

INVESTIGATION GUIDELINES

Investigations are a critical part of ensuring reported concerns are handled effectively and fairly in the best interest of the VCU community. These guidelines outline basic standards for conducting investigations that should be followed by any person tasked with investigating matters reported through the various channels available, including the VCU Helpline (phone and web), directly to Human Resources, the Integrity and Compliance Office, or other departments. The Integrity and Compliance Office is available to consult with any person on investigation questions or issues, and in appropriate cases, to perform investigations if necessary.

Confidentiality/Privacy

In most cases, the reporter of the concern will be identified by name. In some cases, the reporter may choose to be anonymous. In any case, internal investigations performed at VCU are private which means that information gathered from the investigation should be shared on a “need to know only” basis. This means that information gathered should NOT be shared, without good reason, with persons outside the investigative team and the small group of people identified as decisionmakers, if allegations are substantiated. This prevents leaks of information, witnesses sharing and aligning stories, and premature notification of a person who may later be determined to be involved. The key guidelines are:

- Share case information, especially names of parties involved, only on a “need to know” basis.
- Avoid sharing names of others involved with witnesses and the subject unless required to ask questions.
- Avoid sharing details of the investigation with decisionmakers until the investigation is concluded.
- Advise all persons interviewed of our policy of confidentiality/privacy and ask them to keep the interview private as well absent a “need to know” (e.g., letting their supervisor know they were interviewed).

Initial Assessment

Reported concern should be reviewed carefully to make sure it’s one that VCU should be investigating. For example, matters involving the VCU Health System are immediately referred to VCUHS for handling. Similarly, there may be reports that do not actually allege any misconduct or require any fact gathering. These should not be investigated but may require referral elsewhere. If the concern is properly received by VCU, an investigator should be assigned who can conduct a neutral, fair and thorough investigation. This requires an assessment of any potential conflicts of interest an investigator may have with the subject of the investigation. The key guidelines are:

- Ensure that the concern is within VCU’s jurisdiction to investigate and presents a matter that alleges misconduct and requires fact gathering.

- Assign an investigator(s) who can objectively handle the matter in a neutral, fair and thorough manner. Reassign if an investigator has a relationship to any subject of the investigation or has other interests or experience that could appear to prevent neutrality.

Scoping/Planning

Investigations, even small ones, should proceed according to a plan. The plan may change, but it should be articulated before starting to analyze documents or conduct interviews. The key guidelines are:

- Investigations should proceed according to a plan.
- The plan should include:
 - A brief summary of the allegations
 - The policy, procedure or law/regulation involved, if applicable
 - Relevant documents to seek and review for each allegation
 - Relevant witnesses to interview for each allegation

Analyzing Documents and Data

If possible, the investigator should review policies, documents, and other relevant data before interviewing any witnesses or the subject. Understanding the context of the situation will enhance the effectiveness of the interviews and inform their scope. The key guidelines are:

- Gather and review policies and other relevant documents as quickly as possible to understand the context of the allegations well before interviewing.
- Use documents and data to determine who to interview and the scope of each interview.
- In appropriate cases, consider seeking selected emails. The Integrity and Compliance Office can assist if this is required.

Interviewing Witnesses and Subject

Interviews are an essential part of investigations. Interviewing skills require practice, and the Integrity and Compliance Office is available to train on interviewing and to consult with any investigator as needed. The purpose of interviews is to gather facts to lead to a conclusion. This is best done with courtesy and respect to everyone, careful note taking, listening and planning. The key guidelines are:

- Ensure an appropriate setting that is private and quiet.
- Prepare for the topics of questions, while remaining flexible to adapt to the conversation.
- Ensure accurate notetaking by adding a second investigator where possible, particularly for all subject interviews and any complex or significant interview.
- Listen carefully but control the interview and ensure a respectful tone to everyone.

Documenting

Documentation is the distillation of the investigative fact gathering. Clear documentation sets apart high-quality investigations. The documentation and reporting of the investigation should be thorough but concise. The key guidelines are:

- Interview notes should be immediately reviewed and memorialized.
- Documents should be verified for validity (the right version or edition) and accuracy (math adds up, information is complete or explained).
- Documentation should be stored in a secure system (e.g. Convercent) and not retained on multiple other servers or in university shared drives. Any notes taken on paper should be shredded after transcription.

Reporting to Decisionmakers

Reports to decisionmakers must balance conciseness with thoroughness sufficient to reach a reasoned conclusion regarding consequences if misconduct is alleged. Additionally, the investigator should carefully consider and seek advice about who the proper decisionmakers are in a particular matter. In general, those involved in any way as a subject should not be a decisionmaker regarding consequences. The following are essential elements of a concise report:

- Reported Concerns (allegations)
- Methodology (documents reviewed, persons interviewed)
- Standard of Proof (more likely than not)
- Synopsis of Findings (tell the story concisely with facts)
- Conclusion (with clear links to factual basis)/recommendations by allegation

Closing with Parties, Reporter/Resolution

Closing out with witnesses, the subject and decisionmakers is a critical last step in the investigative process. Closing out with witnesses and the subject promotes trust in the process, and closing out with decisionmakers ensures that conclusions and recommendations are acted upon promptly. The key guidelines are:

- Closure with the reporter is essential. Consult with ICO on what may be shared, but it is always acceptable to say, “the matter has been investigated and the results reported to management for corrective action, if required.” In some cases, it may be reasonable to acknowledge that the allegations were substantiated in whole or in part. Details of personnel actions may not be shared.
- In complex matters, closure with witnesses may be appropriate.

The Investigation: Guidelines

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- Closure with decisionmakers includes ensuring corrective action is decided and executed upon if necessary and following up to ensure recommended actions are completed.