

# It's OK to discipline employees for stonewalling HR investigations

Sexual harassment allegations often come down to he said/she said arguments. Without hearing from both sides, there's no way to determine what happened.

If one of the employees involved in the allegations won't talk, you can discipline him for refusing to cooperate. As in this case, the courts will back you up.

**Recent case:** After a female assistant principal at a California high school participated in a fundraising dunk tank at the school, she changed clothes in an office bathroom. She accidentally left her bra on the bathroom doorknob.

A co-worker at the school, Michael Wells, who once turned down the assistant principal's request for a date, saw the bra. He took a cellphone photo of it and passed the image around.

The assistant principal found out that Wells circulated the photo. She complained to HR, alleging sexual harassment. But Wells refused to participate in any investigation. So he was transferred to another school.

Wells sued, alleging sexual harassment and retaliation, saying that he was actually the one who was being harassed.

The court threw out his case. It reasoned that Wells had been punished for not cooperating in a legitimate sexual harassment investigation—not because of his own sexual harassment allegation. (*Wells v. Los Angeles Unified School District*, No. B225059, Court of Appeal of California, 2011)

**Final note:** The court explained that an uncooperative employee makes it hard for an employer to fulfill its duty to promptly investigate sexual harassment complaints. It wasn't willing to punish the employer for trying to do the right thing.