



# EEOC

## TRAINING INSTITUTE

U.S. Equal Employment Opportunity Commission  
Saint Louis District Office

# ETHICAL CONSIDERATIONS WHEN CONDUCTING FAIR AND UNBIASED WORKPLACE INVESTIGATIONS

June 29, 2021

10:00 am – 12:05 pm CDT

## AGENDA

Time	Presentation
9:30 am	Virtual Environment Opens
10:00 am	<b>Welcome and Opening Remarks</b> Lloyd J. (Jack) Vasquez, Jr., District Director, EEOC St. Louis District Office
10:05 am	<b>How to Conduct an Effective EEO Investigation and Avoid Legal and Ethical Pitfalls</b> Kristy A. Lambert, Legal Counsel, Missouri Commission on Human Rights (MCHR), Kansas City, MO Vincent D. Reese, Managing Partner, Mickes O'Toole, St. Louis, MO Shawnae Roby, Assistant General Counsel, OU Medicine, Oklahoma City, OK Alan L. Rupe, Managing Partner, Lewis Brisbois, Wichita, KS and Kansas City, MO Offices  Conducting prompt and thorough workplace investigations of EEO complaints is essential for minimizing legal liability and creating respectful and inclusive workplaces. It is essential that outside or in-house counsel, HR professionals, and third-party neutrals understand, identify, and avoid potential ethical issues that may arise from conducting EEO investigations. This panel discusses what situations may trigger internal investigations; how to assess the appropriate scope of the investigation; how to handle confidentiality concerns and understand potential waivers of attorney-client work product and privilege; and how to identify actual or perceived conflict of interests.



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11:05 am

### **Eliminating Bias and Assessing Witness Credibility in Workplace EEO Investigations**

Katrina Grider, EEOC Associate Director – Curriculum, Education and Training

This session takes a deeper dive into EEO workplace investigations and examines how bias can be eliminated during the entire investigation process. The discussion examines the different forms of implicit bias that may arise during EEO investigation planning, interviews, witness credibility assessments, factfinding, and the preparation of investigation reports. By understanding and examining their own implicit biases, attorneys, HR professionals, and third-party neutrals can fulfill their professional responsibilities to ensure that investigations are conducted in a fair, objective, and impartial manner. Finally, the session discusses best practices, tips, and strategies to eliminate bias in the investigations.

12:05pm

### **Closing Remarks**

Lloyd J. (Jack) Vasquez, Jr., District Director, EEOC St. Louis District Office

**REGISTRATION FEE: \$115.00**

**REGISTER HERE: [St. Louis Virtual Workshop](#)**

### **CREDITS:**

HRCI Credits –This program has been submitted to the HR Certification Institute review

SHRM – submitted for approval

CLE – MO seeking Ethics credit (2 hours) and Elimination of Bias credit (1 hour)

CLE – KS and OK seeking Ethics credit (1 hour) and General credit (1 hour)

This workshop has been approved for Federal Counselor or Investigator Refresher credits (2 hours).



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### PRESENTER BIOGRAPHIES



#### **Katrina Grider, EEOC Associate Director of Curriculum, Training, and Education**

Katrina Grider is the Associate Director – Curriculum, Training and Education, EEOC Revolving Funds Division. Ms. Grider directs and oversees the development, content, and delivery of the EEOC’s fee-based training and education programs for public and private sector employers; manages training activities provided by the EEOC Training Institute; and establishes and maintains relationships with internal and external stakeholders to identify training needs and develop appropriate training and education to meet such needs. Ms. Grider also oversees the national education and outreach training for the EEOC Office of Field Programs.

Ms. Grider’s passion and inspiration for training comes from her deep reservoir of experience and insights. For the past 35 years, she has been doing training, litigating labor and employment law cases before federal and state courts, and administrative agencies; counseling clients on general employment law issues, personnel policies, best practices, and diversity, equity and inclusion (DE&I) training initiatives; and conducting internal investigations. Ms. Grider’s training philosophy is a core component of her development of an overall EEOC educational strategy for the EEOC’s Training Institute that is based upon the EEOC’s mission, priorities, and strategic plan. Ms. Grider is licensed to practice in Texas and Oklahoma. Ms. Grider is Board Certified in Labor and Employment, Texas Board of Legal Specialization.



#### **Kristy Lambert, Legal Counsel, Missouri Commission on Human Rights (MCHR), Kansas City, MO**

Kristy A. Lambert is Legal Counsel to the Missouri Commission on Human Rights (MCHR), which enforces the state’s anti-discrimination law in employment, housing, and public accommodations. Ms. Lambert also supervises the Kansas City office, including overseeing investigative operations for the region; manages the office’s mediation program; administers its intern program; and conducts education and outreach programs. Ms. Lambert has filled key leadership roles in the planning of MCHR’s Missouri Human Rights Conference, Region VII Fair Housing Assistance Program Training Conference, and in the writing and administration of multiple successful competitive federal grants from the U.S. Department of Housing and Urban Development for fair housing education and outreach.

The U.S. Commission on Civil Rights appointed Ms. Lambert to a four-year term as a member of its Kansas State Advisory Committee; the Commission is an independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters and issuing an annual federal civil rights enforcement report. Ms. Lambert also serves on the Project Equality Steering Committee that organizes an annual Diversity and Inclusion Summit in Kansas City.

Ms. Lambert earned her J.D. from the University of Kansas School of Law and graduated with Phi Kappa Phi honors from Oklahoma State University. Ms. Lambert is licensed to practice law in Missouri, Kansas, and Oklahoma and before the U.S. Supreme Court.



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### **Vincent D. Reese, Managing Partner, Mickes O'Toole, LLC, St. Louis, MO**

Vincent D. Reese focuses his practice on labor, employment, and education law, in addition to commercial litigation. Mr. Reese has successfully litigated employment discrimination claims based on race, sex, age, disability, religion, national origin, and pregnancy in Missouri and Illinois State Courts as well as many federal district courts around the country. Mr. Reese has extensive experience in representing his clients' interests with respect to investigations conducted by the U.S. Equal Employment Opportunity Commission; the U.S. Department of Labor; the U.S. Department of Education, Office of Civil Rights; the Missouri Commission on Human Rights; and numerous other government agencies.

Mr. Reese is a member of the Missouri and Illinois Bars. Mr. Reese is a frequent speaker for the EEOC's Technical Assistance Program and has authored or co-authored numerous articles on employment-related matters, and he is also a vice-chair of the Missouri Bar's Labor & Employment Law Committee and a member of the American Bar Association's Labor and Employment Law Section, where he has served as a contributing editor of its Developing Labor Law treatise. Additionally, Mr. Reese is an adjunct law professor at Washington University School of Law in St. Louis where he teaches pre-trial fundamentals. Mr. Reese's complete bio: [Vincent D. Reese – Mickes O'Toole, LLC \(mickesotoole.com\)](#).



### **Shawnae E. Robey, Assistant General Counsel, OU Medicine, Oklahoma City, OK**

Shawnae E. Robey is Assistant General Counsel at OU Medicine, Inc., the Oklahoma not-for-profit that celebrated its 2nd anniversary this February and which owns and operates the healthcare system inclusive of The Children's Hospital and OU Medical Center in Oklahoma City and Edmond. Ms. Robey is actively involved in contract administration, employee relations, and litigation and claims management and provides legal advice and training in a variety of areas, including human resources, employment law, and regulatory matters. Ms. Robey previously served as in-house counsel for the U.S. operating division of a global company with production plants and distribution centers spread across the U.S., with the majority of production and distribution in Oklahoma; she also served in-house at the University of Oklahoma's Office of Legal Counsel, where for the better part of decade she had the opportunity to represent and support the legal needs of all campuses, systems, and related administrative operations governed by the OU Board of Regents, including Rogers State University, Cameron University, and OU's Health Sciences Center campuses in Oklahoma City and Tulsa.

Prior to her in-house roles, Ms. Robey was in private practice. Ms. Robey's career has maintained a focus between state, federal, and appellate civil litigation, business transactions, administrative law, risk management, and governance matters. Ms. Robey is also a Special Municipal Judge for the City of Oklahoma City. Ms. Robey volunteers as a Board Member for Calm Waters, serves as Chair on the Advisory Board for the Women's Foundation of Oklahoma, and has served a mentor with the Federal Bar Association local chapter; she was a past director of the Hatton W. Sumners Alumni Association and the Oklahoma Bar Association YLD. Ms. Robey is a graduate of Cameron University and the Oklahoma City University School of Law.



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### **Alan Rupe, Managing Partner, Lewis Brisbois, Wichita, KS and Kansas City, MO Offices**

Alan Rupe is the managing partner of Lewis Brisbois' Wichita and Kansas City offices and a vice-chair of the Labor & Employment Practice. Mr. Rupe is an experienced trial lawyer who is consistently recognized for excellence by local, state, national, and international rankings organizations, including *Chambers USA* (Band 1, Kansas Labor & Employment), *Best Lawyers* and *Super Lawyers*. Mr. Rupe is an "Advocate" member of the American Board of Trial Advocates (ABOTA), an invitation-only role granted to trial attorneys who are of "high personal character and honorable reputation" with considerable jury trial experience. Mr. Rupe has also been named "Board Certified Trial Specialist" by the National Board of Trial Advocacy.

Mr. Rupe's practice embraces every aspect of employment law: day-to-day counseling, training, administrative agency proceedings, civil litigation, and trials. Mr. Rupe has litigated landmark employment cases, including handling the first Title VII jury trial and the first RICO case in Kansas. Mr. Rupe's years of experience defending claims of discrimination, retaliation, wrongful termination, civil rights violations, and wage and hour class and collective actions, cause employers to seek him out for representation in state and federal courts across the United States. Accustomed to being the "lawyer from out of town," he associates seamlessly with local counsel and skillfully and successfully demonstrates his courtroom skills and experience on behalf of his clients wherever he is selected to litigate. Mr. Rupe's complete bio: [Rupe, Alan L. - Lewis Brisbois Bisgaard & Smith LLP](#)



### **Lloyd J. (Jack) Vasquez, Jr., District Director, EEOC St. Louis District Office**

Jack Vasquez is the District Director for the Commission's St. Louis District Office, which has jurisdiction in the states of Missouri, Kansas, Oklahoma, Nebraska and the southern portion of Illinois. Mr. Vasquez began his federal career as Senior Trial Attorney, representing the Commission in multiple high-profile cases until his appointment as an Administrative Judge. Mr. Vasquez served the Commission in multiple senior management positions prior to being appointed Director. Mr. Vasquez also served as the Management Chair of the Commission's National Joint Labor Management Council and two terms as Chair of the Greater St. Louis Federal Executive Board.

Mr. Vasquez holds a graduate business degree from Washington University in St. Louis and received his J.D. magna cum laude from St. Louis University School of Law where he was elected by the faculty to the Order of the Coif and served as Note and Comment Editor of the Saint Louis University Law Journal.

Mr. Vasquez is admitted to practice law in the State of Missouri and practiced extensively as a trial attorney in the area of civil rights and employment discrimination law prior to joining the Commission, inclusive of litigating a case before the Supreme Court of the United States. Mr. Vasquez is a nationally recognized expert in the area of federal employment discrimination law and a frequently requested speaker.