

From Complaint to Conclusion: Lessons from Real Harassment Cases

Takeaways from the 2025 WV SHRM State Council HR Legislative & Law Conference

1. **Act Immediately:** Start the investigation as soon as a complaint is received. Delays can expose the company to liability under state and federal anti-discrimination laws.
2. **Acknowledge the Complaint Promptly:** Confirm receipt of the complaint to the employee, explain next steps, and set expectations for timelines and confidentiality. This demonstrates seriousness and compliance.
3. **Maintain Confidentiality/Professionalism:** Share details only with those who need to know. Avoid gossip or unnecessary disclosure, but do not promise absolute secrecy since some information may need to be disclosed later.
4. **Prevent Retaliation:** Clearly communicate employee rights and anti-retaliation policies. Monitor for any adverse actions against the complainant or witnesses.
5. **Use an Impartial Investigator(s):** Select a neutral, trained HR professional(s) or external investigator(s) unlikely to stifle interviewees' reports. Avoid anyone with a personal or professional conflict of interest.
6. **Define Scope and Plan:** Outline the investigation's scope, identify witnesses, and determine what evidence (emails, messages, security footage) needs to be reviewed as early as possible. Consider new technology when determining these sources.
7. **Conduct Interviews:** Start with the complainant, allow them to speak freely, then ask clarifying questions. Maintain a professional and supportive tone throughout all interviews.
8. **Document Everything:** Keep detailed notes of interviews, evidence, timelines, and decisions. Collect evidentiary support or statements. Proper documentation is critical if a claim is filed.
9. **Apply Interim Measures Carefully:** If necessary, adjust schedules or workspaces to separate parties, but avoid punitive actions against the complainant. Courts disfavor solutions that burden the victim.
10. **Conclude and Communicate:** After gathering necessary documentation, reaching appropriate findings, and implementing corrective actions (if necessary), consider how to thoughtfully inform the complainant and the accused of the outcome in a manner consistent with privacy laws. Consider updating policies, if needed.



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