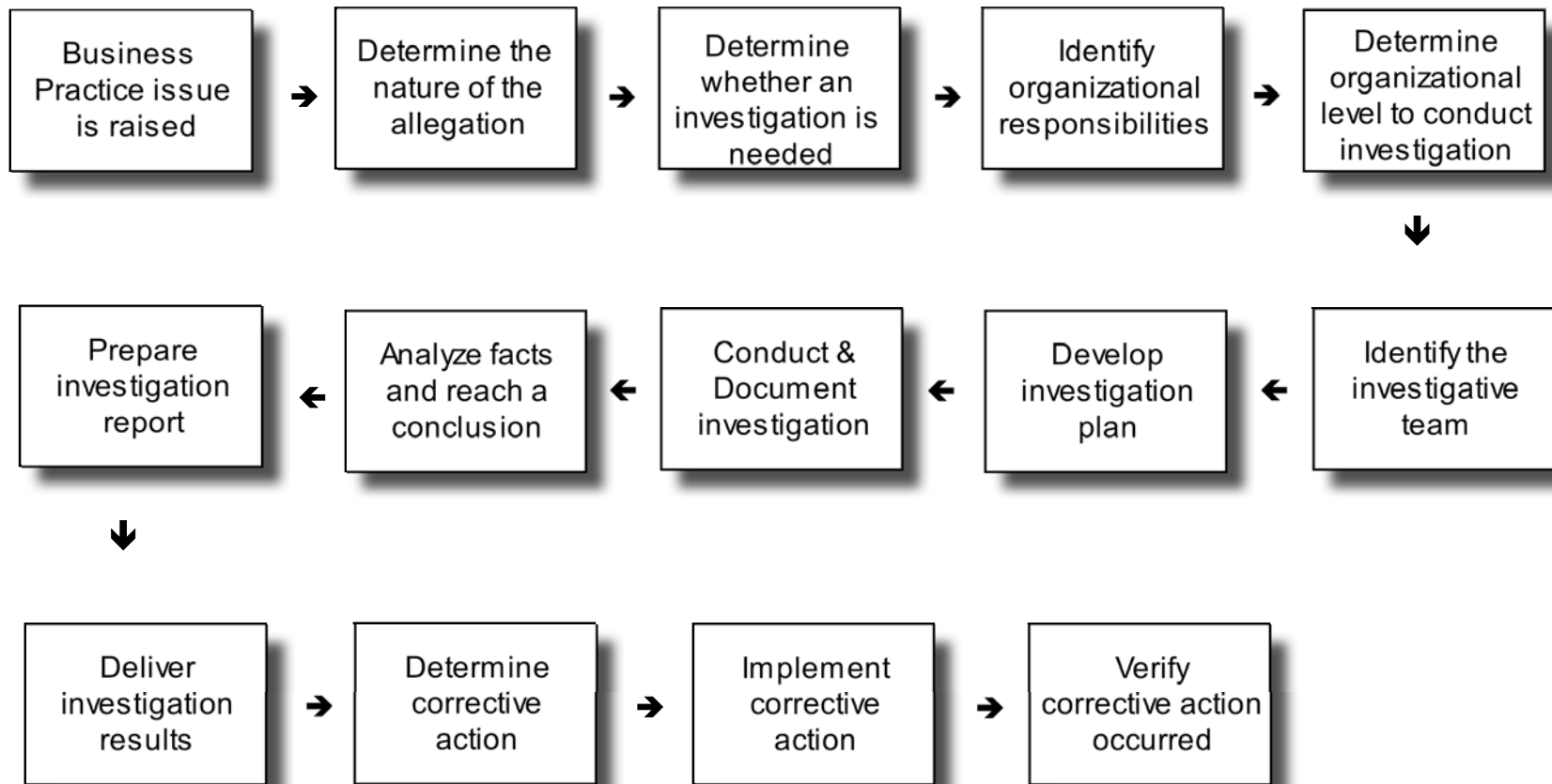


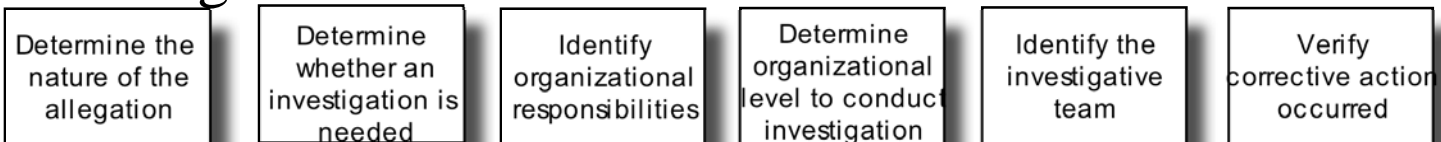
Internal Investigation Process



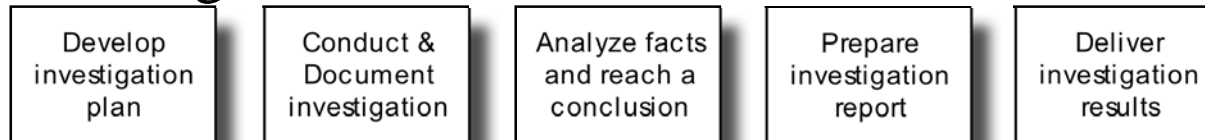
Internal Investigation Process

13 step process from beginning to end

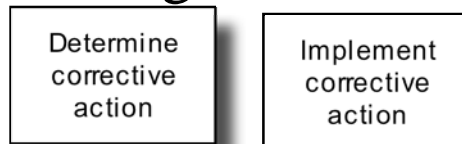
- **Oversight**



- **Investigator**



- **Management**



Investigation Process

- Determine the nature of the allegation
 - violation of business practice standards?
 - significant business practice issue?
 - bribes or kickbacks
 - falsification of financial records
 - significant misuse of company funds
 - falsification of data
 - misrepresentation within documents to gov't. or customers
 - likely to trigger government investigation
 - negative public relations impact
 - involve corporate officers or division presidents
 - other serious violations of the business practice standards
 - legal or criminal violation?
 - violation of policy or practice (written or unwritten)?
 - violation of shared values?

Investigation Process

- Determine if an investigation is needed
 - Is ***not*** needed if:
 - misunderstanding of company policy
 - lack of communication between employee & another
 - no other facts are necessary to resolve issue
 - issue can be informally resolved
 - Is needed if:
 - significant business practice issue
 - need additional facts
 - person raising issue cannot supply you with the facts
 - need to speak to others
 - need to review documents

Investigation Process

- Identify organizational responsibilities
 - Business unit
 - SMC manager
 - RBPC jurisdiction
 - business unit manager
 - Human Resource Vice President
 - Who else within the company has a vested interest?
 - legal counsel
 - Labor & Employee Relations attorney
 - EHS
 - RA/QA

Investigation process

- Determine at what level to conduct investigation
 - business unit
 - corporate
 - external investigator
 - RBPC
 - CRO
 - **Considerations**
 - level of alleged perpetrator
 - significant business practice issue
 - involvement of senior manager or corporate office
 - issue requires an attorneys attention

Investigation Process

- Identify investigative team (*keep to a limited number*)
 - Principal Investigator
 - Human Resources or Labor & Employee Relations
 - Any past or pending disciplinary actions against subject of investigation and/or the person raising the issue?
 - Functional Expert
 - audit
 - EHS
 - RA/QA
 - controller
 - legal counsel
 - business unit management
 - Management determining remedies or corrective actions

Investigation Process

- Develop Investigation Plan
 - Identify & understand the policies or practices
 - Identify potentially relevant documents
 - Determine who, if anyone, should be made aware of the investigation
 - Discuss generation of necessary documents with appropriate management
 - suspension notice, non-destruction of documents
 - Decide who should be interviewed and in what order
 - Outline the questions you want answered
 - Assign task to other investigative team members, if applicable

Investigation Process

- Conduct & Document Investigation
 - Full time focus of attention
 - Time allowed should be tight
 - days not weeks
 - weeks not months
 - Investigate any other issues raised separately
 - Identify mitigating circumstances
 - Identify process or policy issues
 - Reach a conclusion

Investigation Process

- Questioning Interviewees
 - State purpose and objective
 - Prepare questions in advance
 - Establish rapport
 - Discuss confidentiality
 - Confirm the person raising the issue feels you can conduct an impartial investigation
 - Conduct interview
 - Summarize discussion to establish accurate understanding
 - Conclude interview
 - Assess credibility

Reaching a Conclusion

Don't refuse to reach a conclusion because you are afraid of being wrong!

A reasonable conclusion *does not* necessarily mean a conclusion based . . .

beyond a reasonable doubt (90% certainty)

or

clear and convincing evidence (75% certainty)

or

preponderance of evidence (51% certainty)

By following a system and a process, you can conduct a good faith investigation and reach a rational conclusion.

Investigation Process

- Prepare Investigation Report
 - State the facts
 - Avoid personal views
 - Separate extraneous information and personal notes
 - Destroy all drafts
- Deliver Investigation Results
 - Discuss conclusions & recommendations with line management
 - Help management reach an appropriate determination and or resolution
 - Document conclusions & corrective action plan into the final report

Investigation Process

- Implement Corrective Action
 - Oversight person will:
 - Provide CRO or RBPC with summary report, if needed
 - Ensure management and or oversight person meet with person who was subject of investigation
 - Describe conclusions and corrective actions, if warranted
 - Meet with employee who raised the issue
 - Briefly summarize, as appropriate, conclusions & corrective actions
 - Provide summary of investigation results to those who need to know
- Verify appropriate corrective action occurred

Appeals

Some issues raised in an appeal will merit further investigation and some will not

- Review the issues raised supporting an appeal
- Determine if an appeal is necessary
- When necessary an appeal confirmation memo should be issued
- Review investigation process & repeat portions if necessary
- Document in investigation file