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Investigating high-profile individuals: Not as easy as we think

By Miguel Rueda, MBA, CCEP, CFE, CIA, CRMA

Miguel Rueda (miguel.rueda@aircanada.ca) is responsible for managing the ethics reporting program in a global enterprise based in Canada.

Imagine you have been conducting ethics and compliance investigations for years. You follow the protocols and best practices; your objectivity is unquestionable.

And then, you receive a report with serious allegations about someone with a very high standing in your organization, or perhaps a celebrity. The information is initially vague, but anonymous reporters have indicated that they have “incriminating evidence.” The following week, you find an envelope with copies of emails and documentation that was slid under your door. You sit down, look at what you have received, and proceed to investigate following your protocols, right?

Is this just another ethics investigation?

Every investigation is different, and despite similarities, the circumstances surrounding ethics cases may differ significantly. When allegations involve someone with a very high profile, in public life or within your organization, the investigator will have to exercise special due diligence in a number of areas.

Consider the following scenario: Years ago my team received a report with very sensitive allegations that involved a celebrity. The information and alleged breaches were very serious. Within a couple of days, individuals in departments that had nothing to do with investigations or compliance were contacting me, with offers to “help,” as it was now known that the individual in question was named in the investigation. The information had been leaked. Thankfully, the leak was controlled, and we were able to manage the situation by applying the five principles that I illustrate below.

1. Maintain your professional skepticism

This is a point that I also highlight in my previous article.^[1] When your job entails evaluating and investigating allegations of wrongdoing, a *healthy degree of skepticism* is your friend. This does not mean that you have to mistrust everyone, but it means that you need to seek independent validation of the information you receive.

Initially, you should assess the information and allegations as they relate to any person.

- Is the information credible?
- What would motivate an individual to act in the manner being described?
- Are details (if you received any) such as dates, times, and places feasible?

2. Engage the reporter

Whether you received the allegations anonymously or by direct contact from someone, do not hesitate to ask that

whistleblower (i.e., the “reporter”) for information that can substantiate the claims. This does not mean that reporters should feel that they have to “prove” the matter. Instead, you can assure them that the matter will be investigated, but an effective and efficient investigation will require specific information.

At this point, it is critical that you get a sense of how active the reporter wants to be. You should advise very clearly that you are not instructing the reporter to go out and “obtain evidence.” Rather, reporters should provide all the information they have, even if they do not think it is relevant to the case.

I had a case once in which the reporter suggested he would go out, follow someone suspected of abusing sick time, and take pictures. Fortunately, I discouraged this person from doing so, and assured him that if surveillance was necessary, there was a team that would conduct it within appropriate legal and practical boundaries.

3. Understand who the high-profile person is

Once you have assessed the allegations objectively, you should do your homework about the high-profile individual being named. For example, if the individual is a performer, but you have no idea about their work, you should become familiar with it. You do not have to become a “fan” to understand the situation, but you need to get the full picture of why this person is famous and their idiosyncrasies.

At this point, it will really help you to be mindful of what is like to be a *publicly exposed person*. Public figures tend to be judged in harsher terms, regardless of what they do. I might inadvertently park in a handicap space, get a ticket, and no one would care, but if a politician were to have a similar momentarily lapse, what are the chances that it will be widely reported in the media?

It is not a matter of using the information on the high-profile person to determine the likelihood that they committed a breach. It is more than that. It is understanding that almost any action by a high-profile person might tend to be amplified when the public speaks about it.

4. Manage the “need to know”

When you are investigating a case that involves a high-profile individual or a public personality, it is understandable that leaders in your organization would be concerned. You should be aware and know what to do if you are approached by a highly ranked member of your organization, such as a vice president, who heard about the case and would like to know what is being done about it. What details can you provide to this person, given their position? Well, before even considering this question, you should ask yourself: Does this person have a need to know?

This part can be delicate, but the better position to handle it from is a foundation that, ideally, has been established beforehand. If leadership, including executives in your organization, know the standards and protocols of your work, they will trust you to handle the investigation accordingly.

Best practice would require these protocols to include protection of personal and sensitive information, including the requirement to inform only those with a “need to know.” In my experience, those in positions of leadership understand and appreciate this.

5. Have a plan for potential leaks

Investigations involving high-profile individuals can be conducted under strict confidentiality; however, it only takes one comment, one email, or one document left on a desk for others to find out and speculate. Clearly, when

you conduct ethics investigations, confidentiality should be maintained at all times, unless you are legally obliged to disclose an investigation's results. Always consult your legal department to determine this.

But despite your best efforts to ensure confidentiality, leaks might happen. This is another eventuality that you should incorporate as a proactive step in your investigations.

My advice is to liaise with the department specialized in communications in your organization (e.g., media relations, corporate communications) during the initial stages of an investigation involving a high-profile person. You can explain to the proper contact in that department that the information you received is under investigation and is confidential. This specialized department can help you prepare an action plan for an appropriate response if a leak occurs. For example, they can compose—in advance—a potential memo to employees in case there is a need to assure the workforce that the allegations are unconfirmed, but the proper investigative steps are being taken.

Not just another case...

As outlined, an ethics report involving a high-profile person is more than just another case. Yes, you will need to maintain your objectivity and professional skepticism, but you will also need to go beyond in terms of protecting confidentiality and taking proactive steps.

At its core, an ethics investigation involves fairness. Allegations about a high-profile person can become public and easily spread, attracting characterizations about that person, even if the allegations turn out to be false. This is inherently unfair but very possible.

I think about another case I received with very sensitive information about a celebrity. We conducted an investigation and found minor, procedural irregularities, but the most significant allegations were unfounded. We managed to contain the information and prevent any leaks. But what would have happened if the sensitive information we received had been disseminated? The high-profile person certainly would not have appreciated it if it became public that they had been linked to a workplace investigation. The sensitive allegations were unsubstantiated and were never made public, thus preventing unfair speculations about the individual.

Conclusion

Every ethics investigation should be conducted under strict protocols and following best practices. Your investigative steps and the evidence at hand will help reveal if breaches have occurred. Meanwhile, all individuals identified deserve due process, despite the allegations. When an investigation involves publicly exposed persons (e.g., a celebrity or highly ranked individual in your organization), it is very important to keep in mind the five principles described above.

Ethics investigations are an important component of your organization's compliance program. Although compliance should be integrated across the organization, investigation activities require a sound degree of independence. Adequate protocols and best practices are very good safeguards to sustain this independence.

By protecting sensitive information, including details of cases involving high-profile persons, you will continue to ensure the effectiveness and success of your compliance activities.

Takeaways

- Maintain your professional skepticism. When receiving allegations, a healthy degree of skepticism is always your friend.

- Engage the reporter. Don't be afraid to ask for more information, but make sure the reporter doesn't become an investigator.
- Understand who the high-profile person is. Understand that public persons are famous for a reason, and this might make them targets of allegations.
- Manage the need to know. Work with your leadership so they can understand your role and trust your protocols.
- Have a plan for potential leaks. Plan your organization's response in case of leaks ahead of time. Nobody likes unpleasant surprises.

1 Miguel Rueda, "When whistleblowers blow their cover," *CEP Magazine*, March 2019, 36, .

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