

**U.S. DEPARTMENT
OF THE
INTERIOR**

***EQUAL EMPLOYMENT
OPPORTUNITY PROGRAM***

**PARTICIPATING IN THE
EEO INVESTIGATION**



**WHAT YOU NEED TO KNOW
AS THE COMPLAINANT**

**Information for
Complainants on
Investigations**

**What is the role of the EEO
Investigator?**

The role of the EEO Investigator is to collect and to discover factual information concerning the allegations in the complaint under investigation and to prepare an investigative summary.

**What is the purpose of the
investigation?**

The purpose of the investigation is: (1) to gather facts upon which a reasonable fact finder may draw conclusions as to whether the agency has violated a provision of the EEO Laws and (2) if a violation is found, to have sufficient factual basis from which to fashion an appropriate remedy.

**My complaint will be
investigated soon. Do I need to
prepare?**

Yes. You will need to tell the EEO Investigator how and why you believe you were discriminated against as you have alleged. You should prepare to articulate what happened as clearly and as thoroughly as possible. You should also provide any evidence which demonstrates how you were treated differently or less favorably than similarly situated persons.

You may make notes to bring with you when you talk to the Investigator to help refresh your memory.

**Who is a similarly situated
person?**

A similarly situated person is one who is in an identical situation as you. For example, you report to the same supervisor, in the same position, at the same grade level, subject to the same office policies, etc. You must show how you were treated differently from someone, outside of your protected group (race, sex, religion, national origin, etc.) under the same circumstances.

**Can I prepare for the
investigation at work?**

Yes. You may request approval from your supervisor for a reasonable amount of official time to prepare for the investigation. This is usually a few hours, not days.

**Can I have my representative
with me during the
investigation?**

You may have a representative of your choice throughout the processing of your complaint. Once you obtain a representative you must inform the EEO Office in writing of the name, address and telephone number of your representative. When you meet with the Investigator, only

you can provide a statement. Your representative will be there to advise you.

Can I give the Investigator a list of witnesses who may be able to support my allegation of discrimination?

Yes. The Investigator will take your list of witnesses. However, keep in mind that the Investigator must maintain a focus on the allegations of discrimination under investigation. Therefore, only those witnesses who have relevant testimony will be asked to provide a statement.

Can I give the Investigator my documents or inform him or her of the documents that are available that have relevancy to my allegation of discrimination?

Yes. You should give the Investigator copies of relevant documents and you may also suggest other relevant documents to the Investigator. Please be sure all documents are readable and that they are identifiable by the relevancy to the allegation.

Will I have an opportunity to review my statement?

Yes. The Investigator will give you an opportunity to review your statement, make corrections, and to sign and date your statement.

Can I submit additional documentation to the Investigator after completion of my statement?

Yes. You should give any additional documentation to the Investigator as soon as possible and preferably before the completion of the investigation. This will allow the Investigator to ask other witnesses questions regarding the content of the documents, if necessary.

Will the Investigator show my statement to anyone?

The Investigator may inform other witnesses of how you believe you were discriminated against to allow them an opportunity to respond or to provide additional information. Some Investigators may allow a witness to read your statement; other may be more adept at clearly articulating your statement orally. The main goal is to thoroughly investigate the allegation of discrimination.

Will I get to see the statements of other witnesses?

The Investigator will inform you of the response given by the agency regarding your allegations. The Investigator may give you an opportunity to read the statement or he or she may inform you of the agency's response orally. The purpose of informing you of the agency's response is to give you

the opportunity to rebut the response. When the investigation is completed, you will receive a complete copy of the investigative file.

What will I need to do to rebut the agency's response?

You will need to respond to the agency's statement regarding your allegation of discrimination. You must provide any information and documents to the Investigator that might show that the agency's response is not credible or that there is evidence that contradicts the agency's response.

Is there anything else I need to do?

To the extent possible, you must produce evidence that demonstrates the unlawful discrimination. This may include evidence that statements may have been made, or actions have occurred that are discriminatorily motivated. For example, you may have knowledge of statements made concerning your race, sex, religion, national origin, etc., which might demonstrate an animus toward your protected group.

Remember, the purpose of the EEO process is to determine whether unlawful discrimination occurred. The process does not solve personality conflicts, classify positions, or second-guess management decisions.