

HELP LINE COMPLAINT INVESTIGATION CHECKLIST

Investigations may be conducted by Ethics Officers, by Human Resources Department personnel, Internal Audit Department, by specialists in the environmental or safety disciplines, by the Law Department, by outside counsel or by others. Decisions as to who will appropriately conduct any specific investigation will be communicated by the Chief Ethics Officer/VP Internal Audit

Note: This document is only a guide. The following are steps to consider in initiating and conducting an investigation. Some of these steps may not be necessary or even appropriate in some investigations, but reviewing them all will help prevent an oversight.

1. If you receive a complaint directly, report it to the Ethics Program Director so that it is assigned to an appropriate investigator, a case number and tracked.
2. Take immediate steps necessary to terminate any ongoing violations and minimize harm.
3. Act quickly to assure appropriate documents and electronic records and communications are retained.
4. Determine who should assist you in the investigation. The Ethics Program Director will guide you in this effort.
5. Do not include among the investigators or decision makers anyone who may be implicated in the matter under investigation. This would exclude from the investigating team anyone who may be responsible for failure to detect the misconduct as well as anyone engaged in it.
6. If outside resources need to be used, consult with the Ethics Program Director to discuss the process for obtaining outside resources.
7. Review any prior, related investigations or audits in compliance office records.
8. Treat investigations, the files, communications and computer records on a confidential basis.
9. Begin and develop an investigation chronology as the case is developed.
10. Determine whether it is necessary or appropriate to suspend or transfer on an interim basis the target of the investigation, if there is a risk of ongoing misconduct or retaliation.
11. Where required by law (i.e., environmental, OSHA), essential for health and safety or otherwise appropriate, notify government/customers/potential victims on a timely basis, per discussions with the Law Department and appropriate management.
12. Establish a list with names and contact information (office voice and fax numbers, home and mobile phone, e-mail addresses) of those working in the investigation and for those who are information sources.

13. Take steps necessary to protect whistleblowers and those who cooperate in the investigation. Include any allegation of retaliation that emerges during the investigation as another target of the investigation.
14. Include as targets of the investigation those who may be responsible for such compliance management failures as: a) failure to detect the violation; b) failure to supervise employees in ways that would have prevented the misconduct; and c) encouraging employees to conduct business in reckless, negligent or unethical ways.
15. Consider having two people conduct each interview and be sensitive to gender issues that may be particularly volatile in some circumstances. This is particularly important in allegations where sexual misconduct is alleged.
16. Control the interview environment. The investigator should set the location, and prevent interruptions in important interviews.
17. Be cordial and businesslike in interviews.
18. Conduct interviews with an open mind, allowing the target of an investigation to provide his or her explanations.
19. Follow NLRA and union contract requirements when interviewing unionized employees. Consider the application of Weingarten rights, which now applies even to non-unionized employees. Weingarten establishes that employees have the right to [union] representation during an investigation the result of which the employee feels will be some disciplinary action. The employee must claim these rights; unlike Miranda in the criminal sector, employers have no obligation to inform the employee of this right to representation. If an employee being questioned invokes Weingarten rights, the investigator must: 1) Grant the request and delay further questioning until the representative arrives and has the chance to consult privately with the employee; 2) Deny the request and terminate the interview immediately; or 3) Give the employee the choice of continuing questioning without representation or terminating the interview immediately.
20. If the Law Department advises that attorney-client privilege should be invoked, obtain an Upjohn letter (the Law Department will provide a draft) from an appropriate senior manager; have each interviewee sign a copy of the letter. This letter essentially defines the transactions taking place as protected by the confidentiality of the privilege that exists between an attorney and his or her client. Because the Law Department's attorneys work for the company and not for its employees as individuals, the relationship between the company counsel and the company's employees is defined in this letter to protect confidentiality.
21. On key factual questions during interviews, it can be valuable to return to the same question more than once in different ways. People often remember things in waves, and this approach may develop additional detail.
22. Include e-mail, computers, servers, backup tapes and disks, wherever located, in records searches.

23. Include anyone who may have useful information, regardless of the person's position, from clerks and secretaries to the company president, as appropriate.
24. Obtain and check travel and other expense vouchers to confirm dates, as appropriate.
25. Copy documents, and consider Bate-stamping copies in important cases. (Bate-stamping is a specific, legal system of numbering, usually applied as a stamp or as a label to identify documents for court cases.) Do not mark originals, but be sure to retain them.
26. Consider giving the target of the investigation the opportunity to respond to the preliminary conclusions from the investigation, but while still protecting anonymous sources.
27. Monitor the progress of the investigation to assure that it is timely.
28. Provide interim, usually oral, reports to the Ethics Program Director. The Ethics Program Director will advise you if others need to be informed (e.g. HR, Law Department and Senior Management).
29. Provide a final report, orally first, to the Ethics Program Director. The Ethics Program Director will advise you if others need to be informed (e.g. HR, Law Department and Senior Management).
30. Where discipline is appropriate, consult with HR and the employee's manager.
31. At the end of the investigation, send closeout letters to those who were interviewed, so they know the matter is concluded and thank them for their cooperation. The letter can also repeat the non-retaliation policy.
32. Keep in mind that any external reporting, if needed, shall be handled in accordance with Policy 1103-08 (Compliance with FAR Disclosure Requirement).
33. Consider holding a closeout meeting with those in the work unit after the investigation and any discipline are completed.
34. Consider what changes to make in company processes and the compliance program to help prevent recurrence of any misconduct found in the investigation.
35. Follow-up to assure discipline was imposed, and any corrective action was fully implemented.
36. Keep the Ethics Program Director informed about your investigation activities.
37. Prepare your report using the Help Line Complaint Investigation Report template.