



Investigations

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Planning the Investigation

Planning the Investigation *(a partial list):*

- Who to involve
- Nature, scope, timeframe of the complaint
- The Lens: policies, law, procedures & claims
- Notifications & confidentiality (email dangers)
- Privileged vs. non-privileged investigation
- Outside investigator?
- Separate employees/temporary suspension?
- Report to police or government?
- Who should conduct interviews

Conducting the Investigation

Conducting a Successful Investigation:

- Witnesses, documents & evidence
- Choose battlefield / advance notice?
- Take notes? / record it?
- Funnel method / reporter's questions
- Convey impartiality
- Explain retaliation, confidentiality & next steps
- Accuser v. accused / timing

Summarizing the Investigation

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- The Conclusion Memo (privileged?)
- Allegations, what done to investigate, summary of info obtained, and conclusion
- “Fact” conflicts – “he said / she said”
 - Determinations of credibility
- Findings of fact
 - You can decide based on credibility and circumstantial evidence
- Action Steps
- Watch for speculation and inappropriate documentation

Conveying Results

Conveying Results:

- Accused
- Accuser
- Management
- Witnesses?
- Post-discharge (or investigation) meetings and announcements
- References?

Thank you!



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