

## WORKPLACE HARASSMENT COMPLAINT INVESTIGATION CHECKLIST

Under the [North Dakota Legislative Assembly Policy Against Workplace Harassment](#), when the review panel receives a complaint of alleged workplace harassment, the review panel may investigate the matter or refer the matter to an independent investigator unaffiliated with the legislative branch who has experience in conducting workplace harassment investigations. The review panel or the independent investigator shall complete the following investigation checklist as promptly and confidentially as practicable if the complaint is not summarily dismissed or resolved through [informal resolution or](#) an alternative dispute resolution process.

The checklist below pertains to the complaint filed by [COMPLAINANT] against [ACCUSED] on [MONTH DAY, YEAR], investigated by [INSERT NAMES OF REVIEW PANEL MEMBERS OR NAME OF INDEPENDENT INVESTIGATOR].

### INVESTIGATION CHECKLIST

1. Document the date and time of receipt of the complaint.
  - The complaint (attached) was received on [MONTH DAY, YEAR] at [TIME].
2. Notify the Risk Management Division of the Office of Management and Budget.
  - The Director of the Risk Management Division of the Office of Management and Budget was notified of the complaint by email (attached) on [MONTH DAY, YEAR].
3. Create a file for records arising from or related to the investigation and ensure access to the file is protected in accordance with the [confidentiality retention and disclosure](#) provisions of the policy.
  - A secure file was created on [MONTH DAY, YEAR].
4. Develop an investigation plan including:
  - a. An interview of the individual who made the complaint, including addressing procedures to protect the individual from any additional threatening actions or retaliation.
    - An email (attached) was sent to the complainant requesting an interview and directing the complainant to notify the contact person if the complaint believes he or she has been subjected to retaliation as a result of filing the complaint.
    - The complainant declined to be interviewed. **OR**
    - An interview with the complaint was held on [MONTH DAY, YEAR].
    - Interview notes: [ENTER INTERVIEW NOTES HERE]
  - b. An interview of the individual accused of workplace harassment after informing that individual the individual does not have to provide information or records involuntarily or sign any document involuntarily and informing the individual of necessary boundaries during the investigation.
    - An email (attached) was sent to the accused individual requesting an interview and informing the accused he or she is not required to provide information or records involuntarily or sign any document involuntarily and informing the individual of the boundaries during the investigation.
    - The accused individual declined to be interviewed. **OR**
    - An interview with the accused individual was held on [MONTH DAY, YEAR].
    - Interview notes: [ENTER INTERVIEW NOTES HERE]
  - c. Interviews of any witnesses of the alleged workplace harassment.
    - An email (attached) was sent to [NAME OF WITNESS] requesting an interview related to the alleged workplace harassment.
    - [NAME OF WITNESS] declined to be interviewed. **OR**
    - An interview with [NAME OF WITNESS] was held on [MONTH DAY, YEAR].
    - Interview notes: [ENTER INTERVIEW NOTES HERE]
  - d. Interviews of coworkers or others reasonably believed to have relevant information.
    - An email (attached) was sent to [NAME OF COWORKER OR OTHER INDIVIDUAL] requesting an interview related to the alleged workplace harassment.
    - [NAME OF COWORKER OR OTHER INDIVIDUAL] declined to be interviewed. **OR**

- An interview with [NAME OF COWORKER OR OTHER INDIVIDUAL] was held on [MONTH DAY, YEAR].
  - Interview notes: [ENTER INTERVIEW NOTES HERE]
- e. Consideration of the circumstances surrounding the complaint.
  - The panel/investigator took the following circumstances into consideration: [LIST CIRCUMSTANCES CONSIDERED]
- f. Consideration of any written statements provided by witnesses, the individual accused of workplace harassment, or others with information the investigator deems relevant.
  - Written statements were considered. (attached)
- g. Consideration of any other records or circumstances the investigator deems relevant.
  - Additional records were considered. (attached)
  - Circumstances deemed relevant include: [DESCRIBE ANY CIRCUMSTANCES DEEMED RELEVANT]
- 5. Carry out the investigation plan, amending the plan as required by circumstances, and document each interview and other action taken under the plan.
  - Additional actions taken under the plan include: [DESCRIBE ANY ADDITIONAL ACTIONS TAKEN UNDER THE PLAN]
- 6. Determine whether referral to a law enforcement agency is warranted.
  - Referral to a law enforcement agency [IS / IS NOT] warranted.
- 7. Determine whether the policy was violated based on the reasonable person standard set forth in the policy.
  - The policy [WAS / WAS NOT] violated.
- 8. Prepare findings of fact, and recommendations for resolution if a violation is found, provide copies of the findings and recommendations to the individual who reported the alleged workplace harassment and the individual accused of the alleged workplace harassment, and have the individuals sign a document acknowledging receipt of the findings of fact and recommendations for resolution.
  - Findings of fact and recommendations. (attached)
  - A copy of the findings of fact and recommendations were sent to the complainant and the accused on [MONTH DAY, YEAR].
  - A signed verification of the receipt of the findings and recommendations was received from the complainant on [MONTH DAY, YEAR]. (attached)
  - A signed verification of the receipt of the findings and recommendations was received from the accused on [MONTH DAY, YEAR]. (attached)
- 9. Inform the individual who reported the alleged workplace harassment and the individual accused of the alleged workplace harassment that each has an opportunity to submit written responses, and place any written responses received in the investigation file.
  - The complainant was informed of the ability to submit a written response to the findings and recommendations on [MONTH DAY, YEAR]. A written response [WAS / WAS NOT] received. (attached)
  - The accused was informed of the ability to submit a written response to the findings and recommendations on [MONTH DAY, YEAR]. A written response [WAS / WAS NOT] received. (attached)
- 10. If the policy was violated, inform the employer of the individual who violated the policy and notify the employer of the recommendations for resolutions, or, if the individual is a legislator, notify the Majority Leader and Minority Leader of the chamber in which the legislator serves, unless the individual who violated the policy is the Majority Leader or Minority Leader, in which case the Speaker of the House of Representatives or the President Pro Tempore of the Senate must be notified.
  - The Majority Leader and Minority Leader of the accused legislator's chamber were notified on [MONTH DAY, YEAR] that the review panel/investigator determined the harassment policy was violated. **OR**
  - The employer of the accused individual was notified on [MONTH DAY, YEAR] that the review panel/investigator determined the harassment policy was violated.

11. Place documentation of any disciplinary action taken by an employer or other entity as a result of the investigation in the investigation file.
  - Documentation (attached) of disciplinary action taken by the accused's employer was placed in the file.
12. If the investigator is an independent investigator, provide the review panel with the investigation file and a summary of the investigation, including the findings of fact and recommendations for resolution.
  - The investigation file, summary of the investigation, findings of fact, and recommendations for resolution, if a violation was found, were provided to the review panel on [MONTH DAY, YEAR].
13. Forward all documents related to the complaint, investigation, findings, and recommendations to the Director of the Legislative Council for retention in a secure, permanent file.
  - Documents were forwarded to the Director of the Legislative Council on [MONTH DAY, YEAR].