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Understanding and Assessing the Report

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Agenda



- General intake guidance
- Issue spotting the report
- Interviewing the reporter
- Making credibility assumptions
- Determining the need for an investigation

General Intake Guidance

Sources of the initial report

- Anonymous hotline or helpline reports
- Known employee reporters
- Customers
- Suppliers
- Competitors
- Regulators and law enforcement
- Other

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General Intake Guidance

- The clock starts ticking upon receipt of report
 - Whistleblower concerns
- Assure professionalism of report takers
 - In-house versus third party providers
 - Periodically test helpline
- Anonymous hotline reports
 - Keep an open mind
 - Respect reporters' wish to remain anonymous
 - Treat report as made in "good faith"
 - Focus on the allegations or concerns



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General Intake Guidance

- Establish a process to maintain a dialogue with the reporter
 - Call back provision
 - Code name
 - On-line two-way communication
- Make reasonable effort to gain trust of reporter
- Assure confidentiality to extent practical should reporter disclose their identity
- Discuss company policy prohibiting retaliation

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General Intake Guidance

Who

- was involved?
- was present?
- may have knowledge?
- may have had a similar experience?
- did you talk to about the incident?

What

- happened exactly?
- was said by those involved or other witnesses?
- actions did people take?
- was the reaction of witnesses?

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General Intake Guidance

What (continued)

- did you do?
- do you want to see happen?
- else should the investigator know?

When

- did the incident occur(day and time)?
- did you talk to others about it?

Where

- did the incident occur?

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General Intake Guidance

Why

- are you reporting this misconduct or concern?

Finally, feel free to ask the reporter the following questions

- How did you feel when you witnessed or learned of the misconduct?
- Is there anything else you would like to share with me at this time?
- Is there a way for me to contact you if I need additional information or will you call me in a few days at the following number --- --- ---- to see if I have some follow-up questions for you?

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Intake Report – Sample Template

Matter # _____ Date: _____
Received by: _____ Time: _____
Business Name /Location: _____
Reporter's Name (or Nickname): _____

Document in as much detail as possible the Allegation or Concern raised by the reporter. (Specifically obtain information as to what occurred, who was involved, who else has knowledge of the situation, when did it occur and how often, was the situation or concern reported to anyone prior to calling the helpline)

Does the situation reported present any health or safety risks to persons or risk of damage to property?

What outcome does the reporter expect in response to the report made?

Is there a number the reporter can be reached at if additional information is required?

(If reporter does not wish to provide a number, ask the reporter to call back in one week and reference the following Matter # _____.

Matter Assigned to: _____
Date Assigned: _____

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Exercise 1 -Anonymous Helpline Report Scenario

An anonymous reporter stated that a coworker, Johnny Paycheck, regularly falsifies his weekly timecard. The reporter said Johnny leaves the work area for long periods of time and can't possibly be doing his fair share of the work. The reporter is really concerned because he said, "Johnny smells like he's been smoking something funny every time he comes back to the workplace and behaves in a careless manner". The reporter noted that his group is responsible for assembling very sensitive medical test equipment that is sold to hospitals. He said he mentioned his concerns to his immediate supervisor, Sally, who he said, "did nothing because Johnny and Sally are close friends". The reporter said he's fed up and wants this behavior to stop.

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Exercise 1- Anonymous Helpline Report Scenario

Group Exercise (working in small groups)

Your Mission should you choose to accept it:

- Identify the potential allegations of misconduct from the initial anonymous report.
- What concerns, if any, do you have with the initial report?
- Assuming you can speak with the reporter, what questions would you want to ask in order to seek additional information and clarification related to the alleged misconduct?

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Issue Spotting the Report

- Case management begins with the initial report
 - A well defined process lends credibility to each investigation
- Focus on the allegation(s)
 - Are they reasonable and make sense?
 - Can they be adequately evaluated to determine if an investigation is necessary?
- Establish credibility of the report
 - Is there enough information to move forward?

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Interviewing the Reporter

- Interview the reporter in person, if possible
- Assure confidentiality when appropriate
 - Implied versus expressed confidentiality
- Address concerns of retaliation with reporter
- Determine motivation and expectations of reporter
- Will there be a need to follow-up?
- Allow for follow-up to gather additional information
 - Establish a mechanism to follow-up with anonymous reporters

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Making Credibility Assumptions

- Is the reported misconduct plausible?
- Has the reporter provided adequate details to support the credibility of the alleged misconduct?
- Do you know the identity of the reporter?
- To what extent can documentary evidence substantiate or disprove the alleged misconduct?
- Are there other witnesses who could corroborate the information received from the reporter?
- Assume report was made in good faith
- Attempt to determine reporter's motive for reporting the alleged misconduct.

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Determining the Need for an Investigation

- Is there enough credible information to investigate the alleged misconduct?
- What company policy and procedures may have been violated?
- What is the possible root cause of the alleged misconduct?
- Is the misconduct ongoing and how quickly can it be stopped?
- Are competent investigative resources available?
- Consider the need for Attorney-Client Privilege.
- Start thinking about the investigation plan.

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Exercise 2 – Anonymous Helpline Report Scenario

An anonymous reporter stated Barry Goode, who works in Accounting, is receiving preferential treatment from his supervisor Beth Jones. Ms. Jones allows Mr. Goode to take long breaks and lunches and never disciplines him while others in the department are disciplined for not getting back to work on time after their breaks. "Recently, an employee was written up for coming back to work five minutes later after lunch because of a traffic accident along the way. It is really unfair and someone needs to look into this and stop it" said the reporter. The reporter also stated that Mr. Goode received a hefty merit pay increase that was twice the percentage received by others in the department noting, "because Mr. Goode is having an affair with Ms. Jones". "Mr. Goode is very lazy and does not work at the same level as others in the department" noted the reporter adding that, "others feel required to pick up his slack". The reporter stated, "I'm sick and tired of the way things are being done in this department and will call the State Department of Employment Discrimination if this unfair behavior does not stop soon".

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Exercise 2 – Anonymous Helpline Report Scenario

Group Exercise:

- Working in small groups review the information in the anonymous helpline report and determine whether or not to proceed with an investigation.
- Does the report seem credible? If so why?
- Who else in the organization would you involve in your review and decision to investigate further?
- Identify any documents you would like to review and why.
- Identify any people you would like to interview and why.

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Determining the Need for an Investigation



“Those who pursue the stream of Truth to its sources have much climbing to do, much fatigue to encounter, but they see great sights.”

Eliza Cook

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Questions?