

Fox's Investigation of CEO Ailes Should Serve as Reminder: Be Objective, *SHRM* *, ft. Philip Voluck*

Philip R. Voluck, Esq., Managing Partner at Kaufman Dolowich & Voluck, LLP located in the Pennsylvania office, was quoted in Allen Smith's SHRM article regarding Fox News Channel's host Gretchen Carlson's sexual harassment lawsuit against company President and CEO Roger Ailes which leaves open the question of how to investigate "he said" versus "she said" circumstances.

Investigation Pointers

So what should HR do when conducting this type of investigation?

The first interview should be with the defendant, said Philip Voluck, an attorney with Kaufman Dolowich & Voluck in Blue Bell, Pa. Get a written statement from the defendant about the allegations, he said.

Go through the employee's personnel file and see if there are any bad performance evaluations, Voluck added.

There may be dozens and dozens of witnesses to interview. Give everyone you interview a copy of the organization's sexual harassment policy, and have each of them sign and date it, he recommended.

During the investigation, HR is "allowed to make credibility determinations," Voluck added.

Remember that the company is required not just to remedy any harassment, but to prevent its recurrence, Voluck emphasized. If the allegations about Ailes are true, "he's gone," Voluck added, "particularly because he's at the top." But, he added, Carlson may just be "a typical disgruntled employee seeking a piece of the pie."

Training

The key to preventing harassment's recurrence, aside from having the right leadership in place, is training.

Voluck said HR should encourage managers to walk around and be on the lookout for inappropriate behavior that may need redressing. If a manager hears someone say, "Hey, honey, how you doing?" for example, the manager should let the person know that employees aren't called "honey."