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COMPLIANCE COMMUNICATOR™

Professional content for your Ethics & Compliance newsletter

MEMO TO MANAGERS

Ethics and Compliance Investigations

As a manager, you may have questions about the role you should play when there has been an allegation that our policies or our Code has been violated. The answer falls into three main buckets:

1. WHEN YOU ARE THE PERSON ACCUSED:

It is natural for managers accused of wrongdoing to be angry and frustrated. However, whatever the underlying facts may be, it's important to realize that being accused "comes with the territory" of being a manager. Sometimes employees think a manager has done something wrong when, in fact, they have not. Other times various workplace dynamics may be in play. We understand that this is often the situation. To help us resolve the issue, here are some suggestions:

- **Don't let your anger lead you to retaliate.** While you may feel wronged and personally hurt, don't take any negative action toward the person who raised the issue—or anyone you simply suspect of doing so. Retaliation is itself a serious violation of our policies, and will lead to discipline, even if the underlying accusation turns out to be unfounded.
- **Don't try to give "input" or share your "viewpoint" with potential witnesses in the investigation.** Even innocent inquiries can seem like pressure when they come from a manager. The best course of action is to avoid discussing the matter with anyone other than the investigator and anyone else with a legitimate "need to know."
- **Do cooperate fully in the investigation.** Share what you know. Be open and provide information requested by the investigator, even if you're not sure why it could be important.
- **Do trust the process.** The investigator's job is to determine what happened, not to pursue an agenda against you or anyone else.

2. WHEN YOU ARE NOT THE PERSON ACCUSED:

Managers who learn that an investigation is being conducted in their business unit often worry that the outcome may reflect poorly on them. Other times, the manager may want to try to "solve the problem," and address the underlying behavior themselves. While these are common reactions, it's imperative that you let the investigation run its course:

- **Avoid the temptation to look into the matter yourself.** While you may see your efforts as helping, they can undermine the investigation by alerting witnesses to what is coming or by tainting evidence.
- **Maintain confidentiality.** The investigator may need to share certain information with you. It may be tempting to share such information, but you must not.
- **Assist the investigator if requested.** The investigator may request your insight, your help setting up interviews or for you to monitor a given person or situation. Help as asked — and don't be afraid to ask for clarification if the request is unclear.

3. IF YOU LEARN OF A POTENTIAL VIOLATION OF OUR POLICIES OR CODE.

Sometimes you may be the person that has alerted us of a potential problem. Remember, we need to know about all potential violations as soon as possible. Alert us to any potential violations, even if:

- You do not supervise the person or people involved.
- You did not receive a complaint, but simply learned of the potential problem indirectly, such as by overhearing others talking about it.
- You are not sure whether the conduct does, in fact, amount to a violation. It's far better to raise it than keep it to yourself.

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Our goal is to surface problems and resolve them as quickly and fairly as possible. This can't be done without your support and cooperation.

Q&A

Questions of the Month

Q: I just learned that a good friend of mine at work has been accused of sexual harassment and that an investigation is being launched. I can't believe it's true and I think it's only fair that I give my friend an advance warning or a 'heads up' so he can defend himself. Don't I have a responsibility, as a friend, to tell him?

A: Under no circumstances should you give him a 'heads up.' Your friend will be given the opportunity to respond to these allegations and every effort will be made to conduct a fair and impartial investigation. An allegation of sexual harassment is a very serious matter with implications, not only for the individuals involved but also for the company. Alerting your friend could jeopardize the investigation and expose the company to additional risk and possible costs.

Q: I've learned through the grapevine that I am under investigation for misconduct. No one has informed me of this formally and it makes me wonder whether the company is pursuing a case against me without hearing my side of the issue. It seems like I am being targeted inappropriately. What should I do?

A: As difficult as it is, trust the process. It may be that the investigator has good reasons for not reaching out to you immediately, including needing to assess the veracity of the allegation before taking further steps. Also, sometimes the investigator wants to be fully informed before speaking with you, which can be more efficient and can allow you to answer all questions from the investigator in one interview instead of in multiple meetings. However, now that you are aware of the investigation, it would be reasonable for you to reach out to the Ethics & Compliance Department and ask to be brought up to date on the investigation. do not tolerate retaliation of any kind. And if that isn't enough, be prepared to offer up the names of other internal resources (like HR) if she simply wants to talk with someone else. If that doesn't work, reach out to HR and let them know what is going on so they can reach out to the employee directly.

FEATURED RESOURCE

Navigating The Challenges of Cross-Border Whistleblower Investigations

Investigating whistleblower allegations can be challenging enough, but when the allegations involve witnesses and documents around the globe, the complexity multiplies exponentially. In cross-border investigations, lawyers, compliance professionals and business executives must address a wide range of issues absent from purely domestic investigations, such as compliance with local data protection laws, different rules for gathering evidence and interviewing witnesses, restrictions on the scope of attorney-client privilege and cultural and language differences.

In this webinar, we will address some of the most vexing challenges of cross-border investigations and provide key insights to help you navigate through the process. View the webinar: [Navigating The Challenges of Cross-Border Whistleblower Investigations](#)

USING COMPLIANCE COMMUNICATOR

Equipping managers with the skills they need to navigate the E&C challenges they face is critical. Use the content in [Compliance Communicator](#) to help keep compliance top of mind with your managers and strengthen your organizational culture. NAVEX Global grants you permission to publish any or all of the content to best suit your needs.

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