

WHAT EMPLOYERS CAN LEARN FROM PENN STATE

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The allegations of child sex abuse against former Penn State University Assistant Football Coach Jerry Sandusky are sickening and shocking. But the failure of Penn State to take appropriate action when complaints against Sandusky were made is also shocking. Sadly, Penn State's conduct is a textbook example of what an employer should not do when it receives a complaint about one of its employees. Here are five lessons that can be learned from the Penn State tragedy.

1. **Take all complaints seriously and investigate them promptly and thoroughly.** Every complaint must be investigated. The investigation should begin as soon as possible and be conducted by someone trained in human resources who has authority to take or recommend appropriate action. The investigation should be thorough and include interviews with all witnesses and a review of relevant documents.

2. **Take prompt, effective corrective action.** Based on the results of the investigation the employer must take prompt action that it reasonably believes will correct the problem and prevent it from reoccurring. Depending on the nature of the offense and the findings of the investigation this could range from a written warning to the termination of employment.

3. **Make sure you enforce the corrective action taken.** If you have taken any action other than terminating the employee then you must follow up to make sure the action is being enforced and the problem has not reoccurred. If you have imposed a written warning and informed the employee that his or her conduct must stop, you must make sure it has stopped.

4. **The rules apply to everyone.** You must make sure that your rules and policies are applied to and enforced with everyone, regardless of how powerful or important they are to the company. If the owner of the company has been accused of sexual harassment, the complaint must be investigated and if the investigation validates the complaint, effective corrective action must be taken. The objective is always to do what is in the best interest of the company, not an individual.

5. **If criminal activity is involved report it to law enforcement.** If your investigation proves that the employee has engaged in criminal activity, notify the appropriate law enforcement agencies. As we saw at Penn State, the failure to do so can result in harm to persons outside of the employer's organization.

If employers will follow these steps they can correct problems in their workplace, show their employees that they are responsive to their needs and concerns and reduce their risk of civil liability. In some cases, they may be able to protect those outside of the organization from harm.