Large Synoptic Survey Telescope (LSST)
Bullying and Harassment Complaints Procedural Manual

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## Change Record

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<td>1/8/2016</td>
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<td>Daniel Calabrese</td>
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<td>Robert McKercher</td>
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<td></td>
<td>6/14/2016</td>
<td>Implementation of LCR-620</td>
<td>R. McKercher</td>
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<td>Sandrine Thomas</td>
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Statement from the Directorate

We in the leadership of LSST affirm the importance of maintaining an open and inclusive environment at all sites of LSST Project work, regardless of race, gender, or orientation. We have publicly communicated our commitment to these issues in presentations on workplace climate at past LSST Project and Community Workshops. AURA’s Policy on Standards of Workplace Conduct defines sexual harassment, other harassment, bullying, and the consequences for engaging in such behavior. We reiterate here that we have zero tolerance for harassment of any kind. If conclusive evidence of such behavior is brought to our attention, we will take immediate action, up to and including severing the responsible individual’s connection to the LSST Project.

We underscore the importance of providing a trusted system for reporting workplace issues within the Project. As a step to address this, we have appointed several LSST WCAs, and have provided them with the appropriate training.

This is a personal priority of ours. Please use this enclosed guide and refer to the WCAs who have been appointed to support you and our drive to success.

Steven M. Kahn
LSST Director

Beth Willman
LSST Deputy Director
Bullying and Harassment LSST Statement

As a part of AURA’s continuing affirmative action efforts and pursuant to the legal requirements of Section 703 of Title VII, LSST affirms its commitment to ensure an environment for all employees at all work sites that is fair, humane, and respectful. The LSST Project strictly prohibits the harassment of any employee, applicant for employment, and members of the general public based on race, religion, color, gender, age, national origin, handicap status or disability, marital status or sexual orientation, gender identity expression, arrest and court record, or any other protected class or any other status specifically designated by state or local law.

LSST affirms its commitment to ensure an environment at all work sites of the highest professional and ethical standards of conduct for all employees and one that is fair and humane. LSST is a highly diverse organization composed of people from differing backgrounds, perspectives, and experiences. We are dedicated to fostering a civil and inclusive community characterized by mutual respect for the contributions of all individuals. We believe this is essential to our ability to provide excellent service to the LSST community. Although not all inclusive, we embrace the following values:

- Civility and respect for others should be demonstrated through behavior, attitude and language and tone of voice.
- Embracing difference and fostering an inclusive environment creates opportunities for participation and innovation and contributes to a productive, high-achieving workforce.
- Each person’s contribution is valued and his/her opinion should be heard and treated with dignity, civility and respect.
- All individuals should demonstrate personal and organizational integrity in all matters.
- Accepting personal responsibility and accountability are the foundation of successful outcomes for individuals, teams and the organization.

All employees, regardless of their positions or work locations, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that their conduct reflects our values of civility, respect and inclusiveness and that prohibited conduct does not occur. We recognize, however, that there may be occasions when individuals engage in or experience inappropriate and/or unlawful behavior. In the following, we outline some of these behaviors, such as bullying and unlawful harassment, sexual or otherwise. The procedures for reporting such behavior are outlined in Section 2 below and the AURA Grievance Policy and Procedure. Allegations of sexual or discriminatory harassment should be reported to Human Resources for investigation. All other types of workplace misconduct complaints will be investigated according to the procedures of this manual. The behaviors described may be intentional or unintentional. However, where an allegation is made, a lack of intent of the alleged harassment/bully will not be considered an excuse for the behavior. It is the effect of the behavior upon the individual that is important. All employees, including supervisors and managers, will be subject to discipline, up to and including discharge, for any act of unlawful harassment or other unacceptable inappropriate behavior that they commit.
The LSST Bullying and Harassment Complaints Procedural Manual

1 Bullying and Harassment

1.1 What is Bullying and Harassment?

INAPPROPRIATE and UNWANTED behavior that could reasonably be perceived by the recipient or any other person, as affecting their dignity.

Harassment can take many forms. Often we think first of sexual or racial harassment but colleagues can also suffer harassment, bullying or discrimination because of their ‘difference’ or ‘perceived difference.’ Examples of this may include age, creed, religion, sexual orientation, nationality, family status, because they have a disability, or just because they don’t “fit in” with the group. Equally, it is not considered harassment for management to fairly uphold performance standards, in accordance with LSST policy.

Workplace bullying is intimidation on a regular and persistent basis or as a one off, which undermines the competence, effectiveness, confidence and integrity of the person on the receiving end. The bully misuses their power, position or knowledge to criticize, humiliate and destroy a subordinate, a colleague or even their own boss.

1.2 Sexual Harassment

It is illegal (pursuant to Title VII of the Civil Rights Act of 1964) and against the policies of AURA for any employee, male or female, to sexually harass another employee. There are generally two types of sexual harassment:

- **“Quid pro quo”** harassment where submission or refusal to submit to unwelcome sexual attention, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature are used as the basis for employment decisions. In these instances, employee benefits such as hiring, raises, promotions, better working hours, preferential treatment, etc. are directly linked to compliance or non-compliance with sexual advances.

- **“Hostile work environment”** where the harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone in the work environment, whether it is managers, co-workers or visitors. Hostile work environment most often includes sexually-oriented conduct that is sufficiently pervasive, persistent or severe to unreasonably interfere with an individual’s job performance or has the purpose or effect of creating an intimidating, hostile or offensive work environment. However, a hostile work environment can result from one egregious act.

No LSST manager, supervisor, or other employee shall threaten, state or insinuate, either explicitly or implicitly, that another employee's or applicant's refusal to submit to sexual advances will adversely affect that person's employment, work status evaluation, wages, advancements, assigned duties, or any other...
condition of employment or career development. Similarly, no LSST employee shall promise, imply or grant any preferential treatment in connection with another employee or applicant engaging in sexual conduct or consenting to or covering up harassment.

Sexual harassment behaviors that may lead to a hostile work environment can take different forms. The following examples of sexual harassment, although not all inclusive, are intended to be guidelines when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats, requests for any type of sexual favor (this may include repeated, unwelcome requests for dates); verbal commentaries about an individual’s body or attire; sexually degrading words used to describe an individual and/or verbal abuse or “kidding” that is sexual in nature and unwelcome.

- Non-verbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons, that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.

Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, violating an individual’s personal space, kissing and fondling, or physical assault.

### 1.3 Other Harassment

This policy also prohibits any form of illegal harassment of any employee by a manager, co-worker or visitor, because of race, religion, color, gender, age, national origin, disability, marital status, sexual orientation, gender identity expression, or any other protected class. The following behaviors, although not all inclusive, may give rise to a hostile work environment in violation of Title VII of the Civil Rights Act of 1964 or applicable state or local law, and are strictly prohibited by AURA:

- Verbal harassment, including comments that are offensive or unwelcome, including epithets, slurs, teasing and negative stereotyping.

- Non-verbal harassment including distribution, display or discussion of any written or graphic material, including posters and cartoons; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings or other form of communication, that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group.

- Physical harassment includes unwelcome, unwanted physical contact, including violating an individual’s personal space or physical assault.
1.4 Bullying

This policy also strictly prohibits bullying. Bullying is defined as unwelcome or unreasonable behavior that demeans, intimidates, humiliates, or sabotages the work of people, either as individuals or as a group. Bullying behavior is most often pervasive, persistent and part of a pattern, but it can also occur as a single egregious incident. It is usually carried out by an individual, but can also be an aspect of group behavior. Generally, exercising appropriate authority or directing the work of others pursuant to position responsibilities is NOT considered bullying behavior. Although not all inclusive, AURA considers the following types of behaviors as examples of bullying:

- Verbal: slandering, ridiculing or maligning a person; persistent name-calling that is hurtful, insulting, intimidating or humiliating; using a person as a butt of jokes; abusive and offensive remarks.
- Physical: pushing, shoving, kicking, poking, tripping, assault or threat of assault or damage to a person’s work area or property.
- Gesture: non-verbal threatening gestures; facial expressions or body postures which can convey threatening messages.
- Exclusion: socially, physically or professionally excluding, or disregarding a person in work-related activities.
- Undermining or deliberately impeding a person’s work.
- Removing areas of responsibilities without cause.
- Constantly changing work guidelines.
- Establishing impossible deadlines that will set up the individual to fail.
- Withholding necessary information or purposefully giving the wrong information.
- Making jokes that are ‘obviously offensive’ by spoken word or e-mail.
- Intruding on a person's privacy by pestering, spying or stalking.
- Assigning unreasonable duties or workload which are unfavorable to one person (in a way that creates unnecessary pressure).
- Underwork - creating a feeling of uselessness.
- Yelling or using profanity.
- Criticizing a person persistently or constantly.
- Belittling a person’s opinions.
- Unwarranted (or undeserved) punishment.
- Blocking applications for training, leave or promotion.
- Tampering with a person's personal belongings or work equipment.
1.5 Harassment by Electronic Communications

The increasing availability of electronic means of communication has created a potentially powerful vehicle for bullying or harassment. Suggestive and unwanted remarks, graphics or threat-centered, abusive e-mails and mobile telephone text messages may constitute bullying. LSST has a clear policy on the use of e-mail, which applies at all times (See LPM-97, Project Administration Policies).
2 Complaint Reporting Procedure

A project team member is encouraged to first discuss any complaint or grievance involving another LSST team member with his or her immediate LSST supervisor, orally or in writing. However, if at any time the team member feels it necessary, he or she may bypass any level of reporting listed below. This may be the case if

- The matter to be discussed personally involves the individual on that LSST supervisory level;
- The team member may be concerned about repercussions with that individual based on the issue; or
- The subject matter is personal and would be embarrassing or inappropriate if discussed with that individual.

Reporting made to any level above the team member’s immediate LSST supervisor shall be in writing.

In addition to the procedure described below, home institution human resources policies and/or procedures may apply for project team members who are employees of entities other than AURA. AURA employees should also consult the AURA Grievance Policy and Procedure’s General Procedure Guidelines (portions of which have been excerpted here).

2.1 Management Response Expectations

At all levels of reporting, the person to whom the grievance or complaint has been reported will endeavor to render a decision or to provide an interim reply within the next five working days he or she is present for duty. An interim reply will include a reason for delay (such as referral to higher levels of supervision) and an estimate of the time expected to be necessary to render a decision.

2.2 Levels of Reporting

1. Report to Immediate LSST Supervisor

A team member is encouraged to first discuss any complaint or grievance with his or her immediate LSST supervisor, orally or in writing. The supervisor will endeavor to render a decision or an interim reply within the next five working days he or she is present for duty. An interim reply will include a reason for delay (such as referral to higher levels of supervision) and an estimate of the time expected to be necessary to render a decision.

2. Report to Next Level LSST Supervisor

If the team member does not feel he or she can voice a grievance or complaint to his or her immediate LSST supervisor, or if he or she is unsatisfied with the answer received, or if there has been no reply within the five working days of the issue being presented to the LSST supervisor, the team member may refer the matter, in writing, to the next level LSST supervisor, who will respond as above. This process may be repeated through the team member’s line of LSST management.

If the grievance or complaint involves two individuals from the same non-AURA institution,
LSST team lead at that institution should inform the relevant LSST subsystem Project Manager of the grievance.

3. Report to LSST Subsystem Project Manager (if different than level 2 supervisor)
   The subsystem Project Manager will respond as above.

4. Report to Human Resources
   **For AURA employees reporting a complaint against another AURA employee,** the report should be made to the AURA Human Resources Manager, who will obtain all available information, including statements from supervisors and others named or having knowledge of the matter and will prepare a written summary. Depending on the AURA Center and/or nature of the matter, the AURA HR Manager may either provide the summary to LSST Senior Management and/or the LSST Director for resolution of the issue or, at the discretion of the Director, the HR Manager may be charged with the responsibility of determining the resolution. The outcome will be reported to the employee and to any supervisors who previously have been included in the process within five working days of obtaining all required information and statements. Advice of legal counsel will be obtained, if needed.

   **For non-AURA team members,** the report should be made to his or her home institution’s human resources department according to that institution’s policies and/or procedures. If the senior official overseeing the award to the team member’s institution is an AURA employee, the team member should report the issue to his or her home institution HR office who then will raise the issue with AURA HR.

5. Report to LSST Director
   If all other avenues are considered unacceptable or inappropriate based on the team member’s assessment, the final level of referral will be to the LSST Director. The grievance or complaint should be made, **in writing,** to the Director. The Director may designate a member of LSST management to oversee the investigation of the matter. The LSST Director will notify the complainant and all others concerned of the final determination on the case within five working days after receiving the recommendations.

   With the exception of the staff appointed by direct authorization of the AURA Board of Directors, the LSST Director's decision is final. The AURA Board of Directors will be the final authority on complaints by staff members appointed by authority of the AURA Board of Directors. Appeals to the AURA Board of Directors will be routed through the President of AURA.

6. AURA Corporate Officer
   If the grievance is against the AURA Human Resources Manager or the LSST Director, the complaint should be reported to an AURA Corporate Officer.
3 Complaint Management Overview

3.1 Purpose of this Manual

This Procedural Manual is designed to support Managers and the Directorate in the effective deployment of the Bullying and Harassment Complaints Procedure. A detailed set of guidelines on carrying out an investigation are provided. Every case is different and the guidelines cannot cover every eventuality.

This Manual aims to define harassment and bullying and then go through the process for handling complaints in the workplace. The procedures for receiving complaints to such behavior are outlined in the AURA Grievance Policy and Procedure. Allegations of sexual or discriminatory harassment should be reported to Human Resources for investigation. All other types of workplace misconduct complaints will be investigated according to the procedures of this manual.

Ultimately, it is the responsibility of the Directorate (the LSST Director, assisted by the Deputy Director and Project Manager) and/or a designated Manager to investigate complaints and take appropriate corrective action.

The role of a workplace culture advocate (WCA), if involved, is to provide a receptive, unbiased, and open ear for LSST staff and project personnel to bring up issues or register complaints that they might not be comfortable raising directly to their immediate supervisors or to the LSST leadership team.

If a WCA is involved, it is important that those involved in conducting an investigation liaise with the WCA at all stages during the interview process. It is a requirement for the WCA to advise the Directorate of all cases that have not been concluded within 28 days and the action being taken to conclude the case.

3.2 Benefits of Investigating a Bullying and Harassment Case

**ADDS TO YOUR MANAGEMENT CREDIBILITY**

Tackling unacceptable behavior means staff will have more confidence in you and greater respect for you as a manager.

**ABILITY TO INFLUENCE PEOPLES’ BEHAVIOR**

This will lead to a more productive and efficient team.

**YOUR TEAM’S PERFORMANCE**

Improved performance will reflect well on you. There should be more openness and trust within the team.

**GREATER KNOWLEDGE OF HR & LSST POLICY**

This increased knowledge should give you increased confidence to deal with difficult situations more appropriately.

**YOU GET MORE JOB SATISFACTION**

Elimination of harassment making it a ‘Great Place To Work’.”
3.3 Actions to Prevent Complaints of Harassment

Make sure every member of your team knows that any kind of harassment is unacceptable.

Check that your working environment and communal areas are free from offensive material and be mindful that "banter" may not be acceptable to everyone. Where references to specific individuals are made you should conduct a sensitive inquiry and check the welfare of the person(s) named.

Sensitive inquiries should also be made about a surprise request for a transfer or change in job descriptions as sometimes employees who feel they are being harassed will ask to move just to get away from the situation.

3.4 Responsibilities of Managers

All Managers and others who lead groups of employees are responsible for ensuring that harassment or bullying does not occur in their work area. They must ensure that they

- Fully understand the harassment policy and are able to offer advice on the procedure when required to do so;
- Advise and inform their teams to increase awareness and understanding of harassment policy;
- Publicly promote the harassment policy;
- Ensure their work environment is free of visual harassment, e.g. posters, cartoons, graphic materials and the like
- Are alert to physical and verbal harassment in their work area and deal with it immediately, whether or not it is brought formally to their attention;
- Are supportive of individuals who state that they have been harassed, and take full account of their feelings and perception of the situation. At the same time they should be supportive of the Respondent;
- Maintain complete confidentiality relating to all aspects of cases of harassment at all times and only mention or discuss the case with someone else on a NEED to know basis;
- Ensure there is no victimization of either the Complainant or Respondent;
- Do not participate in, encourage or condone gossip relating to cases of actual or alleged harassment;
- Take appropriate steps to prevent or stop such gossip in work areas;
- Initiate and complete investigations of alleged harassment in line with the procedures and this guide; and
- Document all complaints and copy to the facilitating WCA (if involved).

3.5 Role of the Workplace Culture Advocates (WCA)

The role of a WCA is to provide a receptive, unbiased, and open ear for LSST staff and project personnel
to bring up issues or register complaints that they might not be comfortable raising directly to their immediate supervisors or to the LSST leadership team. Ultimately, it is the responsibility of the LSST Director or their delegate to investigate complaints and take appropriate action. Such action will include engaging local human resources when appropriate. The WCA can be a useful intermediary, offering opinions to management about the validity and severity of the complaint, after an investigation has been conducted, and providing the complainant with confidentiality if he/she so requests.

If involved, the WCA has a responsibility for

- Acknowledging all complaints received;
- Collaborating with the investigating manager;
- Taking ownership of every case and monitoring its progress;
- Supporting Managers by providing advice and guidance on the policy and procedure;
- Providing senior management with information on cases progressing within their area of control; and
- Follows up the final recommendations and seeks updates on progress 4 and 8 weeks after case conclusion.

If a WCA is involved, it is important that Managers liaise with the WCA at all stages during the investigation. It is a requirement for the WCA to advise the Directorate of all cases that have not been concluded within 28 days and the action being taken to conclude the case.

3.6 Role of the Manager

The Managers have a defined role in the process to investigate all complaints in a prompt and thorough manner. The Directorate, in consultation with the WCA if warranted, will designate an investigator, usually a Manager, although another investigator may be designated based upon the specific circumstances of the complaint and the desire for the investigation to be conducted in a timely manner. The Managers responsibilities are to

- Provide updates to the Directorate on Days 7, 14, 21, and 28;
- Write to the Complainant to invite to an interview within 1 working day;
- Interview Complainant within 3 working days;
- Consider all relevant circumstances and decide whether Precautionary Action is necessary and, if so, what form such action should take;
- As soon as reasonably practicable after interviewing Complainant, meet with Respondent(s) to invite to interview;
- Interview Respondent(s);
- Write to potential witness(s) to arrange interviews;
- Interview potential witnesses;
3.7 Qualities and Skills

In general, you should be sympathetic and sensitive when dealing with all parties, dispel any pre-conceived ideas that you may have, and ensure that everyone involved feels they have been treated fairly and appropriately.

Bear in mind that some interviewees may find it difficult to express themselves, particularly if delicate personal issues are involved.

Dealing with a harassment case requires more of you than simply a thorough knowledge of the required procedure. To conduct a fair, thorough and unbiased investigation, you also need to apply certain qualities and skills.

3.8 Key Qualities

<table>
<thead>
<tr>
<th>Maturity and Objectivity</th>
<th>To conduct an investigation you need to be mature and sufficiently experienced to remain objective in an emotional situation.</th>
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<tbody>
<tr>
<td>Trustworthiness and fairness</td>
<td>You need to have the trust and respect of colleagues. They must feel confident that you care about the people involved and will be fair to them.</td>
</tr>
<tr>
<td>A caring approach</td>
<td>It is important to demonstrate that you are sympathetic to all parties you are listening to, without becoming personally involved.</td>
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### Approachability
If you are approachable and easy to talk to, you will be more likely to get the information you need to help make a decision.

### Discretion
It is vital to be discreet. Only give the information that you obtain during an investigation to those who have a proper right to see it.

### Integrity
Demonstrating integrity means not giving in to pressure to withhold or dishonestly amend any information or facts arising from an investigation. There may be attempts to persuade you, sympathize with you or threaten you. The integrity of the whole investigation depends on your actions and approach.

### Resilience
You have to sustain a thorough and fair approach throughout the investigation. Your judgement is needed to decide the following: who to interview, what are the significant facts in the case, what information needs to be established in detail and so on. You must also be able to differentiate between the important and the unimportant facts.

### 3.9 Key Skills

#### 3.9.1 Note Taking
Keeping proper records of interviews is a requirement both for the short term and in case the matter goes to court. Although you may have someone to take notes during a formal interview, you must take your own as well. This is because you will need to refer to them during the interview. It is important you do not destroy your original notes. Any records you make at the time of the investigation could be a vital piece of evidence in an Employment Hearing.

#### 3.9.2 Listening Skills
You will need to use active listening skills. This not only provides you with the information you need, it also reassures interviewees that their cases are being heard properly.

Active listening involves

- An open body posture - try to lean slightly towards the interviewee;
- Good eye contact (without staring) - this shows you are paying attention;
- Affirmative nods/murmurs - such signs confirm that you are following (though not necessarily
agreeing with) what the person is saying;
- Maintaining a calm posture, without fidgeting;
- Taking full notes, if possible without interrupting the flow, but showing that you are being thorough;
- Repeating or paraphrasing what the person has said to show you have understood; and
- Asking for facts to be agreed or corrected.

### 3.9.3 Developing your Listening Skills

Active listening will also help you to establish the full facts of a case – which is your objective as an investigator. This table lists several *unhelpful* ways of responding to an interviewee.

<table>
<thead>
<tr>
<th>Ways of responding to an interviewee</th>
<th>Possible effects of this response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directing, leading</td>
<td>If you are too directive, interviewees will be less likely to say what they mean</td>
</tr>
<tr>
<td>Judging</td>
<td>If you judge outcomes before the investigation is complete, the Respondent or the Complainant may have an unfair hearing. If the behavior is noticed, it could lead to complaints about the procedure being unfair.</td>
</tr>
<tr>
<td>Blaming</td>
<td>This will add to any sense of guilt the interviewee may be feeling. The interviewee may feel wronged and complain to another manager.</td>
</tr>
<tr>
<td>Preaching, moralizing</td>
<td>Such behavior does not advance the investigation. It may even arouse hostility.</td>
</tr>
<tr>
<td>Labelling and diagnosing</td>
<td>It is unhelpful to jump to conclusions before you have collected all the available evidence. The hearer may seize on the label or diagnosis and misuse it.</td>
</tr>
<tr>
<td>Humoring</td>
<td>This may make the interviewee complacent or feel that you are insincere or biased.</td>
</tr>
<tr>
<td><strong>Not accepting others’ feelings</strong></td>
<td>This obscures the purpose of the investigation, which is to encourage those involved to express their feelings and resolve any difficulties. Again it may make you appear to be biased.</td>
</tr>
<tr>
<td><strong>Advising, teaching</strong></td>
<td>This is not part of the role of the interviewer. It will waste time and may be seen as bias. Any advising should take place once the investigation is complete.</td>
</tr>
<tr>
<td><strong>Interrogating</strong></td>
<td>A harsh interviewing style is unlikely to produce the information you need to come to a fair conclusion.</td>
</tr>
<tr>
<td><strong>Over-interpreting</strong></td>
<td>Exaggerating the importance of a statement or an attitude carries the risk of biasing the investigation.</td>
</tr>
<tr>
<td><strong>Sharing your own feelings</strong></td>
<td>Although this may be intended to put the interviewee at ease, it can waste time and intensify emotions. It may also antagonize the hearer or make you appear less reliable.</td>
</tr>
<tr>
<td><strong>Claiming professionalism where none exists</strong></td>
<td>One of the purposes of the investigation is to remove facades and face the real situation. Trying to impress interviewees or to claim expertise you do not have will be counter-productive.</td>
</tr>
<tr>
<td><strong>Faking attention</strong></td>
<td>This may lead to information being recorded inaccurately. Interviewees will know if you are being false and this may make them reluctant to speak out. The whole point of the investigation is to establish effective communications between you and the participants.</td>
</tr>
<tr>
<td><strong>Hurrying people up</strong></td>
<td>Trying to speed things up will increase tensions and reduce the amount of information that you can obtain. It could also lead to complaints about the way the investigation is being conducted. However, always remain in control of the interview timing.</td>
</tr>
</tbody>
</table>

### 3.10 Effective Questioning

**Effective questioning** skills are also essential. Your aim is to collect as much information as possible in a limited time and to encourage people to open up in a situation in which they may find it hard to talk. Then you have to clarify the information you collect, sorting out any gaps or inconsistencies.
Types of questions to use during an investigation: It is up to you to put questions in your own words. This is the sequence you might use to ensure a logical flow:

<table>
<thead>
<tr>
<th>Question</th>
<th>Marking</th>
</tr>
</thead>
<tbody>
<tr>
<td>How long have you been working in this office/department?</td>
<td></td>
</tr>
<tr>
<td>What exactly is your role?</td>
<td></td>
</tr>
<tr>
<td>What is the working atmosphere like in this office/department?</td>
<td></td>
</tr>
<tr>
<td>Can you tell me what actually happened to you? / You will know that ... has said that you have behaved inappropriately to her/him by (outline allegation). Will you give me your comments? Tell me in your own words what happened.</td>
<td></td>
</tr>
<tr>
<td>When did this take place? Where?</td>
<td></td>
</tr>
<tr>
<td>Did anyone else witness this behavior? / Was anyone else aware of this happening?</td>
<td></td>
</tr>
<tr>
<td>How did you respond?</td>
<td></td>
</tr>
<tr>
<td>What exactly did you do?</td>
<td></td>
</tr>
</tbody>
</table>

Once you have let interviewees give their view of events as they see it without interrupting, you have a basis on which to ask open questions that can’t be answered with a straight ‘yes’ or ‘no’. Open questions begin with a phrase like ‘Tell me about ...’ or with words like ‘How’ or ‘What’.

If there are areas that are not clear, you may need to use probing questions, for example:

<table>
<thead>
<tr>
<th>Question</th>
<th>Marking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exactly when did that happen?</td>
<td></td>
</tr>
<tr>
<td>Who else was around?</td>
<td></td>
</tr>
</tbody>
</table>

Closed questions ask for specific information or require the answer ‘yes’ or ‘no’. They are useful when you need to check the accuracy of the information; for example:

<table>
<thead>
<tr>
<th>Question</th>
<th>Marking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was that before or after you ...?</td>
<td></td>
</tr>
<tr>
<td>Did the other person accept that?</td>
<td></td>
</tr>
</tbody>
</table>

You will also need to ask witnesses about the working atmosphere in the office. These are the sorts of questions you might ask:

<table>
<thead>
<tr>
<th>Question</th>
<th>Marking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does general office banter take place?</td>
<td></td>
</tr>
<tr>
<td>Who is involved?</td>
<td></td>
</tr>
</tbody>
</table>
What kinds of things are the subjects of the banter?

Who initiates the banter?

How do staff feel about the banter?

How do you feel about?

Funneling process - think about the different types of questions as filters, each one with a finer mesh as you identify the key factors in a situation. Effective questioning of all parties will maximize the chances of gathering all the relevant facts.
4 Approach to Investigation/Fact Finding

4.1 Key Considerations and Order of Fact Finding

In preparation for fact finding the following guidelines below should be used as the basis for planning and undertaking an investigation:

- The Complainant should normally be interviewed first, with the aim of obtaining as much detail about the complaint as possible.
- The Complainant should be dealt with in a sensitive manner, with an understanding of the distress that can be caused when relating a harassment experience.
- Having interviewed the complainant, the Manager must carefully consider and decide on the need for any Precautionary Action.
- The person against whom the complaint has been made (the Respondent) should be:
  - Given details of the complaint in writing,
  - Given notification of any decision on Precautionary Action, and
  - Invited to interview in writing. A minimum of 48 hours' notice is to be given.
- The Respondent should then be interviewed and given a clear and fair opportunity to present their view of events. This interview must be conducted sympathetically and in complete confidence.
- Having interviewed both the Complainant and Respondent, the Manager should determine whether there is:
  - An opportunity to resolve the matter informally with the agreement of the Complainant,
  - A need to investigate further by interviewing relevant witnesses for both the Complainant and Respondent, or
  - Enough evidence to make a decision on the investigation.
- Managers should be mindful of the fact that the complaint requires full investigation before it can be regarded as substantiated.
- It may be necessary to consider separating the parties during an investigation. If in any doubt, advice should be sought from the WCA and/or Human Resources.

4.2 Best Practice

The investigation must be fair, thorough and unbiased. To achieve this, you will need to continually consider the ‘rights’ of all parties involved. This represents ‘best practice’ in the treatment of those involved in an allegation of harassment.
The following provisions should be made available to both the Complainant and the Respondent:

- Interviews should take place in accommodation suitable for the purpose, bearing in mind the need for confidentiality. Suitable accommodation includes somewhere private, away from the normal working area of the Respondent or Complainant and free from interruption.
- It is vital that the investigation is dealt with sympathetically and effectively and with due regard for the feelings of everybody concerned.
- Where a note taker is used to assist it is essential that full confidentiality is maintained and note takers should be briefed accordingly.
- Both parties should be informed of the investigation procedure and kept up-to-date on what is happening throughout.

4.3 Confidentiality

Planning and Organizing Assure the Complainant of confidentiality to the extent possible, but inform him/her that it’s subject to your obligation to interview witnesses and the Respondent. Never promise total confidentiality or anonymity to the Complainant.

4.4 Planning and Organizing a Formal Investigation

To begin the process of ensuring a fair investigation, the first task is to check whether you are an appropriate person to be doing the investigating.

Ask yourself:

- Are you involved in any way which might stop you being unbiased?
- Would someone of the same gender/ethnic background as the Complainant be more appropriate to obtain all the facts?

When you are starting an investigation, you will also need to organize and plan the process. This will mean considering the following issues:

- Who needs to be interviewed (Complainant, Respondent, and witnesses), and when?
- What accommodation you need to arrange for the interviews?
- Who, if anyone, will be taking notes?
- Whether any interim measures (transfer/precautionary suspension) may be required.
- Whether support is needed for the Complainant, Respondent, and witnesses.
- Whether any of the parties have a disability which needs to be accommodated.
- Who else needs to be kept informed, and how?
- Who will type up the interview records?
• How you will write the final report (i.e. the planned structure and content)?

• Aiming to work to a 28 calendar day timescale to reach your conclusion and compile your report.

NB: The 28 day timescale commences from date the complaint is logged on the Harassment Database.

4.5 Preparing for the Investigation Interviews

Until you acquire some experience in using the procedure, you may feel somewhat apprehensive at the idea of investigating an incident of harassment. You have to act promptly. Your aim is to find out all the facts and give a fair hearing to everyone concerned without getting involved yourself. As far as possible you should create an atmosphere in which people do not feel frightened or defensive.

The more thorough your preparation at every stage, the easier and more effective the investigation will be.

To ensure that the investigation interviews are properly communicated and effectively carried out, a checklist of the actions, which need to be undertaken before the interviews, is at the end of this guide for your use.
5 The Interviews

5.1 Interviewing the Complainant

5.1.1 The Introduction

The following points should be included:

- An introduction of yourself, and an explanation of your role as interviewer
- What will happen and an appropriate timeframe (you will not be able to give a specific date)
- Who will decide the final outcome
- That there will be no retaliation as a result of the complaint
- The complaint is being taken seriously and will be thoroughly investigated
- The complaint and the interview will be treated as confidential, with information only being shared with those proper to have access to it.

You should also explain that:

- Notes will be taken and it may be necessary to pause from time to time to record what is said
- As a result of the interview, notes will be prepared for their signature
- They will be able to read, comment and make changes before they sign the interview notes. You should advise the Complainant that it would be your decision as to whether those changes are accepted.
- The interview notes will be used as part of the report of the investigation, and the report will be shown to the Respondent.
- A summary of your understanding of the allegation will be produced.

5.1.2 Main Body of the Interview

Here the essential points are:

- Ask the Complainant to give their version of events. Listen carefully and make notes, but do not interrupt unless this is essential
- Restate the facts as you have understood them and ask for agreement or correction
- Check specific facts
- Ask if the Complainant has anything to add when you have confirmed all the information given
- Keep the tone as factual as possible. The nature of the discussion is intensely personal and can arouse strong emotions. To maintain a balance between sympathy and neutrality:
Do not allow your own feelings or assumptions to influence you
- Avoid criticizing the Respondent
- Focus on the case, not on other issues

- Ask the Complainant about appraisals, assignments and any promotion opportunities, if manager/supervisor is the accused. In particular, whether these were handled fairly.
- Look for possible other evidence - is this harassment part of a pattern? Were there any witnesses or other evidence? You may need to look at reports, appraisals and so on

### 5.1.3 Conclusion

- Close the interview effectively by:
- Reading back the notes taken to confirm what has been said and understood
- Asking the Complainant if there is anything else they wish to add
- Thanking the Complainant for their time and co-operation
- Telling them what will happen next, in particular that:
  - Notes will be typed up for them to read, amend if necessary and sign
  - You may need to interview other people
  - You may need to speak to them again
- Re-emphasizing confidentiality to the extent possible
- Asking if they would like further support - e.g. from Human Resources and/or Employee Life Assistance Program

### 5.2 Allegations of a Criminal Nature

Where it appears that the allegation is of a **criminal** nature, inform Human Resources immediately.

### 5.3 Interviewing the Respondent

The interview with the Respondent will have a similar structure to the interview with the Complainant, although some additional points will be needed in the introduction and conclusion.

#### 5.3.1 Introduction

In addition to the points covered in the introduction to the Complainant’s interview, you will need to explain that:

- A matter has arisen which you need to investigate
- It will be your intention to ensure that a neutral, objective, and professional investigation takes place
• You will then need to summarize the allegations that have been made.

Explain what the issues are. Make this as neutral sounding as possible, avoiding harsh, legalistic expressions like ‘sexual/racial harassment’, ‘charge’, ‘allegation’ and ‘claim’.

Use expressions such as ‘a matter’, ‘a sensitive issue’, and ‘inappropriate behavior’. Concentrate on the situation and state the allegations exactly as the Complainant has presented them.

5.3.2 Main Body of the Interview

As in the Complainant interview, the main body of the interview will be spent gathering as much information as possible that might shed light on the alleged events. Your aim is to establish a full picture of the events from the Respondent’s perspective. You will therefore need to ask the person to describe the events as they appear to him or her. You should avoid interrupting whilst they do this.

Once they have given their version of events, you will need to probe for further specific details and explore those areas where their view differs from the Complainant’s.

You should then recap the key points that the Respondent has told you, noting the areas of agreement and those which conflict with the Complainant’s perspective. You may wish to probe this further.

During the interview you must be careful not to be affected by the Respondent’s reactions. These reactions will usually be:

• Anger
• Surprise
• Denial
• Statements of hurt and betrayal

In some cases, the Respondent will make a counter-accusation. If this happens, you must make it clear these accusations will also be taken seriously.

An appropriate response to a counter-accusation made during an interview would be to say “Your complaint of harassment is taken very seriously, as is the original complaint. I will properly investigate your concerns, but that will need to form part of a separate set of interviews”.

You would then explain how and when the investigation would be carried out. Once you have given this explanation, you may want to take a natural break before continuing the scheduled interview. The counter-allegations should then be fully investigated, and appropriate action taken once you have uncovered whether or not they have a foundation in fact.

5.3.3 Conclusion

Again, the conclusion of your interview with the Respondent will be very similar to that used in the interview with the Complainant.

The contents of this document are subject to configuration control and may not be changed, altered, or their provisions waived without prior approval.
5.4 Interviewing the Witnesses

The structure that you adopt for interviews with witnesses or other relevant parties will be similar to other interviews:

- Explain the reason for the interview
- Explain the process
- Stress the need for confidentiality (using the kind of language that was suggested earlier - such as ‘sensitive issue’)
- Get them to relate their understanding of the situation
- Record their view of events

5.5 Records of Interviews

You must keep a full written and dated record of all interviews and other meetings as you conduct the investigation. These records will be needed for internal use, but they may also be used in legal proceedings. You should keep notes of actions taken which otherwise may not be recorded, e.g. telephone calls to follow-up on notes etc.

Transcribing your notes to a word document makes cross-referencing easier. The typed version should be handed over to the individual concerned to read and check before signing and dating it. Any alterations must be hand-written and initialled. Make a note of the alterations and the reason for them.

If anyone refuses to sign an interview record, the evidence can be included in the report anyway, but a note should be attached saying that this has not been signed.

5.6 Withdrawn Complaints

During the course of an investigation there is always a possibility that you may be approached by individuals who want to withdraw their complaint or amend a statement which has been given. This underlines the importance of treating all parties objectively and with Dignity and Respect.

It is not acceptable to accept such a request to withdraw a complaint or amend a statement without fully considering the implications. Any apparently sudden changes of heart should be viewed critically, remembering that we have a duty to fully investigate complaints which are brought to our attention. The reasons for withdrawal or amendment to a statement will generally fall into one of the following categories:

- It has become clear to the Complainant that they were not in possession of all of the facts at the point that they made their complaint. As things are now clearer they have decided that they wish to withdraw it.
- The individual has been put under pressure by others to change their version of events.
- The original complaint was fabricated in an attempt to get somebody else into trouble and the Complainant realizes that they have little chance of success.
The individual may feel that the investigating manager has not acted in accordance with the procedure and while their complaint is genuine they have lost faith.

All of the scenarios above appear clear cut, but in practice this will not be the case. We recommend you contact your WCA and discuss the case.

You should:

- Make a note of what is said to you but don’t jump to a conclusion - reserve judgement
- Seek a full explanation for any apparent change of heart and be prepared to challenge any arguments, which are weak, but support/reassure people who may genuinely be in fear of reprisals.
- Make a file note of the reasons which people provide and where practicable take an amended statement (always retaining the original) and get this signed
- Take advice from your WCA before committing yourself to a particular course of action.
- Remember that complaints do not just go away, particularly ones in which serious allegations have been made. Be prepared to follow the case through to its conclusion.
6 Reaching and Communicating your Conclusion

6.1 Recording and Balancing Evidence

Some cases may appear clear cut in that one of the parties will admit to the act complained of or there may be overwhelming evidence to suggest that the act complained of did occur. Others will be less clear and there may be contradictory evidence. Where this is the case it may be necessary to see the individual who made the complaint again and discuss the contradictory evidence with them, as it is possible that they may be able to provide further information, which helps to explain any inconsistencies.

Once you are convinced that you have carried out a reasonable investigation you should bring together the evidence of the Complainant, Respondent and Witnesses into one document; with supporting evidence listed on one side and contradictory evidence on the other.

You will need to use this information to determine the facts of the case and whether you have a ‘reasonable belief’ that the act complained of actually did take place.

Where there is no direct evidence, resolution may depend on your assessment of the balance of probabilities and the credibility of the people involved. In doing so it is important that you carefully consider any personal biases which you may hold and set these aside in making your decision.

It is important to note that there are essentially three things that you need to consider in making your decision:

- You need to believe that the act or acts complained of actually occurred,
- You need to have reasonable grounds for coming to that conclusion, and
- You need to be satisfied that at the point at which you have reached that decision you have carried out as much investigation into the matter as was reasonable in all the circumstances of the case.

In summary, you don’t have to be able to ‘prove’ that the act complained of occurred, but you do have to ‘reasonably believe’ that it did, i.e. you are able to make a reasoned judgment based on facts gathered from evidence, having carried out a full investigation and carefully considered all of the evidence available to you. \textbf{Crucially, you need to be able to explain why you believe it did or didn’t happen.}

Where you have decided that the act complained of did occur, you need to establish whether or not it was reasonable in the circumstances. This would depend on the facts of the individual case and is generally clear cut where the act complained of is based on alleged inappropriate behavior, for example:

- Proven harassment would not be reasonable in the circumstances.
- Refusal to grant overtime or allow annual leave may be reasonable in some circumstances but not in others.
- Your conclusions and how you came to them should be recorded in your final report.
6.2 Complaints Not Made in Good Faith

Complaints that are not made in good faith undermine the validity of the whole investigation process and damage the basis of good working relationships.

While a guiding principle of the Bullying and Harassment procedure is that Managers will treat all complaints seriously, there is an obligation upon all LSST project personnel that complaints must be made in good faith.

On completion of an investigation, where the Manager believes there is evidence to suggest that a complaint was not made in good faith, s/he must decide whether the complaint was so made.

For a complaint to be deemed as not made in good faith there must be reasonable grounds for belief with supporting evidence. For example, where a complaint is brought that is untrue and/or aims to annoy, irritate, distress, damage or otherwise harm the reputation and/or integrity of the person against whom it has been made.

If it is found that a complaint has not been brought in good faith, appropriate action may be taken under AURA’s employment policy which may include dismissal.

Where it is believed that the complaint was not made in good faith, the Manager will

- Compile a summary of supporting evidence, clearly stating why they believe that the complaint was so made,
- Inform the Complainant of the outcome of the harassment investigation and that s/he believes there is evidence to suggest that the complaint was not made in good faith,
- Forward the summary and documentation to the relevant Manager and Directorate, and
- The Directorate will use the summary to decide whether the case should be dealt with under Human Resources disciplinary policy.

6.3 Remedies

Where you have established that a complaint is substantiated it is necessary to consider what can be done by way of a remedy. This process is made easier where you have established, on commencement of your investigation, the individual’s motives in bringing the complaint. Having done this you may have already been able to take steps to ensure that potential remedies have not been closed off during the period of the investigation. In doing so the operational needs of the center and distributed work sites will have been considered and you will have determined whether an available remedy could be held open while the investigation is undertaken.

There are likely to be few occasions where, operationally, a decision can be delayed pending the outcome of an investigation but this must be an active consideration and you must not unnecessarily take action, which closes off a potential remedy that would have otherwise been available.

Generally speaking the remedies available will depend on the nature of the complaint raised. As a rule of thumb the following points might be considered as appropriate phases to work through in defining
remedies:

- Have I determined that the individual has been treated unfairly? If yes, say so. In many cases this might be all that the individual is seeking.
- If the individual has been wronged, is an apology appropriate? In some, but not all, cases an apology may be appropriate.
- If the individual has incurred loss as a result, is there an opportunity to remedy this, or put something in place to prevent it from happening again in the future? Note this should not be financial compensation, but in some circumstances it may be possible to mitigate a loss incurred.

6.4 Setting Standards

Regardless of the outcome of the investigation there is likely to be a need to re-affirm appropriate standards within the workplace and ensure that there is no victimization as a result of the complaint being made. Where a workplace policy has been breached it will be necessary to advise the Respondent and Complainant accordingly, in communicating the outcome of the investigation.

It may also be appropriate to refer to the AURA Standards of Workplace Conduct and ensure that the parties understand the standards that are expected in future.

Where you do not believe that the complaint has been proven but there are lessons to be learned as a result of the investigation it may be prudent to re-affirm standards more widely within the workplace, through team briefing or training for example.

This may be particularly appropriate where it has become apparent from the investigation that poor standards of behavior have become the norm within the workplace.

In such circumstances it would be appropriate to advise the whole team of the standards expected, without reference to the specific case investigated, and how breaches of these standards will be dealt with in future.

After re-affirming standards you will need to monitor the situation to ensure that they are being observed and that the person who made the complaint is not being harassed or victimized in any way.

6.5 The Investigation Report

The stated allegations, together with the supporting and conflicting evidence relating to them, will form part of the investigation report. The report is the culmination of the investigation. It is used as the basis for any subsequent disciplinary process.

It is therefore essential that the report be:

- Comprehensive
- Well laid out
- Easy to read
- Written in an impartial style
• Easy for readers to find their way through
• Easy to understand

The report should:
• State facts and witness evidence
• Contain recommendations
• Be laid out in standard report format
• Be free of assumptions or prejudices

After an investigation has been completed, you will need to draw some conclusions about whether the allegations are proven. These conclusions should be an objective statement of the extent to which the allegations have been substantiated. Each allegation should be dealt with separately.

At this stage, you will need to remember that you are seeking to establish whether, on the ‘balance of probability’ the incident(s) occurred. Depending on the conclusions reached, you will need to recommend appropriate action. This may include referral to other AURA Policies.

If a disciplinary action seems the likely outcome, the exact nature of the action to be taken should not be decided until after the disciplinary hearing. The disciplinary hearing allows the alleged Respondent a further opportunity to offer any mitigating circumstances. The Directorate’s decision is final. Appeals to the AURA Board of Directors will be routed through the AURA President.

6.6 Production of the Summary Report and Advising of the Outcome

You must inform the Complainant, Respondent(s), and the relevant Manager of the outcome of the investigation and the reasons for your conclusion, in writing, within 7 days of completing your report. Where disciplinary action is considered appropriate, any misconduct case should be taken by the manager of the individual(s) concerned. Some Complainants will wish to know the outcome of any disciplinary action but the most that you can do is assure them that the case has been handled fairly and appropriately.

In many circumstances the misconduct case will not have been concluded at the point when the individuals are advised of the outcome of the harassment/complaints investigation, but whether or not this is the case the exact nature of any disciplinary action taken should, as is normal practice, remain confidential.

It may be that at the end of the investigation you conclude that there is not enough evidence for you to have a reasonable belief that the act(s) complained of actually took place. If this is the case you should record why you have reached this decision.

You should stress that all parties information must remain in strictest confidence. Furthermore, it should be noted that you do not make the final decision. The Directorate’s decision is final. Appeals to the AURA Board of Directors will be routed through the AURA President.
6.7 Re-introducing All Parties Back into Work

Regardless of the outcome of the investigation there is likely to be a need to re-affirm appropriate standards within the workplace and ensure that there is no victimization as a result of the complaint being made. Where a workplace policy has been breached, it will be necessary to advise the Respondent and Complainant accordingly when communicating the outcome of the Investigation. It may also be appropriate to refer to the AURA Standards of Workplace Conduct and ensure that the parties understand the standards that are expected in the future.

Where you do not believe that the complaint has been proven, but there are lessons to be learned as a result of the Investigation, it may be prudent to recommend the re-setting of standards more widely within the workplace. This may be particularly appropriate where it has become apparent that poor standards of behavior have become the norm within the workplace. In such circumstances it would be appropriate to advise the whole team of the standards expected, without reference to the specific case investigated, and how breaches of these standards will be dealt with in future.

6.8 Monitoring Following a Harassment Case

The end of the investigation does not mean the end of the incident.

It is essential for the Manager to take action and check whether resolution of the situation has been achieved, whatever the outcome of the investigation. It is the responsibility of the WCA, if involved, to monitor such actions.

It is vital to monitor carefully, because, if the procedure has not been fully effective, the harassment may continue. The individual might then resign and bring a lawsuit against AURA.

You may decide to follow up the investigation by arranging for the Complainant or the Respondent harasser to be counselled, coached or trained. If both parties are willing, mediation may be a means for resolving conflict between the parties.

Upon the conclusion of cases under the Bullying & Harassment Procedure, the Directorate and/or the investigating Manager(s) will refer to Human Resources any that appear likely to lead to legal proceedings. He/she will liaise with Human Resources where pre-emptive action is appropriate.
Appendix 1: Role of Manager

1. Initial report/complaint received
2. Manager writes to Complainant to arrange interview within 1 working day
3. Manager interviews Complainant within 3 working days
4. Manager considers and decides on the need for any Precautionary Action
5. Manager contacts Respondent(s) to arrange interview
6. Manager interviews Respondent(s) allowing minimum 48 hours notice
7. Manager considers and decides on appropriate next action
8. Where appropriate, Manager identifies contacts and interviews all relevant witness(s)
9. Manager reviews all information gathered and decides whether there is a need to re-interview Complainant, Respondent, Witness(s) or potential Witness(s) to clarify any points
10. Manager deliberates his/her decision
11. Communicates outcome of investigation to Complainant, Respondent(s), and the Directorate within 7 days
12. Sends completed documentation to Directorate
13. Manager to follow up their recommendations, and seek updates on progress 8 weeks after case conclusion. Ombudsperson will make contact after 4 and 8 weeks to verify progress has been carried out (if involved).

Managers provide weekly updates to the Directorate on Days 7, 14, 21, and 28
## Appendix 2: Harassment Interview Checklist

<table>
<thead>
<tr>
<th>Action</th>
<th>Date Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Book sufficient time to conduct the interviews</td>
<td></td>
</tr>
<tr>
<td>Book a suitable room for the interviews</td>
<td></td>
</tr>
<tr>
<td>Study current available information</td>
<td></td>
</tr>
<tr>
<td>Prepare a list of questions to be posed to: the Respondent; the</td>
<td></td>
</tr>
<tr>
<td>Complainant; and any witnesses - making use of the Bullying and</td>
<td></td>
</tr>
<tr>
<td>Harassment Investigators Guidelines</td>
<td></td>
</tr>
<tr>
<td>Organize a note-taker. This person should:</td>
<td></td>
</tr>
<tr>
<td>• be unconnected with any of the people involved in the investigation</td>
<td></td>
</tr>
<tr>
<td>• not contribute to the interview, except by taking notes</td>
<td></td>
</tr>
<tr>
<td>• ideally be of the same gender and ethnicity as the Complainant</td>
<td></td>
</tr>
<tr>
<td>Ensure that there will be no interruptions during the interview</td>
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</tr>
<tr>
<td>Write out the questions to be asked. These should be formatted so</td>
<td></td>
</tr>
<tr>
<td>that there is sufficient space for the answers to be added.</td>
<td></td>
</tr>
<tr>
<td>Alternatively, each question can be numbered with the answers</td>
<td></td>
</tr>
<tr>
<td>recorded on separate sheets of paper</td>
<td></td>
</tr>
<tr>
<td>Ensure that the people to be interviewed have received all the</td>
<td></td>
</tr>
<tr>
<td>necessary information about the interviews:</td>
<td></td>
</tr>
<tr>
<td>date, time, place and purpose of the interview</td>
<td></td>
</tr>
</tbody>
</table>

The bullying and harassment procedure requires you to conduct several interviews. To be fair to everyone involved, you must make sure that your approach is consistent in each one.

Although you will need to prepare each interview separately because the various parties involved will be able to provide different kinds of information or viewpoints, there should still be a **consistent approach** to all the interviews.
Appendix 3: Structure for a Harassment Interview

<table>
<thead>
<tr>
<th>Interviewee:</th>
<th>Start Time:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Interview:</td>
<td>Finish Time:</td>
</tr>
<tr>
<td>Interviewer:</td>
<td>Location of Interview:</td>
</tr>
<tr>
<td>Note taker:</td>
<td>Additional Interviewer:</td>
</tr>
</tbody>
</table>

**INTRODUCTION:** Meet and Greet

Welcome and thanks for attending

Please take a seat and make yourself comfortable

**About me**

Name

Role today Harassment Interviewer

This interview is taking place under the LSST Bullying & Harassment procedure

A complaint has been made by ................., about an alleged incident and you have been named as a witness or you may have information of value to my investigation. In order for me to carry out a thorough investigation I will need to gather information about this incident or any related incidents, hence you being here today.

My role is simply to carry out a comprehensive review to gather all the facts about the complaints that have been made and gain a clear picture of all the events, before I make my decision on the validity of the complaint.

**Interview and notes**

Stress the interview is in confidence and must not be discussed with colleagues or friends as it could prejudice the investigation. However, it is also important to be honest that the nature of the complaint will need to be disclosed to the respondent and potential witnesses in order to ensure a thorough and fair investigation.

Confirm I will be taking notes so I have an accurate record & may need to take time to write it down.

The notes would be type written and that I would forward two copies of the notes, one of which would be for their retention.

Explain that on receipt of the interview notes, they should read them thoroughly, make any amendments on a separate sheet of paper and sign the notes as a record of the

The notes should then be returned to me within 3 working days, otherwise I would assume that they were uncontested and would use them in the basis for my decision.

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## Reassurance of the procedures

I want to reassure you that the interview will be in confidence and the information will only be shared with the people who need to have access to it; these people include myself, the note taker and other individuals should the case result in disciplinary action. However, it is also important to be honest that the nature of the complaint will need to be disclosed to the respondent and potential witnesses in order to ensure a through and fair investigation.

**NOTE:** The Respondent and the Complainant would have access to any interview notes if disciplinary action is recommended.

Because of the sensitive nature of the complaints I would ask you not to discuss what is said outside of the interview as this could compromise my investigation.

If anyone should approach you and ask questions regarding the interview, then please contact me immediately.

I understand that this is a very stressful situation for you and I may be asking you about things that you find uncomfortable to talk about. Just try and answer my questions as honestly and simply as possible.

If you need to take a break at any time please let me know.

Do you understand what I have said so far and have you any questions regarding the procedure?

Before we go onto discuss the allegations made, I would like to gather some background information about your work at ..., the structure, ... role so that I understand the bigger picture. Then move onto the allegations made by ... 

### Closing information for a Harassment Investigation interview ending

Thank you. That is the end of the interview.

Is there anything else you would like to add?

Are there any points that you feel that I have missed?

Are there any questions that you think that I should have asked you?

Recap the notes

Thank you for your time and co-operation

### Next steps

I may need to interview other people who have information about the incident.

I may also need to speak to you again.

In the meantime if you remember anything else then please get in touch with me.

I would just like to reassure you again that the procedure is confidential and information will be seen only by the parties authorized to do so.

I appreciate that it is a stressful time for you and if you would like to you can contact Human Resources for additional assistance.
## Appendix 4: Bully & Harassment Procedure Summary Case Report

To: (Directorate)

From: (WCA) Date: (00/00/00)

### IN STRICTEST CONFIDENCE

<table>
<thead>
<tr>
<th>Database Reference No.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainants Name <em>(in full)</em></td>
<td></td>
</tr>
<tr>
<td>Complainants Job Title</td>
<td></td>
</tr>
<tr>
<td>Complainants Work Location</td>
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<tr>
<td>Date Complaint Raised</td>
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</table>

<table>
<thead>
<tr>
<th>Respondents Name <em>(in full)</em></th>
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<tbody>
<tr>
<td>Respondents Job Title</td>
<td></td>
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<tr>
<td>Respondents Work Location</td>
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</table>

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<tr>
<th>Investigating Manager</th>
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<tbody>
<tr>
<td>Investigating Manager</td>
<td></td>
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<tr>
<td>Job Title</td>
<td></td>
</tr>
<tr>
<td>Investigating Manager (2)</td>
<td></td>
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<tr>
<td>Investigating Manager(2) Job Title</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Investigation Process</th>
<th>Formal / Review</th>
</tr>
</thead>
</table>

Date Investigations Commenced |  |
### Details of Complaint:
Briefly outline all the allegations made by the Complainant below.

### Investigation Conclusion:
Record your judgement & indicate how you reached your decision.

### Remedial Actions:
Record here any remedial actions you wish to recommend.
**Record of Interviews:** (Please give details of all interviews held in relation to this complaint)

<table>
<thead>
<tr>
<th>Name of person Interviewed (in full)</th>
<th>Job Title</th>
<th>Date of Interview</th>
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</table>

**Supporting Evidence**  
List here any evidence given by the Complainant, witnesses or the Respondent that supports the allegations

**Conflicting Evidence**  
List here any evidence given by the Complainant, witnesses or the Respondent that contradicts the allegations

Investigating Manager’s Signature .................................. Date .................

Directorate Signature .................................................. Date .................

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Key Points to Remember

- To be impartial and professional at all times when interviewing all parties
- To be aware of the 28 calendar day timescale for investigating and concluding the case. However, do not cut corners at the expense of a thorough investigation
- To provide a complete case file which should include; initial complaint papers, all witness statements (including hand written notes), a case summary report form
- To keep the Directorate updated weekly on case progress. This will be at day 7, 14, 21 and the completion day 28 of the case.
- To liaise, where appropriate, with manage(s) to ensure release time made available for investigation of case
- To identify and flag any issues which need immediate action and should not wait until case is concluded (e.g. removal of parties from workplace to protect integrity of investigation)
- To inform Directorate and all parties of any potential delays in bringing case to a conclusion
- On concluding the case, discuss any remedial actions and recommendations with the Directorate (and Manager(s)) and ensure there is a clear understanding of the issues that have been identified for action
- Date and revisit the case outcomes with the contacts as agreed. To ensure all actions and recommendations have been completed to timescale
- Where remedial activities are not progressing, to gain an appreciation of the reasons for the delay and flag the issues to the Directorate.

Best Practices for Successful Investigations

- Conduct an independent, impartial investigation
- Be complete and thorough
- Follow new leads that arise
- Maintain perspective; don’t overreact to minor allegations
- Ensure any remedy is adequate and appropriate given the established facts
- Follow up with the complainant, accused, and witnesses
- Warn against retaliation
- Recognize when a problem has recurred
- Recognize actions the complainant or witnesses perceive to be retaliatory

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Best Practices for Witness Interactions

- Give appropriate warnings
- Be aware of the fine line between showing empathy and appearing partial
- Give equal consideration to habitual complainers – s/he may have a real issue this time
- Avoid forcing a confrontation between the complainant and the accused
- Keep a witness’ statements confidential from other witnesses
- Avoid sharing past complaints about the accused with the complainant
- Avoid unexplained delays or long periods without communication
- Make no promises of specific results