

Compliance Today – February 2021

The strange new world of remote wrongdoing

By Gerry Zack

Please feel free to contact me anytime to share your thoughts: +1 612.357.1544 (cell), +1 952.567.6215 (direct), gerry.zack@corporatecompliance.org.

- twitter.com/gerry_zack
- linkedin.com/in/gerryzack

I recently presented a session on conducting remote investigations for one of our conferences, a timely topic given how dispersed many of our organizations' workforces are during the pandemic. But as I prepared for my session, I also realized that not only has the way we conduct investigations changed, but the very nature of what we are investigating has also been affected.

I'll use one example, but there are many others. Let's say you're conducting a virtual meeting with coworkers, or a class with students, and everyone is on Zoom or one of the other tools for conducting online meetings. Before you know it, one of your colleagues or students launches into an expletive-filled angry tirade—a behavior that would never be tolerated in an in-person environment.

However, the individual involved was one of several attendees who did not have their camera on, so the entire tirade was verbal and also included a screen-sharing episode that showed inappropriate material. The meeting or class is abruptly concluded pending further investigation.

When you ask the individual about the incident, they claim their account was hacked and that it wasn't even them who engaged in the bad behavior. Complicating the situation is the well-documented fact that this employee or student has a history of some disciplinary issues, although nothing to this level, and their behavior and attitude toward the organization have recently been very negative.

Are they telling the truth? In most investigations, we are in a position of attempting to determine whether someone did something that they have been accused of. But, here we are in a position of determining the opposite—whether someone did *not* do something. In fact, we may never know who did it. But we need to be able to rule out the possibility that our employee/student did it.

Several organizations have found themselves in this situation. Not only are we having to adapt to an environment in which more of our investigative work is done remotely, but even the very nature of some of the things we need to investigate is changing as a result of our increasingly remote workforce.

This publication is only available to members. To view all documents, please log in or become a member.

[Become a Member Login](#)