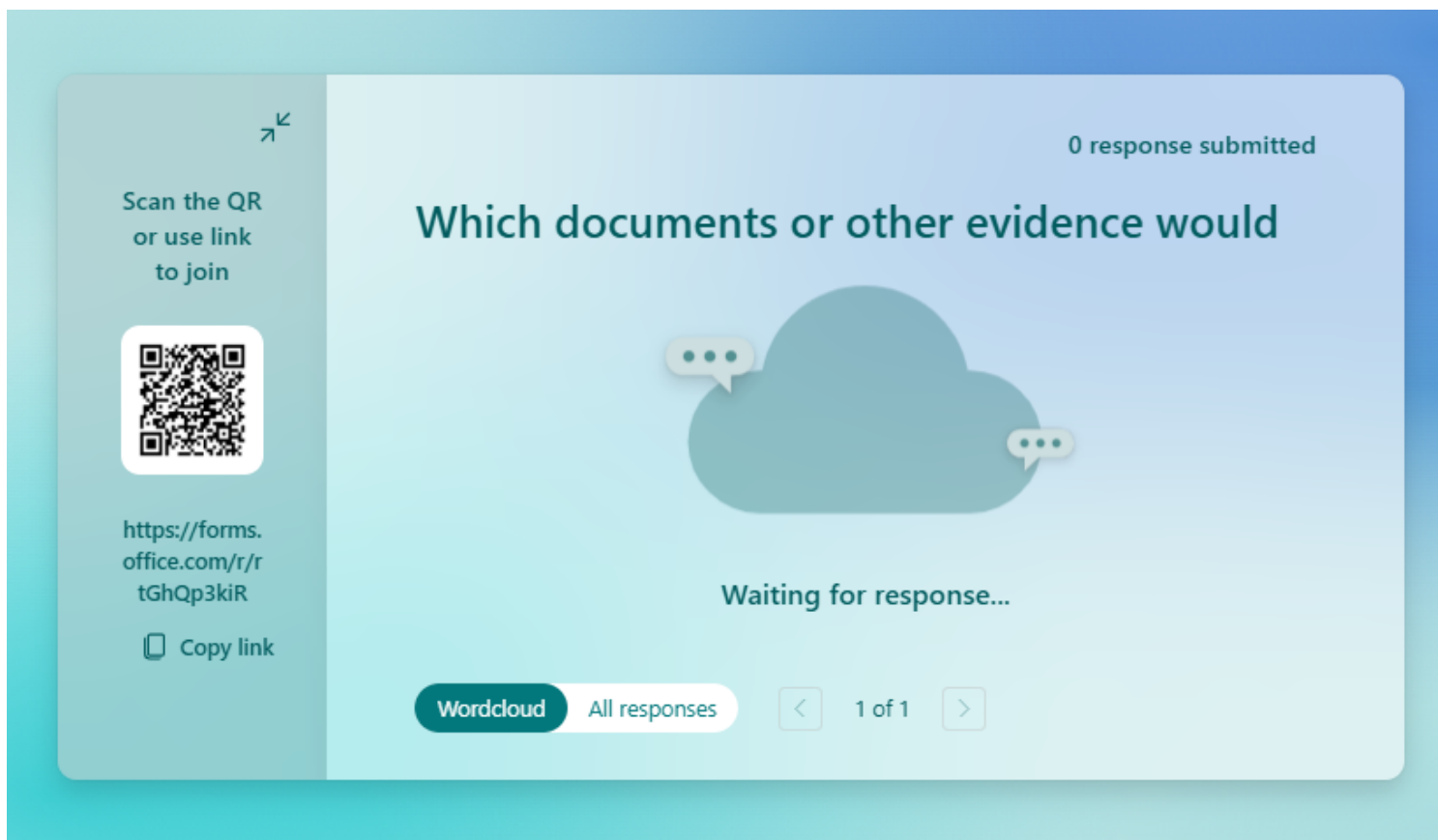
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Which documents or other evidence would you collect?



0 response submitted


Which documents or other evidence would

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What Else Do You Need to Consider?

- Leave for the involved parties?
 - The accuser/victim
 - Time off
 - Remedy wanted
 - The accused
 - Suspension pending investigation
 - With pay v/ without pay
- Confidentiality
 - National Labor Relations Board (NLRB)
 - Don't promise
 - Retaliation



Interviewing the Witness

- Outline of issues
- Introductory comments
 - Setting tone
 - Serious matter
- Witness' rights and responsibilities
 - No retaliation



Interviewing David, the Accused

- Timing
- Assessing credibility
- Allegations of the accused/Contemporaneous complaints
- No retaliation, no interference
- The open-ended question
- Penetrating the generalizations
- Extracting the confession
- The investigator as an advocate



Interviewing the Accused

Look, I know how this looks — a manager, a younger team member, late-night texts. I've worked long enough to know that sometimes *perception* can be as damaging as reality. But I need to be clear — I never acted inappropriately toward Felicia. If anything, I was trying to set boundaries and keep things professional when the situation started to feel uncomfortable.

It started off normal — she was friendly, hardworking, and we all keep things light in this business; it's a tough environment. But after a while, she began reaching out to me outside of work hours — casual messages, personal topics, nothing about the job. I tried to stay polite and neutral, sometimes not replying at all, hoping it would settle on its own.

When I didn't respond the way she expected, our work dynamic shifted. She seemed frustrated that I was keeping things formal, and before I knew it, concerns were being raised about my behavior. Now I'm sitting here trying to explain my side — how what I saw as professional distance might have been interpreted very differently.

Looking back, I realize I should've gone to HR early on — not because I thought someone did something wrong, but to make sure the boundaries and communication were clear and documented. I thought I was protecting both of us by handling it quietly, but that choice might have created even more confusion.

I'm not perfect. I could've communicated better. But I never crossed any professional lines. I've always tried to be the kind of leader my staff can trust — someone who listens, someone fair.

I don't hold anything against Felicia. I think we both ended up in a situation that neither of us managed well. But the truth matters. And the truth is — I was trying to protect her, not hurt her.




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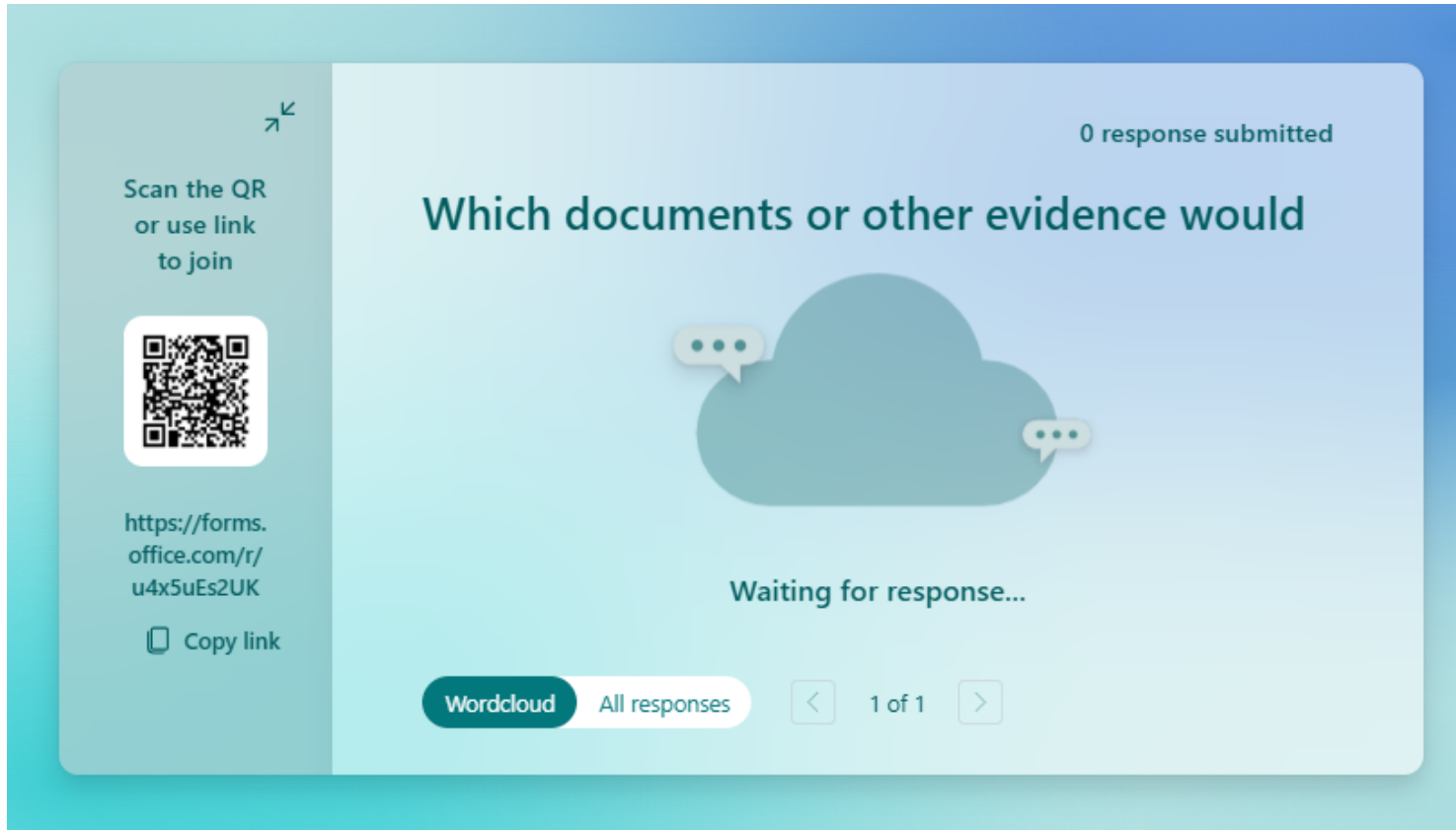
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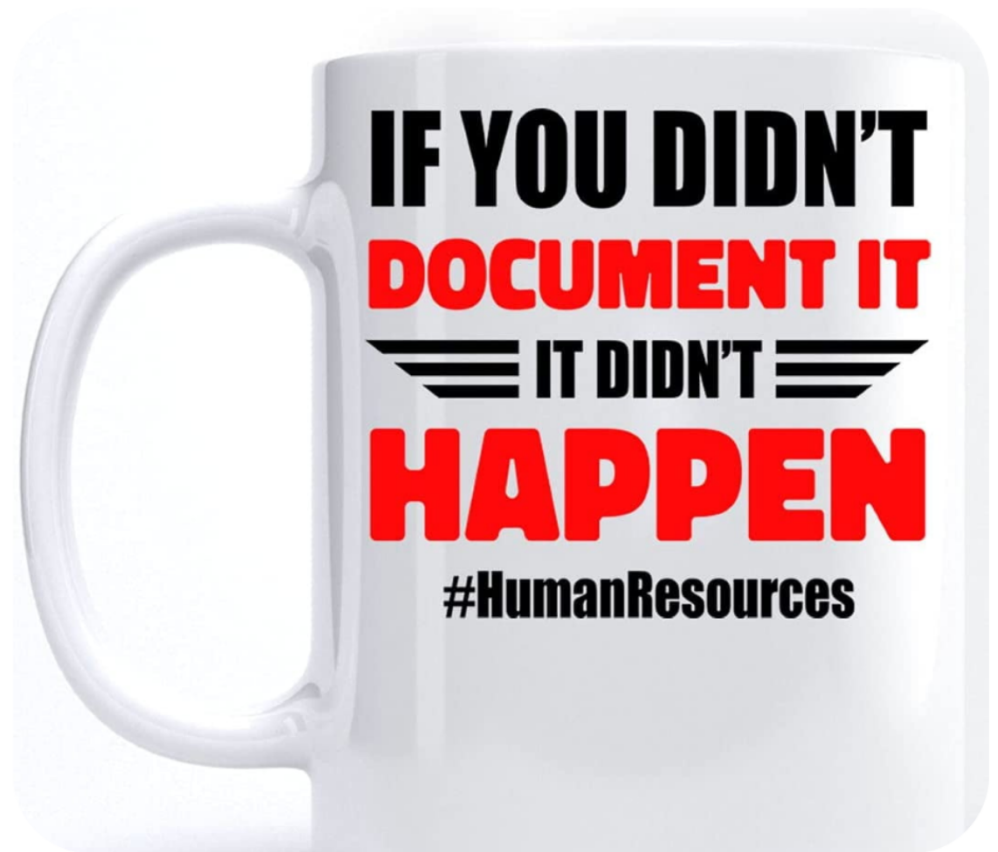
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Documentation

- The investigator's notes
 - Handwritten
 - Memo
- Statements
 - By the witness
 - By the investigator
 - Affidavits
 - Sworn statement



Written Report and Analysis

- Summary of investigation
- Allegations of principals
- Documentation
- Summary of interview
- Assessment and recommendation
- This case or the next one
- Avoid “buzz” words

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Interview Reports

INTERVIEW #1:

Conducted By:

Interview Subject:

Interview Location:

Interview Date:

Credibility Assessment:

Introduction:

Incident Overview:

Interview Conclusion:

INSTRUCTIONS

When providing the credibility assessment, avoid making assumptions about the subject's behavior as an indicator of truthfulness. For example, while avoiding eye contact might be interpreted as a sign of deception for one person it could be a cultural norm for another.

In the interview notes fields provide a skeleton of what you said during the introduction, incident overview and interview conclusion fields. For example:

Introduction:

- Explained the purpose of the interview
- Explained my role as lead investigator
- Reviewed confidentiality concepts
- Gave overview of protection against retaliation
- Explained interview ground rules

Interview Conclusion:

- Thanked witness for honesty and time
- Reviewed confidentiality concepts
- Obtained signature on witness interview report

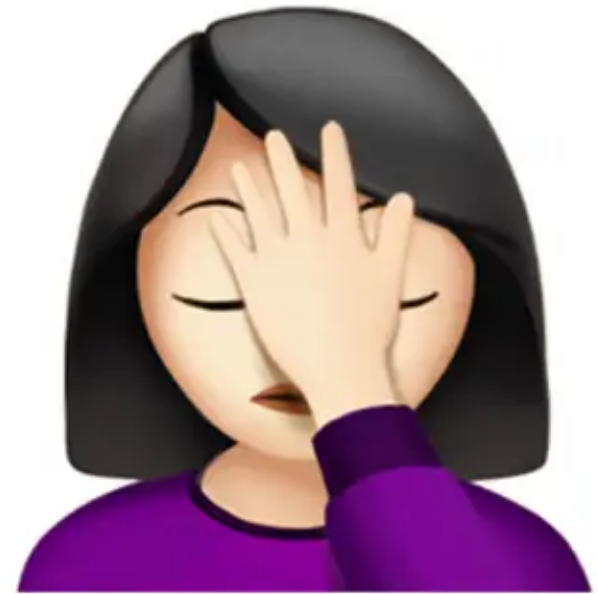
TIP:
A separate document, the investigation interview report, contains the full details of what was said during the interview. It can be included as an attachment to the investigation report.

Sight

INVESTIGATION REPORT TEMPLATE | 11

The Real-World Outcome

- Supervisor produced his cell phone records and iCloud backup
- Substantiated the supervisor's claims
- Complainant was reinterviewed
- Complainant created the messages as revenge for the unrequited affection



Simulation with Microsoft Copilot

Create an Image

Prompt: *Create a text message where a man named David is repeatedly texting a person named Felicia and asking her out, and calling her pet names*



Questions?

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