

SCCE Internal Investigations Workshop San Diego, California



What Should You Do?

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What Should You Do?

You have completed your investigation and substantiated an allegation of misconduct against Steve, a member of the IT Department. Steve has just been told that he will be disciplined as a result.

Steve's manager explained that the disciplinary decision is based on your findings. Steve requests a copy of your investigation report. The manager has referred the request to you.

What should you do?

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You are beginning your investigation of Larry, a member of the Procurement Department. You have just informed Larry's manager that you will start conducting interviews shortly.

The manager tells you he wants to participate actively in the interviews and asks you also to limit the scope of your inquiries to determining whether Larry committed misconduct.

What should you do?

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You are about to begin an investigation of Lucas for allegedly sexually harassing a co-worker. Similar allegations have been made against Lucas in the past, but earlier investigations did not substantiate misconduct.

You make the usual notifications to Lucas' manager that an investigation is beginning. The manager asks you if Lucas has ever been investigated in the past for similar conduct.

What should you do?

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You just completed an investigation of Craig for allegedly harassing a co-worker. Your investigation substantiated the allegation.

Craig's manager has been informed of your findings and is now considering disciplinary action. The manager is unsure what discipline to impose and asks you for a recommendation.

What should you do?

What Should You Do?

You are interviewing Anna, the Subject of your investigation. Anna identifies two co-workers and tells you that these people should be interviewed.

Your fact finding is almost complete, and you have no reason to believe that these co-workers will offer useful information. The evidence you already developed against Anna is more than enough to substantiate that misconduct occurred.

What should you do?

What Should You Do?

Your investigation has gathered significant proof of expense-account fraud by Jose, a member of the sales team. You are now beginning your interview of Jose. Jose quickly concludes that you are fully aware of his misconduct.

Fearing that you may contact the police or that the company may sue him, Jose offers to explain everything about the fraud scheme and implicate others if you will simply allow him to resign.

What should you do?

What Should You Do?

Michelle comes to your office to make a complaint against her manager. Michelle alleges that the manager has been flirting with her and asking her out for drinks after work. Michelle states that her manager's behavior is unwelcome.

You are concerned about whether the company may be sued for sexual harassment if the facts are true. You believe it would be a good idea to conduct the investigation under the attorney-client privilege.

Also, you would like to give an *Upjohn* warning to each person at the start of the interview, but you are concerned it may intimidate your interviewees.

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What Should You Do?

Isabella has come to speak with you to make a complaint against her manager. She claims that the manager has been unfairly critical in her performance appraisal, and she did not receive the full amount of her bonus.

Isabella asks you to conduct an investigation and obtain the rest of the bonus for her.

What should you do?

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You are about to begin an interview of Ted, an employee in the Accounts Payable department. Ted is not the Subject of your investigation, however.

Ted has never been interviewed before. He appears concerned about the seriousness of the inquiry. He asks: "Am I in trouble?"

What should you do?

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You are interviewing Alexis, the Subject of your investigation. You presented the evidence you gathered. You invited Alexis to respond and offer proof of either exculpatory or mitigating circumstances. Instead, most of Alexis' responses to your questions are either lies or deceptions.

You would prefer that Alexis admit her improper conduct, even if she tries to minimize its significance. Unfortunately, Alexis believes that she can avoid discipline by simply denying everything or fabricating explanations.

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You are discussing the hotline reporting process with Hans, a company executive.

Hans tells you that he believes it is unethical for someone to make an anonymous complaint and thinks you are just inviting people to denounce others to hurt their careers. Hans thinks people should have the courage to identify themselves or the company should ignore their complaint.

What should you do?

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Sophie comes to your office to make a complaint against her manager. Sophie alleges that the manager has been flirting with her and asking her out for drinks after work. Sophie states that his behavior is unwelcome.

The next day, Sophie comes back to your office, says she regrets having discussed the matter with you, and wants to withdraw her complaint.

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What Should You Do?

Akio comes to your office to discuss a concern. He is unsure whether the issue is a compliance matter and appears generally uncomfortable with the conversation.

Before he shares the substance of his concern, Akio asks if you and he can have an off-the-record conversation.

What should you do?

What Should You Do?

You are investigating the manager of a small department in the company. Everyone seems to know everyone. You are interviewing multiple people.

When you interview Simone, she gives you detailed valuable information that may tend to identify her as your source because of its specificity.

You want to confront the manager with the information in his interview, but you want to avoid creating the risk that Simone may suffer retaliation later.

What should you do?