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WHITE PAPER
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Impact of the COVID-19 Outbreak on Internal Investigations: Whether and How to Investigate During a Global Pandemic

Companies face a myriad of issues as a result of the novel coronavirus (COVID-19) outbreak. One issue is how to address allegations of misconduct involving corporate personnel, including whether and how to conduct internal investigations in light of increasing travel restrictions, shelter-in-place orders, and guidance regarding social distancing. This *White Paper* presents considerations relevant to companies' calculus as to how to carry on with internal investigations that pre-date the COVID-19 outbreak, and how to address those allegations of corporate misconduct arising after the outbreak began. Companies are advised to (i) reassess their internal investigative processes to appropriately take into account the exigencies and re-ordered priorities of the day, maintaining procedures necessary for risk-management, such as a harassment reporting protocol; and (ii) in particular cases, to ensure that due attention is paid to the range of considerations relevant to determining how best to proceed in the assessment and investigation of allegations of misconduct. This ensures that allegations are treated in a manner commensurate with their seriousness while considering resource and other practical constraints, and that rational decision-making is promoted and records of the same are established in the event it ever becomes necessary to demonstrate this rationality and the exercise of sound business judgment to regulators, shareholders, or other interested parties.

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