



Under the Microscope

How High-Profile Investigation Failures Shape Best Practices | 06.16.2026



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Presenters



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Agenda

❑ Four investigations that made the news

- **Mohamed v. SHRM**

- Colorado, December 2025
- new trial denied April 2026

- **Sabatini v. Knouse et al.**

- Massachusetts, November 2025

- **Carreon v. Citigroup**

- New York, January 2026

- **Dunham v. WBZ-TV et al.**

- Massachusetts, May 2026

- **Mohamed v. SHRM**

- \$1.5 million in compensatory damages, \$10 million in punitive damages, over problematic investigation

- **Sabatini v. Knouse**

- Partial dismissal, but with important lessons learned

- **Carreon v. Citigroup**

- Arbitration fight ongoing

- **Dunham v. WBZ-TV et al.**

- Currently pending

❑ Investigation Best Practices/Lessons Learned



Mohamed v. SHRM



Background

- Rehab Mohamed, an Egyptian-American instructional designer
- Alleged that she was retaliated against based on race after raising race bias concerns
- Alleged that earlier performance reviews were “glowing” until assigned to new manager who treated white employees differently



Mohamed v. SHRM



Issues

- Skip-level manager received discrimination concerns, but initially tried to have a mediated conversation with the manager
- Investigation assigned to individual with no discrimination investigation experience
- Investigator ghost-wrote emails for manager and termination paperwork during and after investigation
- Retaliation concerns raised by Plaintiff during investigation went unanswered
- Termination paperwork began to be drafted on same day she filed retaliation complaint



Sabatini v. Knouse, Lehmann and the Whitehead Institute



Background

- Dr. Kristin Knouse was a graduate student and later a researcher associated with the Whitehead who eventually had a sexual relationship with Dr. David Sabatini, an executive level employee and researcher
- After two complaints and a culture survey that suggested the existence of a sexualized workplace in the Sabatini lab, Director Knouse engaged outside counsel to conduct an investigation
- The 128-page report concluded that Sabatini had violated various policies as well as interfered in the investigation
- Based on information derived from the investigation, Sabatini was fired



Sabatini v. Knouse, Lehmann and the Whitehead Institute



Background (cont'd)

- Sabatini sued Knouse, Director Lehmann, and the Whitehead, alleging that:
 - All three defamed him during and after the investigation
 - He was discriminated against because of his sex due to the “sham” investigation
- Sought to discredit investigation with expert on investigations who pointed out flaws
- The Court ultimately held the investigation was not a “sham” but noted it was “certainly not perfect”

Perfection is not required, but avoiding pitfalls can reduce the risk of the investigation playing an outsized role in a subsequent lawsuit



Sabatini v. Knouse, Lehmann and the Whitehead Institute



Issues – purported failings of the report

- Lack of promptness in beginning the investigation.
- Investigators who were insufficiently trained.
- Failure to understand and apply the relevant employer policies.
- Improperly narrow scope of the investigation.
- Failure to notify Dr. Sabatini of the nature and scope of the investigation.
- Failure to treat the parties consistently.
- Asking witnesses leading and other problematic questions, which intimidated the witnesses or caused them to believe the investigators were looking for particular responses.



Sabatini v. Knouse, Lehmann and the Whitehead Institute



Issues – purported failings of the report

- Failure to seek to speak to all relevant witnesses.
- Failure to seek complete documentation where incomplete records had been provided.
- Appearing to reach conclusions before all facts were gathered.
- Relying on information that had not been corroborated.
- Failure to make credibility determinations.

Rebuttal expert maintained these criticisms were cherry-picked and misguided, and that the investigation had been conducted by qualified individuals whose process was thorough and unbiased.



Carreon v. Citigroup



Background

Julia Carreon was hired as an executive and tasked with making changes to digital platform

Alleges that first she was sidelined by threatened male executives, later subjected to sexually hostile work environment by senior executive Andy Sieg

Alleges that Sieg's conduct led to rumors of an inappropriate relationship between them, which HR then investigated in a "weaponized" investigation, which ultimately led her to resign



Carreon v. Citigroup



Alleged Issues

Use of sexist language / preconceptions, such as asking Carreon whether she was “indiscreet” or “a gossip”

Failing to consider mitigating evidence by not interviewing any of the witnesses Carreon suggested

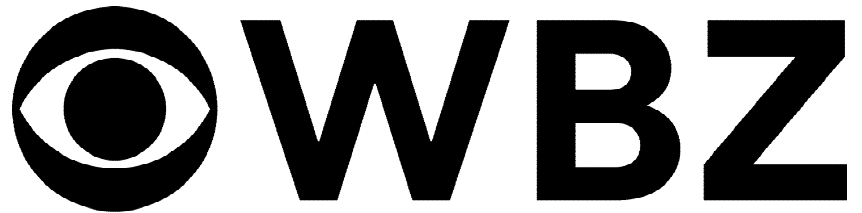
Failing to gather background information before interviewing to inform questions

Uneven application of policy, by investigating only Carreon, and not Sieg, for potential inappropriate relationship

Failure to take steps to preserve confidentiality



Dunham v. WBZ-TV et al.



Coming up next...

Katherine Dunham, a news anchor for WBZ-TV

May 2026 filing alleges race and sex discrimination:

- Employer “failed to adequately investigate her complaint against a coworker”
- Employer “conducted an incomplete investigation into complaints of racial bias filed against Plaintiff”
- Employer “falsely implicated Plaintiff as racist” by “broadly announcing” her demotion after the investigation, which “many of the staff” knew about



Investigation Best Practices

Promptness

Begin an investigation promptly once notified of a concern; ensure that the investigation proceeds without undue delay.

Regular supervisor training is essential to ensuring that concerns are addressed promptly.

Not all concerns raised require an investigation... but be sensitive to employees who mention unfairness tied to protected categories.

Neutrality

Ensure that individuals conducting investigation are impartial.

Investigator should have no stake in the outcome.

Investigator should not have dual role of advocate or support for accused.

Training

Ensure chosen investigator is trained well suited to the task of gathering evidence through interviews, document collection, and site visits where applicable.

Specific training on investigations is not a legal requirement, but new investigator should be supervised, and investigator should be knowledgeable regarding good investigatory practices and applicable law and policy. Prior experience with interviewing witnesses and assessing evidence from different sources is helpful.



Investigation Best Practices

Scope

Ensure all allegations are addressed, including new ones arising during investigation such as retaliation, but beware of scope creep.

Investigator should be in regular contact with hiring entity to ensure all issues requiring review are investigated, and to avoid surprises.

Confidentiality

Ensure that participants are aware of confidentiality expectations and that investigation does not unnecessarily undermine confidentiality.

Investigator should consider the best source for various types of information, to avoid involving more individuals than needed.

Reaching Conclusions

Ensure that employment decisions at the conclusion of an investigation are based on a good faith, reasonable view of the credible evidence identified in the investigation.

While judges generally will not second-guess employers' reasonable business judgments, absent indications that bias was the motivating factor, a "sham" investigation undermines the argument that bias did not play a role.



Investigation Best Practices

Language

An investigator's language can affect credibility, neutrality, employee trust, and litigation risk.

Poor word choice may suggest bias or pre-judgment.

Experience

Ensure that investigator has familiarity with conducting investigations and the general subject matter of the investigation.

Experience helps investigators avoid common pitfalls that can undermine the integrity or defensibility of an investigation.

Fairness

Courts, agencies, and juries often evaluate not only the outcome of an investigation but also whether the process was fair.

A fair process strengthens the credibility and defensibility of the investigation's outcome.





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Thank You

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