

SCCE Internal Investigations Workshop
January 22-24, 2020
San Francisco, CA



Reporting Your Findings

Al Gagne, MBA, CCEP

Society of Corporate Compliance and Ethics
6500 Barrie Road, Suite 250, Minneapolis, MN 55435, United States
www.corporatecompliance.org | +1 952 933 4977 or 888 277 4977



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Agenda



- Reporting to the Board, management and employees
- Communications with stakeholders
- Reporting to law enforcement and other agencies
- Closing the loop with the reporter

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Reporting to the Board, management and employees

- Develop a reporting strategy for the following stakeholders
 - Management
 - Board of Directors
 - Reporters/Whistleblowers
 - Law Enforcement & Regulatory Agencies
 - Other Stakeholders (Employees, Customers, Business Partners)
 - The General Public

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Reporting to the Board, management and employees

- Board of Directors
 - Early notification of serious allegations of misconduct to gain support for the investigation and deployment of resources
 - Periodic follow to keep apprised of significant changes or outcomes
 - Assure access to documents and potential witnesses
 - Support for quickly eliminating any rampant misconduct uncovered by investigation
 - Critical to corrective and disciplinary actions
 - Build trust going forward

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Reporting to the Board, management and employees

- Management
 - Early notification on need to know basis to gain support for investigation
 - Assure access to documents and potential witnesses
 - Support for quickly eliminating any rampant misconduct uncovered by investigation
 - Critical to implementing corrective and disciplinary actions
 - Build trust going forward

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Helpline / Investigations Summary- Template

Incident Report Control # / Date Reported-	Location	Category	Brief Description of Allegation or Concern Raised by the Reporter	Investigator	Status	Disposition
HL-01-02-2019-001	Dallas	COI	Allegation of Improper use of company property by an employee	A. George	Investigation completed 2-15-2019 – Matter substantiated	Employee counseled and eliminated COI with Mgmt.
HL-01-05-2019-002	Chicago	Time theft	Allegation that an employee falsified timecard	J. Caruso	Investigation completed 1-10-2019 – Matter substantiated.	Employee terminated.
MR-01-07-2019-003	San Diego	Harassment	Allegation of harassment by employee to a supervisor in another department	E. Murphy	Investigation completed by HR – Matter substantiated.	Employee counseled by HR and given Harassment Training.
OL-01-15-2019-004	Dallas	Quality Fraud	Allegation of falsification of quality test procedures by an employee line inspector	A. George	Investigation in process – additional training provided in meantime related to systemic issues – lack of clear procedures	Training of quality personnel ongoing.
HL-01-16-2019-005	Dallas	Theft of Personal Property	Allegation of theft of employee's personal items from office	A. George	Investigation completed – reporter called back to say items returned with a note apologizing for borrowing items without permission.	Matter closed at request of reporter.
OL-01-18-2019-006	Boston	Travel & Entertainment Guidance	Employee requested advice regarding upcoming Foreign Business Trip	A. George	Provided policy and procedure information to employee with explanation of in-country anti-bribery regulations.	Employee has a better understanding of P&Ps.

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Reporting to employees

- Employee Communications
 - Opportunity to share “teachable moments” with targeted groups or all employees through carefully crafted communications
 - Share communications through stories focusing on the “what” and “how” and not the “who” and “where”
 - Reinforce company values, policies and procedures
 - Doing the right things have value
 - Doing the wrong things have consequences
 - “Lessons Learned” scenarios for management and supervisors
 - Demonstrates company commitment to good behavior
 - Build trust by employees towards management and the Ethics & Compliance Organization

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Reporting to Regulators and Law Enforcement

Legal and regulatory requirements to report misconduct

- False Claims Act Violations to respective Inspector General’s Office, when credible evidence exists
 - Qui Tam whistleblower reports
- Theft of Government Property to FBI, Department of Justice
- Sexual Harassment to State Offices of Employment Discrimination
- “Self-reporting” of potential criminal misconduct by employees
- Sarbanes-Oxley
- Dodd-Frank <https://www.sec.gov/about/offices/owb/dodd-frank-sec-922.pdf>
- Federal Sentencing Guidelines for Organizations
- Health Care Reporting
- DOJ Evaluation of Corporate Compliance Programs
<https://www.justice.gov/criminal-fraud/page/file/937501/download>

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Reporting to Regulators and Law Enforcement

- FAR Mandatory Disclosure Rule (52.203-13)
 - Requires contractors to make timely disclosures to the Agency, Office of Inspector General when it obtains credible evidence that a *principal*, employee, agent, or subcontractor of the Contractor has committed—
 - A violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code; or
 - A violation of the civil False Claims Act (31 U.S.C. § 3729-3733)
- Dodd-Frank Act
 - Increases monetary awards to whistleblowers who successfully file qui-tam lawsuits on behalf of the US Government
 - Penalizes companies who retaliate against employee whistleblowers

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Closing the Loop with the Reporter

- Things you can tell the reporter
 - The allegations were investigated
 - The findings were shared with appropriate management personnel
 - Appropriate corrective actions were taken
 - Thank you for bringing this matter to my attention
- Things you should not tell the reporter
 - Details of the investigation (company private)
 - Identity of any witnesses or documentary evidence obtained in the course of the investigation
 - Disciplinary action taken by management

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Disposition of Final Report and Work Papers

- Retain and destroy final investigation report along with relevant documentary evidence in accordance with your company's record retention policy or guidelines
 - Recommendation: 5-10 Years
- Destroy any hand written notes from interviews, telephone conversations, or analyses that have been incorporated into the final report
- Keep investigation documents in locked confidential files with controlled access on a need to know basis

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Session Takeaways

- Develop an overall reporting strategy to communicate with key stakeholders
- Maintain confidentiality to the very end of the process
- Turn lessons learned into teachable moments
- Adhere to company record retention guidelines
- Demonstrate commitment to ethical behavior

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Questions?

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