
Investigation Trends

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Because of all the recent layoffs, employee complaints and the resulting investigations are increasing. Unfortunately, we're also seeing an increase in investigations that are conducted poorly or superficially.

When investigations fail, subsequent complaints usually follow. To avoid this fate, follow our suggestions below.

Investigations and the University of Northern Colorado: Are you doing the right thing?

Unfortunately, it's such an old story. Here we have, at one of Colorado's major institutions of higher learning, allegations that a University of Northern Colorado ("UNC") theater professor engaged in a rage of improprieties, including essentially using the school as his casting couch.

Raymond Vance Fulkerson was arrested last week after a dramatic police raid of his house that found a concealed wireless video camera in a bathroom, and images of nude boys in provocative poses. He's been charged with sexual exploitation of a child, unlawful sexual contact and possession of marijuana.

Immediately, former students swarmed out of the woodwork, claiming that they reported unwelcome sexual contact from Fulkerson while they were students at UNC. Allegedly, UNC did nothing. Furthermore, 12 additional men and women told the [Denver Post](#) that they saw what they thought was inappropriate contact between Fulkerson and students.

While the current UNC President, Kay Norton, has announced a full investigation, all of this hullabaloo could have been avoided if faculty and university officials had done the right thing years ago.

A Series of Complaints is Typical

Almost every investigation we conduct at our organization follows a similar plot line. After someone complains, we find out that others have previously complained that the alleged harasser was known to engage in this kind of behavior but that no one stopped him.

But...We Don't Know What Happened Here

Of course, we can't know what actually occurred at UNC. Perhaps the complaints were properly investigated and the investigator found no merit to the allegations. Or perhaps Fulkerson was disciplined, but the discipline was not severe enough so the behavior didn't stop. Because employee matters are supposed to be kept confidential, observers may think that nothing was done, when in fact it was. What we do know is that there are now many allegations that the behavior continued after complaints. There's also the complication in this case that the students were allegedly consenting adults.

Still, nothing changes the fact that the school did have a policy against unwelcome sexual behavior, and, in this case, the behavior was allegedly unwelcome.

How to Do Investigations the Right Way

What does doing the right thing involve? Go back to the basics:

- Take all allegations of unwelcome sexual contact seriously. Don't belittle or dismiss such allegations.
- Realize that as a school or employer, you have an obligation to do a full and fair investigation of such complaints, and come to a reasonable conclusion.
- Make sure that you choose an experienced investigator who has had adequate training in investigating these kinds of complaints.
- If you find that the allegations have merit, you should take appropriate

corrective action. What does that mean? Action that's severe enough that the behavior stops. If the behavior continues, in a classic catch 22, you didn't take severe enough action.

If you're the recipient of such unwelcome contact, don't be afraid to come forward. Your organization should have policies that protect you and you are, most likely, not alone. Most people who engage in this behavior are pattern harassers. Their behavior is not an isolated event.