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management-side employment law advice for the entertainment industry

Checklist For How to Respond To An Internal Harassment Complaint

1. Contact employment law counsel.
2. Interview the Complainant with guidance from counsel. Remember, the Complainant is doing you a favor by bringing their concern to you (rather than concealing the problem in anticipation of a lawsuit) and should be treated as such.
3. Consider whether an administrative suspension pending the outcome of an investigation is needed.
4. Interview the harasser with guidance from counsel. Consider using a written investigative questionnaire.
5. Interview third-party witnesses with guidance from counsel.
6. Investigate "with as much confidentiality as possible," consistent with a thorough investigation.
7. Take appropriate corrective action (consult with counsel first).
8. Notify Complainant of findings and action taken. Remember, Complainants tend to assume whatever happened was done intentionally. Be prepared to deal with this emotion appropriately if the facts reveal the incident was unintentional or misunderstood. No one likes to look foolish or belittled for their feelings.
9. Document all events:
 - Chronicle the complaint, investigation, responses of parties and witnesses, corrective action, and the commitment to an open-door policy and harassment-free workplace.

- Obtain employee acknowledgment & comments on findings.
- Obtain the promise to report further incidents; follow-up if employee comments require additional documentation.
- Obtain signed acknowledgments by the Complainant, harasser & other relevant parties (as needed).

10. Re-circulate the No Harassment Policy to all employees.

NOTE: The Company is forbidden by law to forgo an investigation once the Company knows or should have known that harassment may be occurring.

NOTE: The Duty to investigate extends to anonymous complaints.