TOPICS TO BE COVERED IN THIS SESSION

- Investigation Report
  - Written or oral?
  - What is contained in the report?
  - Who gets to see the report?
  - Tracking data from investigation reports
    - Types of infractions
    - Discipline
    - Process improvements
  - Closing the loop with the reporter
  - Record retention
Good Documentation is Key

Document the following throughout the investigation process:

- The issue
- The information provided by the reporter
- The reporter’s motivations/expectations for reporting the issue; and
- The person(s) assigned to investigate the issue (confirming the person(s) impartiality and fairness)
- Identify and obtain documents concerning the issue
  - List/catalog all pertinent documents
  - Basis for conducting interviews
  - Retain to support investigation report
- Interviews with subject matter experts
- Interviews with witnesses
- Interviews with implicated persons

Reporting the Investigation

Notes:

- Take notes of meetings, interviews, phone conversations, etc.
- Use of Audio or video recording devices should be done with caution and in rare circumstances. If used, do obtain written permission of interviewees!

Notes should:

- Include only the relevant facts
- Be succinct and objective
- Consist of factual accounts of interactions
- Include your observations of behavior
Analysis – Work Papers

- Include a description of how the facts collected were analyzed
- Use facts, not assumptions of intent
- Consider circumstances
- Use timelines
- Reference your company’s Code of Conduct, Policies and Procedures, when appropriate, as opposed to citing laws or external regulations

SAMPLE INVESTIGATION REPORT TEMPLATE

<table>
<thead>
<tr>
<th>Draft or Final Report</th>
<th>Date: ____________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matter # ____________</td>
<td>Category: ____________</td>
</tr>
<tr>
<td>Business Unit/Location: ________________</td>
<td></td>
</tr>
<tr>
<td>Investigator(s):</td>
<td></td>
</tr>
<tr>
<td>Attorney(s):</td>
<td></td>
</tr>
</tbody>
</table>

Was the allegation or concern Substantiated? Y/N
Significant: (If yes, have the following been notified?)
___ Chief Legal Officer  ___ Chief Financial Officer  ___ CECO
___ Audit Committee  ___ Board of Directors  ___ Others

Describe any disciplinary actions taken:
___ None  ___ Verbal Warning
___ Written Warning (1st, 2nd, 3rd)  ___ Demotion
___ Suspension without pay  ___ Deduction of Bonus
___ Termination  ___ Other (describe)
### SAMPLE INVESTIGATION REPORT TEMPLATE

**Describe any corrective actions taken:**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Policy/Procedure Revision</td>
</tr>
<tr>
<td></td>
<td>Education /Training</td>
</tr>
<tr>
<td></td>
<td>Other (Briefly Describe)</td>
</tr>
</tbody>
</table>

**Other Actions Taken by Reporter or Complainant:**

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>Lawsuit</td>
</tr>
<tr>
<td></td>
<td>Union Action (Briefly Explain)</td>
</tr>
<tr>
<td></td>
<td>Other (Briefly Describe)</td>
</tr>
<tr>
<td></td>
<td>Government Agency Notice (e.g. EEOC, Dept of Labor, State HR Commissions, Call to a Government Hot Line)</td>
</tr>
</tbody>
</table>

**Investigation Summary:**

(Briefly describe the actions taking in conducting the investigation.)

(Please list the name(s) of the individual(s) who were involved in the investigation. If an outside source was involved, please note.)

### SAMPLE INVESTIGATION REPORT TEMPLATE

- **Who was Interviewed(s):**
  
  (Describe who was interviewed during the investigation include full name and title along with date of interview.)

- **If matter involves/reports alleged issues with an employee, has employee been named in prior reports over the past year?  Y/N**
  
  N/A

  *If yes, please provide summarize prior incidents noting if matter reports same issue with employee.*

- **This investigation was conducted to answer the following:**
  
  Summarize the Investigation:

- **Conclusion:**
## Summarize Findings

- Document conclusions in a concise, objective, and neutral style
- Stick to the facts
  - Reporter and witness accounts
  - Documented evidence
  - Investigator findings and observations
  - Consider using timelines
  - Corrective actions taken, if any
- Do **not** include any content from conversations with or written communications from legal counsel

## Summarize Findings

- Avoid personal opinions
- Avoid drawing legal conclusions
- Present what happened and only what happened.
Continuous Improvement to the Culture

- Process improvements
  - Identify any systems or lack thereof that failed to prevent the misconduct
  - Expose any loop holes that were exploited
    - “Where there is a will there is a way”
  - Identify the need for additional internal controls
  - Communicate any Breakdown in “Corporate Culture”
  - Management’s Role (could have, should have known)
  - Improvements to the Compliance and Ethics Program/Culture

- Ownership of the corrective actions
  - Design, Training, Implementation & Verification

Final Investigation File

The Final Investigation File constitutes the company record:

- Written communication from the reporter raising the issue(s)
- Your documentation of the issue(s) reported
- Investigation Summary
- Analysis and Conclusion
- Resolution – Corrective and Disciplinary Actions
- Notes and Support Documentation as necessary to support key facts, analysis, conclusions, or resolutions.
**Final Investigation File**

- Only final copies of documents should be placed in the Final Investigation File.
- Consider destroying any draft materials.
- All other files and notes should be destroyed (including information stored on computers and disks).
- Access to the file should be limited to only those with a legitimate business need-to-know.
- Take care when releasing information in the Final Investigation File to anyone outside the Company.
- Keep investigation files in accordance with your company’s Record Retention Requirements.
  - Destroy investigation files as you would any critically sensitive documents.

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**Close the Loop with Stakeholders**

- Validate remedial actions
  - Disciplinary Actions
  - Training and Education
  - Changes in Policy & Procedures
  - Other communications
- Prevent further misconduct
- Disclosure to internal parties
- Disclosure to external parties
- Debrief the reporter
- Share "lessons learned"
**Final Thoughts**

A well conducted and documented investigation process:

- Mitigates risk
- Is viewed favorably by stakeholders
- Builds trust and credibility for the E&C Organization
- Avoids unnecessary costs to the company – Adds Value

**Questions, Comments, Concerns?**