

Questions to Consider

1. Is our reporting, investigative, and response system fully resourced so that we can respond thoroughly and promptly to complaints?
2. Have we empowered employees to report discrimination or harassment early, whether as complainants or witnesses?
3. Do our reporting and response procedures clearly outline how and to whom to report complaints and the procedures in which they will be followed up?
4. How have we communicated that all complaints will be treated seriously, respectfully, and with urgency?
5. How have we ensures that a fair and consistent process is in place for reporting and responding to complaints for both victims and accused individuals?
6. What promises about confidentiality during the reporting, investigations, and response have we made to both targets of discrimination and harassment and those accused? What is our procedure for maintaining those promises?
7. Is our Human Resources department aware of these standards and their need to uphold them as they track, investigate, and respond to complaints?
8. Do we understand when we need to involve third party investigators?

Questions to Consider

9. Do we have relationships with trained third party investigators in the event that we need them to conduct an investigation?

10. Does our system include a no retaliation policy for complainants and anyone participating in an investigation?

Reporting

1. Do we have a clear complaint process and structure that outlines the steps to take to report including who to turn to?

2. Do we have multiple avenues for reporting complaints?

3. Are those responsible for receiving complaints independent, neutral, and trained to do so?

4. Do we have a system for processing, tracking, and responding to complaints that involves trained personnel and clear protocols?

5. Is the organizational leader made aware about complaints on a regular basis?

6. How are we balancing the need for confidentiality and informing the accused and victim of their rights?

Questions to Consider

7. Do we prevent complainants from seeking their own legal representation or pursuing formal legal remedies? We should not.
8. Are there consequences for filing malicious complaints?

Investigations

1. How do we determine whether a complaint warrants an investigation? How do we respond to complaints that do not warrant an investigation?
2. Are we quick to conduct investigations following the receipt of a complaint that requires one?
3. What measures have we taken to ensure that our investigations are unbiased? Are those responsible for investigating complaints independent, neutral, and professionally trained to do so?
4. What protective measures are put in place during or following an investigation to ensure that complaining does not have the unintended consequence of harming the complainant professionally or personally? How do we ensure that a target is protected during and following the course of an investigation? How do we ensure no retaliation?
5. Do we ensure that both accused and target can continue to perform their duties during course of investigation in cases that this is warranted?
6. How are complainants protected from retaliation during and after an investigation?

Questions to Consider

7. Is the goal of our investigations to get at the truth of what occurred, to stop the behavior, and to prevent it from reoccurring?
8. What guidelines are used to weigh the credibility of all parties?
9. How do we avoid even the appearance of a conflict of interest in investigations or dealing with complaints?
10. Do we allow complainants and accused individuals to see the results of our investigation?
11. Have our investigators prepared a written and oral report that documents the investigation, findings, and recommendations?
12. What happens to the written report that documents the investigations, findings, and disciplinary, corrective, and preventative measures that are imposed? Where is it stored? Who reviews it?

Response

1. Are we careful that any protective measures put in place following an investigation do not harm a complainant professionally or personally?
2. Do our response protocols allow for termination for cause following a finding of wrongdoing?
3. Are our responses appropriate, proportionate, and expansive ranging from coaching, disciplinary measures, to termination? Do we make room for both corrective and preventative responses?

Questions to Consider

4. How and by whom is corrective or disciplinary action carried out?

5. Do we make public the findings or recommended changes internally to employees? If so, how are they communicated?

6. Do we make the findings public to our stakeholders?

7. How do we ensure the workplace safety of anyone involved in an investigation once the investigation is complete? This includes complainants, people who cooperated in an investigation, those who have been accused and cleared, etc.

8. How do we respond to the individual actions that were carried out as well as its impact at the organizational level?