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# The dangerous duality of sexual harassment investigations and ethical risk mitigation

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When it comes to almost any internal Equal Employment Opportunity (EEO) investigation, there's a dangerous duality in the role of the investigator and the leadership team that the investigator reports to. On one hand (in theory), the investigator is given the straight-away responsibility of conducting an unbiased, comprehensive investigation. Ah yes! The neutral professional seeker of the truth who will locate the proper witnesses, conduct the proper interviews, and perform the necessary peripheral work needed to make an intelligent decision based on the facts. The role of the investigator is presented on many levels as a simple "facilitator of the truth," blindfolded like the woman on the Scales of Justice.

### **The human side**

But then within that, we also understand that when an alleged victim (I'll use a woman in this example, because they are the ones overwhelmingly made to suffer this form of harassment and the ensuing retaliation that often follows) walks into the company EEO/HR office to file a complaint or calls in to seek guidance, she is in fact looking for and believing that she will have some form of an advocate.

To the investigator and management, the investigator is neutral (we'll get to that myth in a second). But to the woman who endured this experience, that office is seen as an advocate who will do all of the aforementioned in case management and due diligence. And then, based on the truth, find in her favor and help her. Now "help her" is whatever that means based on the details (the who, what, when, where, and how) of her situation. Perhaps a termination of the perpetrator is most appropriate, or a demotion and transfer, expulsion from a school, or other option. It just depends, but let me use this opportunity to proclaim that these cotton candy, caramel-coated, gooey-on-the-inside kinds of punishments (which amount to little more than a pat on the perpetrator's back) have got to stop!

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