



SAVE THE DATE – February 7-9, 2017

## Conducting Internal Investigations

Lisa C. Brown, a shareholder at Bullard Law, will be teaching the “Internal Investigations Certificate Program”, a three day course which will be conducted in Eugene February 7-9, 2017.

This intensive, three-day program is designed to educate participants on how to conduct and document internal investigations.

Practical tools, tips and techniques to improve your investigative skills – and boost your confidence in handling sensitive and complex employee issues, include:

- How to conduct internal investigations
- How to gather documentary and physical evidence prior to witness interviewing
- How to establish a chain of custody and a confidential retention process
- How to prepare questions for witness interviews and select appropriate interviewing locations
- How to document the interviews and investigation findings
- Best practices in handling disciplinary action and terminations from a risk management standpoint.

This program has been approved for 18 HRCI credit hours.

Attached is the agenda. To register, please visit the HR Training Center’s website at:

<http://hrtrainingcenter.com/showSEDetails.asp?TCID=1201696&st=1000037&STCID=1000001>

## Internal Investigations Certificate Program Agenda

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### **DAY ONE**

#### **Identifying Key Drivers Of Employee Complaints**

- Why employees complain - and what they complain about
- How to identify what is - and isn't - a valid complaint that requires an investigation
- How to define boundaries in HR to set expectations on issues HR does and does not own
- How to push back on employee complaints that do not require a workplace investigation
- Leadership and organizational issues that must be addressed to minimize the risk of litigation
- The role HR plays in handling employee issues - and how to obtain investigative authority

#### **Federal Labor & Employment Law**

- The "Alphabet Soup" of Compliance: Title VII, ADEA, PDA, ADA, IRCA, USERRA, FMLA, FLSA, DFWA, FCRA, NLRA, OSHA, ECPA
- In-depth review of Title VII of the Civil Rights Act and anti-discrimination and harassment laws
- Employer obligations regarding when and how to conduct workplace investigations
- When it is necessary to take remedial action
- Interactive Exercise: The Alphabet Soup of Employment Law*

#### **Common Laws That Add Compliance Obligations When Conducting Investigations**

- Common laws that create additional "boundaries"
- Retaliation: Review of Supreme Court case that has redefined retaliation—and how to avoid claims
- Negligence: How to avoid claims of negligent hiring, supervision, retention, and investigation
- Assault & Battery: Knowing your responsibilities in handling toxic and dangerous employee situations
- Defamation: Understanding slander and libel and how to avoid claims
- Privacy: Understanding the three kinds of privacy issues and why a Search & Seizure policy is necessary
- How to handle electronic communications and employee use - and abuse - of social media
- Understanding today's "must-have" company policies to minimize risk of litigation

#### **Developing An Investigative Strategy**

- Why "picking up the phone" to call witnesses is a lousy strategy for beginning an investigation
- How pre-planning minimizes the risk of negligence - and improves productivity
- How to determine who is an appropriate investigator
- Whether or not you must recuse yourself from an investigation
- The skills you must possess in order to be an effective investigator
- The three things you must consider when selecting investigative team members
- The potential pitfalls - and politics - to assess problems before a case begins
- How to resolve conflicts and turf issues to set the stage for an investigation
- How to plan your strategy to get the "trifecta" of evidence in every case
- The preparation needed to minimize "he said/she said" investigations

**DAY TWO****Conducting Witness Interviews To Cut Through The Nonsense And Get To The Truth**

- Learning that preparation is the key to effective witness interviewing
- How to choose and set up an appropriate space for conducting effective interviews
- How to set up the seating arrangement for maximum investigative benefit
- Weingarten rights and requirements for interviewing in union shop environments
- The "Bulls Eye" interviewing technique to keep your questioning on track
- How to determine if a witness is telling the truth - or telling you a "story"
- Techniques to gain witness cooperation and overcome reluctance
- Your responsibility if an interview gets out of hand - and how to handle it
- Strategies on how to deal with aggressive witnesses who fail to cooperate
- Interactive Exercise: Using the Bulls Eye Technique to Get to the Truth*
- Interactive Exercise: Dealing with Reluctant Witnesses*

**Good Case Management & Conducting the Findings Meeting with Leadership**

- How to conduct a preliminary meeting to identify potential organizational risks
- How to communicate assertively to stand behind your investigative work
- How to present findings, succinctly, to enable leaders to visualize organizational impacts
- Identifying current policies - and past practices - before making decisions
- Recognizing leadership decisions that can lead to negligent retention claims
- Determining when it becomes necessary to leverage internal / external legal team support
- Interactive Exercise: Dealing with the Politics*

**Organizing Evidence In Preparation For Writing The Investigative Report**

- Using contemporary software to streamline the documentation collection/collation process
- How to align allegations against applicable policies and laws
- The "golden nuggets" that support each allegation
- How to evaluate evidence to determine if you have collected enough

**The Do's And Don'ts Of Writing An Effective Investigative Report**

- The various formats for investigative reports: memos vs. formal report structures
- How to write an effective report that demonstrates good faith and minimizes risk
- What does go into an investigative report—and what does not
- When a case really is a "he said/she said" to keep leadership from making a poor decision
- Effective communication to complainants and witnesses in order to close out a case
- How to set up appropriate security protocols to safeguard investigative documents
- How to avoid legal liability for prematurely disclosing or destroying evidence

## **DAY THREE**

### **Skills Building Workshop: Practice Investigations**

Participants will work collaboratively on three mock investigations, working on the practice cases and gaining valuable knowledge and skills, working "a day in the life" of an investigator in each case, handling all aspects from documenting the initial complaint to conducting witness interviews, gathering evidence, and learning how to write a final investigative report.

Each fictitious case deals with different, sensitive issues to increase knowledge of how to identify behaviors, gather evidence, and determine if company policies and/or laws have been violated.

### **Program Wrap-Up**

### **Action Steps Beyond The Program**