The following questions can be customized to fit the situation. Maybe this is your first sexual harassment complaint. Remember to avoid “leading” questions and comments. Your documentation could become part of legal proceedings and it’s important to maintain the fact-finding intent of your company's investigation.

**Note:** The roles of employees reporting alleged sexual harassment can be difficult to ascertain at the outset, and depending on the circumstances.

**Example:** An employee reports having observed what s/he thinks is sexual harassment, and is offended by the incident or behavior. We would typically categorize this employee as a third party. However, if the employee who is perceived to be the “victim” of the alleged harassment does not make a complaint, and the original reporting party (what we might call the third party) confirms that s/he was offended and maintains there is an issue of sexual harassment – then that third party can become the complainant.

It’s rare that the alleged harasser takes on a different role in the investigation. However, it can happen, particularly in cases where s/he makes a counter-complaint against the “victim” or complainant or the third party who may have reported the incident.

**Best practice:** You may find that the following questions will fluctuate between the parties. Adjust your interview questions accordingly.

**Questions to Ask the Complainant:**
- Who, what, when, where, and how: Who committed the alleged harassment? What exactly occurred or was said? When did it occur and is it still ongoing? Where did it occur? How often did it occur? How did it affect you?
• How did you react? What response did you make when the incident(s) occurred or afterwards?
• How did the harassment affect you? Has your job been affected in any way?
• Are there any persons who have relevant information? Was anyone present when the alleged harassment occurred? Did you tell anyone about it? Did anyone see you immediately after episodes of alleged harassment?
• Did the person who harassed you harass anyone else? Do you know whether anyone complained about harassment by that person?
• Are there any notes, physical evidence, or other documentation regarding the incident(s)?
• How would you like to see the situation resolved?
• Do you know of any other relevant information?

Questions to Ask the Alleged Harasser:
• What is your response to the allegations?
• If the harasser claims that the allegations are false, ask why the complainant might lie.
• Are there any persons who have relevant information?
• Are there any notes, physical evidence, or other documentation regarding the incident(s)?
• Do you know of any other relevant information?

Questions to Ask Third Parties:
• What did you see or hear? When did this occur? Describe the alleged harasser’s behavior toward the complainant and toward others in the workplace.
• What did the complainant tell you? When did s/he tell you this?
• Do you know of any other relevant information?
• Are there other persons who have relevant information?

This document is not intended as legal advice. If legal advice is required or preferred, a licensed attorney in your state should be contacted.

This guide was created by Kantola Training Solutions, a world-wide leader in providing the best video-based online harassment prevention training, HR compliance training, and much more. We have a collaborative partnership with Littler-Mendelson, the world's largest labor and employment practice. For more information and a full-length, free trial of any Kantola course, visit us at www.kantola.com or call us at 415-381-9363.