

🕒 3. Evaluating the Facts and Making the Decision

3.1. Evaluate the facts from a reasonable woman's perspective.

3.2. Distinguish between "unwelcome" and "voluntary" sexual conduct.

3.3. Draft a thorough, even handed report.

- o Make the report chronological.
- o Describe when first learned of the complaint.
- o Provide exact details of the complaint.
- o Note the documents reviewed.
- o Describe the interviews.
- o For all witnesses, distinguish between firsthand knowledge and rumor.
- o State conclusions as to whether sexual harassment occurred and provide specific justification.
- o Recommend corrective action if sexual harassment occurred. The corrective action should:
 - o be reasonably calculated to prevent further harassment.
 - o not punish the victim.
 - o be consistent with the discipline imposed in the past in similar situations.

3.4. Submit the report to the decision-making official. That official should:

- o not be a rubber stamp.
- o point out deficiencies in the report.
- o ask follow-up questions.
- o conduct interviews him or herself if necessary.
- o document his or her actions.

3.5. Follow up with the victim and perpetrator after the decision has been made.

Source: EMPLOYEE RELATIONS LAW JOURNAL