



An HRuprise Guide to

Harassment Investigations

When to report harassment, what to expect when you do,
and how to protect yourself and your job





Does my experience “qualify” as harassment?

The legal bar for harassment is incredibly high. (See the [EEOC](#) for the full definition.) But your company’s policies might be tougher than the law. The only way to know is to **ask for a copy of your company’s anti-harassment policy.** Know the conduct it upholds and the standards it expects before you put yourself on the line. (If your company doesn’t have such a policy, it might not be the best ally. Proceed with caution.)

To meet the LEGAL definition of harassment, the misconduct must...

01

Be based on sex, race or age, AND

Your harasser must target you specifically because of your sex, race, age, color, religion, national origin or disability.

02

Be a condition of employment, OR

Your harasser must make it clear that your job security is contingent on your continuing endurance of the misconduct.

03

Create a hostile work environment

A reasonable person would consider the environment created by the misconduct to be abusive or threatening.

Examples of illegal harassment

Offensive jokes
Slurs, epithets or name calling
Physical assaults or threats

Intimidation
Offensive objects or pictures
Interference with work performance



How do I know if it's safe to report?

Pay attention to the whisper network.

Look at the decisions your company has made in the past. Has it demonstrated an attitude of support of its non-male, non-white employees? Has someone in a position of power ever been fired for reasons that people say involved harassment? How about employees who've reported harassment in the past, what happened to them? Judge your company by its past behavior. It is definitely the best indicator of future results.



What actually happens in an investigation?

This is one of our most commonly-asked questions. When HR receives a report of alleged harassment, their next step is to corroborate the story. So, the more supporting evidence you can provide in your initial report, the better.

HR will ask you for details. Be ready to describe what happened, and name any potential witnesses.

HR will then talk to those witnesses, usually with a confidentiality requirement. There's no guarantee that the word won't get out, but HR will do their best to keep a lid on it.

Lastly, **HR will speak to the alleged harasser.** Sometimes by this point, there is so much evidence piled up that it doesn't matter what the alleged harasser says. Other times, their side of the story will be an important factor.

If the story remains murky, **the company may suspend the alleged harasser** while they review the case.

Finally, HR will bring their findings to

the leadership for a decision. **HR is not the decision-maker in this situation.**

They can make recommendations and cite precedent, but the final decision rests solely with the company's leaders.

If it comes down to a he-said, she-said impasse, the hard truth is that **the decision will simply depend on who the leadership believes more.** Lack of corroboration is frequently used as a reason for not firing somebody.

Any termination will happen as quickly as possible. A "final warning" or a decision to move you to another division are also common outcomes. Often, you won't know the specific action taken, only that it has "been addressed." **Company policies may outline these potential outcomes, so you can know what to expect.**

How can I protect myself in this process?

Reporting harassment is by definition a disruptive act, which is part of why it takes so much courage. Here are some tips on how to take care of yourself before, during, and after the investigation process.

Identify your goal.

Before you report, ask yourself what outcome you want in the long term. Do you feel the perpetrator should be terminated, or would you be satisfied with a transfer? Will you be able to work alongside the perpetrator while the investigation is underway, or do you need immediate separation? Your wants and needs are valid. Articulate them to yourself before you report.

Ask HR about your options.

HR will try to keep the investigation under wraps, but the word may get out that you reported so-and-so for harassment. Ask HR if there are any leave of absence options. Mental health PTO might be covered alongside illness or injury. HR will be obligated to disclose all your options to you, so you can make the best decisions for yourself as the investigation proceeds.

Remember, you've done nothing wrong.

If the perpetrator gets fired, you may feel like it's your fault. Most survivors of workplace harassment don't want anyone to lose their jobs; they just want the harassment to stop.

Always remember, the perpetrator is the one who created this situation, not you. Survivor's guilt is hard, so if you're struggling, seek out therapy or good friends to help you through it.



**You deserve to feel
100% safe at work.**

Reach out to us for support.

From Ally Training to business consulting to custom individual advice, we've got you covered.
Contact us and let's see how we can help.

Learn more at
www.hrurprise.com

The logo consists of the letters 'HRUR' in a bold, sans-serif font. The letters are white and are set against a solid black square background. The 'H' and 'R' are larger than the 'U's, and the letters are closely spaced.

Our goal is to share insider knowledge to help you make the most well-informed decisions you can for your career and life journey. But keep in mind, you're always the final decision-maker. We're here to support you.