

Investigations: Properly Executing a Compliance Investigation Initiated by a Whistleblower

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As advertised -

Many conferences speak to Qui Tams and how to handle them, but most of the Qui Tam issues like off-label marketing and product promotional issues are handled by a team of compliance investigators. Discuss the things you need to consider when handling a whistleblower investigation that differs from a regular investigation.

Please let us know your overall role.

In house legal

In house compliance

External Counsel

Consultant

Other



Please indicate your level of experience in conducting whistleblower investigations

None (0 whistleblower investigations)

Initial (1-3 Whistleblower)

Intermediate (4-7 Whistleblower Investigations)

Advanced (More than 7 Whistleblower Investigations)



What are the major challenges you face when conducting whistleblower investigations?

Lack of an experienced team and other resources

Managing the eDiscovery process

Gathering data from relevant financial systems

Lack of support / resistance from the executive suite



Do you have a company definition of what constitutes a complaint?

Yes

No

Not Sure

Are all complaints documented and investigated?

Yes

No

Not Sure

Who decides whether a complaint should be investigated?

Compliance

Legal

Internal Audit

Some combination of Compliance,
Legal, and Internal Audit



Do you have a standard operating procedure on preventing retaliation against whistleblowers?

Yes

No, we have a policy
but no standard
operating procedure

Do you have a standard operating procedure or a protocol to maintain the confidentiality of a whistleblower's identity?

Yes

No



When do you bring in external counsel in connection with a complaint?

Immediately to conduct the investigation under privilege

After some initial triage

After some evidence involving the complaint has been gathered

When we have to

After findings are developed, are the reports mainly:

Written

Written as part of a case management system

Verbal

Not documented



Does your company maintain data involving complaints and provide relevant metrics to your board?

Yes, high level data

Yes, detailed data and metrics

No

Don't know

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WHEN IT REALLY MATTERS.