

## **EXAMPLE EMPLOYEE RELATIONS INVESTIGATION REPORT**

To: Ms. Chrystal Chappelle

From: Leslie Morrow, Human Resources

Re: Mr. Jimmy Kirkland, Manager IT

The undersigned conducted an investigation of alleged misconduct involving the above referenced employee. The initial information that served as a basis for this investigation was provided by Ms. Judith Randy. Ms. Randy's statement was collected via interview on February 17, 2014 and has been attached as Appendix A.

The investigation was initiated on February 17, 2014, and concluded on March 3, 2014. The list of witnesses who have been interviewed follows:

Mr. Peter Chester, Security Officer (Interviewed on February 18, 2014)

Mr. Harold Silo, Dispatch (Interviewed on February 19, 2014)

Ms. Nancy Unique, Communications Manager (Interviewed on February 19, 2014)

Mr. Monty Stewart, Senior Engineer (Interviewed on February 20, 2014)

Mr. Jimmy Kirkland (Interviewed March 3, 2014 due to Mr. Kirkland's scheduled vacation from February 17, 2014 thru March 3, 2014)

The documents provided to the undersigned and reviewed during the course of this investigation are as follows:

- Six (6) email messages addressed from "Jimmy Kirkland," and alleged to have been received by "Judith Randy" on the following dates:
  - September 4, 2013
  - September 6, 2013
  - November 27, 2013
  - November 28, 2013

- January 1, 2014
- February 14, 2014
- An email message dated February 14, 2014 from "Judith Randy" to "Chrystal Chappelle."
- Company phone logs from September 2, 2013 thru February 12, 2014 lists 32 incoming phone calls from Mr. Jimmy Kirkland's office phone to Ms. Judith Randy's office phone. There were six (6) voice mail messages resulting from these phone calls.
- iPhone video footage of company picnic held on August 31, 2013 taken by Ms. Nancy Unique, Communications Manager.

Mr. Peter Chester's security report and company surveillance camera video from lobby entrance recorded on February 14, 2014.

### **Findings of Fact**

- All employees were present for a company sponsored picnic held on August 31, 2013 at Kiwanis Park, in Tempe, Arizona. According to Ms. Randy and witnesses previously referenced in this report, Mr. Kirkland expressed his admiration for Ms. Randy's contributions at work. As the day progressed, witnesses indicated that they noticed Ms. Randy pushing Mr. Kirkland away when he placed his hand on Ms. Randy's bottom and attempted to embrace her. These facts are supported by the iPhone video footage in MOV format and attached hereto as Exhibit B.
- From September 2, 2013 thru February 12, 2014, phone calls were made from Mr. Kirkland's office phone to Ms. Randy's office phone. The length of each call registered less than 60 seconds. A review of the recorded voice mail messages allegedly left by Mr. Kirkland appeared to indicate that an amorous relationship may have existed between Mr. Kirkland and Ms. Randy.
- On February 14, 2014, Mr. Silo and Mr. Stewart, indicated that they saw Mr. Kirkland entering Ms. Randy's office with a bouquet of roses. Both Mr. Silo and Mr. Stewart stated that they overheard yelling and that Ms. Randy appeared to have refused the bouquet of roses and asked Mr. Kirkland to leave her office. Mr. Silo also stated that he later visited Ms. Randy's office and found her crying at her desk. Mr. Silo encouraged Ms. Randy to report the incident to her Supervisor, Ms. Chrystal Chappelle.
- On February 14, 2014, Mr. Chester indicated that he observed Mr. Kirkland entering the building with a bouquet of roses. Mr. Chester also indicated that Mr. Kirkland appeared agitated as he left the building half an hour later and that he threw the bouquet of flowers at the glass door as he approached the exit and yelled Ms. Randy's name along with expletives as he left the building. Mr. Chester filed a report concerning Mr. Kirkland's behavior with Security. Mr. Chester's report is attached as Exhibit C. The surveillance video recording is locked in a safe with security and is referenced as Exhibit D.

- The email messages dated September 4, 2013 thru February 14, 2014 and allegedly sent from Mr. Kirkland to Ms. Randy were forwarded to Ms. Chappelle on February 14, 2014 at 5:06 PM along with a request from Ms. Randy for assistance to restrain Mr. Kirkland from further contact. The contents of the email messages suggested an attempt by Mr. Kirkland to cultivate a romantic relationship with Ms. Randy.

Ms. Chappelle opened the email sent by Ms. Randy on Monday, February 17, 2014 and contacted the undersigned for assistance who immediately contacted Ms. Randy for an interview. Ms. Randy expressed her view that she had been sexually harassed by Mr. Kirkland. Ms. Randy's statement is attached as Exhibit A.

- During his interview on March 3, 2014, Mr. Kirkland indicated that his affections for Ms. Randy were reciprocal and therefore consensual. He further stated that he and Ms. Randy had had "lovers' spats" from time to time, however and that others may have misinterpreted what they believed they saw. Throughout the course of the interview, Mr. Kirkland insisted that his "outbursts" were merely the result of a "lovers' quarrel" and nothing more.
- The email messages and phone logs were authenticated by the IT Department. Based upon their findings, none of Mr. Kirkland's email messages or phone calls were reciprocated by Ms. Randy.
- After consulting with Ms. Chappelle and Leo Newsome, Esq., it was decided that Mr. Kirkland be suspended with pay effective March 3, 2014. As of the date of this report Mr. Kirkland remains suspended with pay.

## **Opinions**

- Mr. Kirkland has attempted to cultivate a romantic relationship with Ms. Randy. There is no evidence to support the existence of a consensual relationship. The evidence appears to support Ms. Randy's claim that Mr. Kirkland's advances were unwelcome and/or unwanted. The frequency of Mr. Kirkland's phone calls and email messages, his behavior at the company picnic, in addition to the most recent events that occurred on February 14, 2014, may have created an unacceptable working environment for Ms. Randy, in violation of company policy (Employee Handbook, Section V. Sexual Harassment).

## **Recommendation**

Enterprise Inc. has a no tolerance policy against sexual harassment. Based upon the evidence that has been collected, disciplinary action is recommended.

March 3, 2014