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Mechanics of an HR INVESTIGATION

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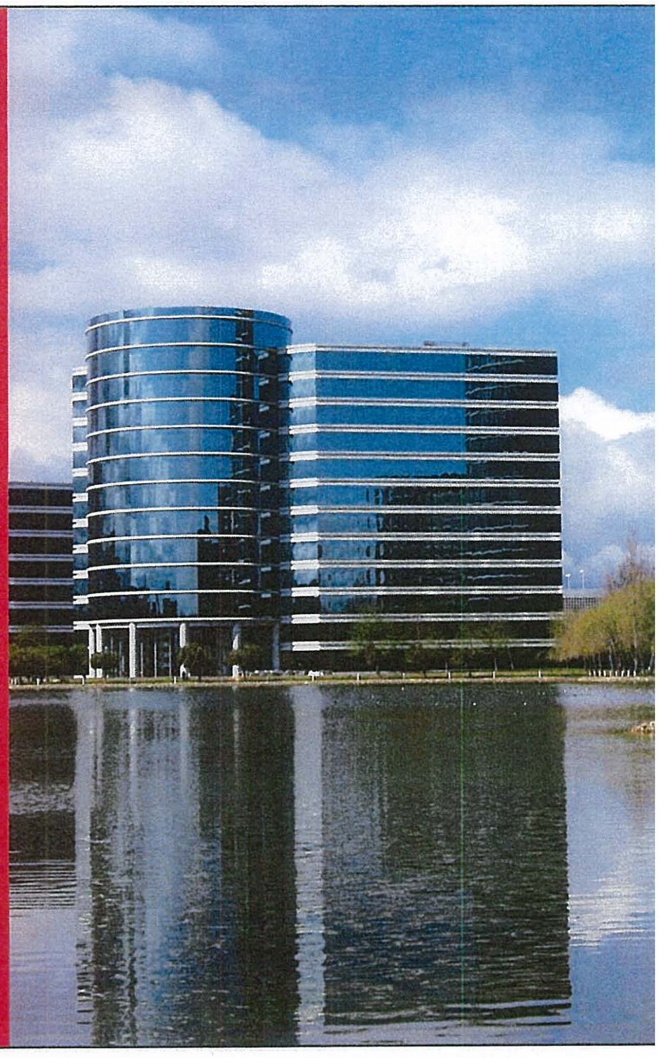


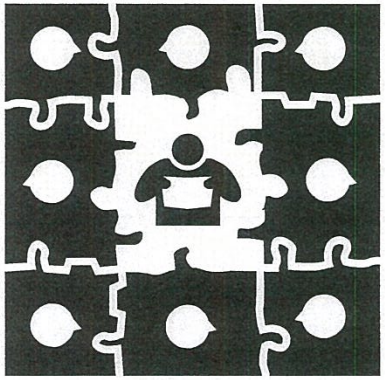
EXHIBIT 96
Deponent Baxter
Date 7-3-19
Gina Carbone, CSR

Exhibit P-109

Mechanics of an HR Investigation

Agenda

- Investigation Guidelines
- Interviewing - Introductory Guidelines
- Interviewing – Questioning Guidelines
- Interviewing - Closing Guidelines



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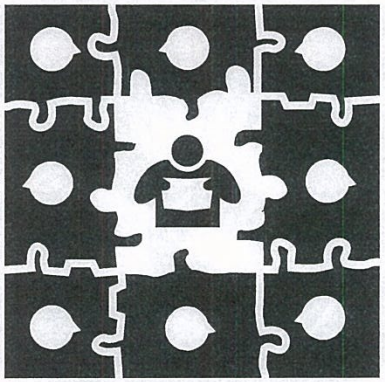
Mechanics of an HR Investigation

Our discussion and the materials presented regarding best practices and experiences in HR investigations are <u>only guidelines</u>.



Each investigation is different and some steps may need to be reordered, omitted, added or modified.

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Investigation Guidelines

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Investigations Guidelines

Intake of an investigation:

- Investigations may come to HR directly from an employee, manager, outside party, Helpline communication, happenstance, etc.

Upon receipt of an investigation:

- Review information initially received and carefully consider what is known, not known and in question.
- Inform Legal of the potential investigation and communicate planned next steps (data to be gathered, persons to contact, etc.) Address as appropriate with Legal.
- Collect and review the data carefully and prepare your interview questions prior to conducting interviews.

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Investigations Guidelines (cont.)

- Conduct interviews and consider all perspectives and information collected. Take notes during all interviews.
- Address matters of the investigation with Legal as appropriate throughout the review process and as advised by Legal at the outset.
- Once interviews are completed and assessed, meet with Legal to review findings and, if necessary, seek privileged guidance on potential disciplinary options.
- Meet with appropriate LOB management to communicate about the matter and, if appropriate, recommend disciplinary actions.
- Prepare disciplinary notices and/or closing memorandums as applicable and communicate to Legal.

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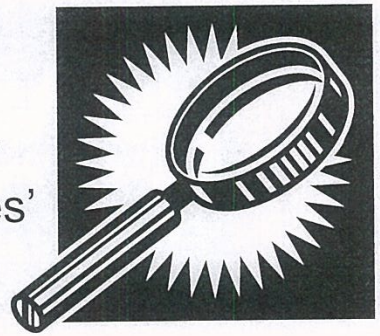
Investigations Guidelines (cont.)

- Communicate findings to the complaining individual.
- Individually or with management (depending on matter) communicate results of investigation to accused individual.
- Work with LOB management to implement actions resulting from investigation.
- Consider whether to forward a copy of closing notices and/or disciplinary notices to HRSSC for placement in the employees' files.
- Keep all of your notes organized and secure for future reference as needed.
- Follow up to ensure any requirements resulting from the investigation are addressed.



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Interviewing – Introductory Guidelines

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Interviewing – Introductory Guidelines

- Briefly introduce self.
- Confirm with the interviewee that it is a good time to speak, including for the established length of time, and that the interviewee is in a private location where s/he is free to speak privately.
- State the overall purpose for your call (the topic are you discussing).
- (*Directed to the individual raising the concern.*) When initially speaking with an individual raising a complaint, ask the person if there is any reason s/he does not feel you should be conducting the investigation.

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Interviewing – Introductory Guidelines (cont.)

- Inform the interviewee that this is a confidential, internal discussion / investigation. (Apply this with caution.)
- State that the interviewee is expected to provide complete, honest information during the course of the interview.
- Remind the interviewee about Oracle's policy against retaliation.
- Let the interviewee know how you prefer to structure the discussion, noting that you may interrupt the flow if you need to clarify points covered to ensure your own full understanding of his or her perspective.

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Interviewing – Introductory Guidelines (cont.)

- Inform the interviewee that you will be taking notes during the interview and they are also welcome to take notes, but that it is against Oracle policy to record conversations.
- Let the interviewee know that it is appropriate to let you know if s/he needs a break, water, etc.
- Ask the interviewee if there are any questions or concerns before beginning with the interview.

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Interviewing – Questioning Guidelines

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Interviewing – Questioning Guidelines

- Formulate your interview questions prior to the interview.
- Ensure your questions cover who, what, when, where, how and why.
- Ask open ended questions.
- Avoid asking leading questions.
- Once you have completed your introductory steps, transition by asking the interviewee about his/her role and responsibilities.
- Ease your way into your questions. Do not immediately move to difficult questions.
- Strive for the interview to be conversational in nature.

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Interviewing – Closing Guidelines

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Interviewing – Closing Guidelines

- Ask the interviewee if there is anything that has not been discussed that may be relevant to the matter.
- Remind the interviewee that you may be contacting him or her again regarding the concern raised.
- Reaffirm with the interviewee that s/he has been complete in answering questions and providing information.
- Remind the interviewee to provide you with any documents, emails, IMs, text messages, etc. that might be relevant to the investigation.

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Interviewing – Closing Guidelines (cont.)

- Let the interviewee know that if s/he becomes aware of additional information about the topic or remembers something not revealed during the interview that s/he is to contact you immediately.
- Ask the interviewee if there is anything else s/he would like to share.
- Ask the interviewee to provide you with the names and contact information of anyone else believed to have information relevant to the investigation.

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Interviewing – Closing Guidelines (cont.)

- Remind the interviewee about Oracle's policy against retaliation and let the employee know s/he must not engage in any form of retaliation and should not be subject to retaliation. Direct the interviewee to contact you immediately if s/he feels there is a potential violation of this policy.
- Remind the interviewee that this is a confidential, internal discussion / investigation, but that you will need to discuss with others when there is a business need to know or for the purpose of conducting the investigation.

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Interviewing – Closing Guidelines (cont.)

- Remind the interviewee that these investigations take time and that s/he can reach out to you at any time for follow up.
- Stress that no conclusions have been reached.
- Thank the interviewee for his/her time.

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