Several books on how to conduct workplace investigations have been published. However, I am unaware of any other book on the subject that combines practical advice and experience with such an in-depth discussion of relevant case law as does this book. I have attempted to give all the insights and lessons learned throughout more than twenty years of investigating these types of claims. I’ve also attempted to write in a style easy for any lawyer, nonlawyer investigator, or would-be investigator to follow. Although this book is written for lawyers, anyone interested in an investigation career can gain valuable skills and information from reading the following chapters.

I have often found that investigators are called to look into matters of which they may not have in-depth legal knowledge. Therefore, the book starts with a chapter outlining the basic legal issues involved in investigations of harassment complaints. Although entire treatises have been devoted to the topic of that one chapter, the first chapter in this book discusses the basic law needed to understand what facts to look for during a harassment investigation. Practicing lawyers may also use that chapter to educate their corporate clients about ways to avoid harassment claims within their organizations. Business law professors also may find that chapter useful for covering discrimination topics in class.

The book tackles many issues that have not been thoroughly decided by the courts. In those instances, I have attempted to present both sides and to give the reader my ideas on the safest courses of action to take. As with any book discussing the law, the conclusions stated here are based on a snapshot in time and cannot be relied upon as legal advice. Within the unique framework of each case that comes to you for investigation, relevant past court decisions must be analyzed within the factual structure of each specific case presented.
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Although originally envisioned as a companion book to Litigating the Workplace Harassment Case—also published by the Trial, Tort and Insurance Practice Section of the ABA—this book, while complementing that piece, stands alone in a thorough discussion of investigation techniques and relevant case law. I hope you will learn much from this work and enjoy reading it.

—Beth K. Whittenbury, Esq.

Author, Investigating the Workplace Harassment Claim