



THE HOSPITALITY LAW CONFERENCE: SERIES 2.0

October 3, 2018



Washington, D.C.

Building an Ethics Line Report Intake & Response Program

2018 HOSPITALITY
LAW CONFERENCE:
WASHINGTON D.C.

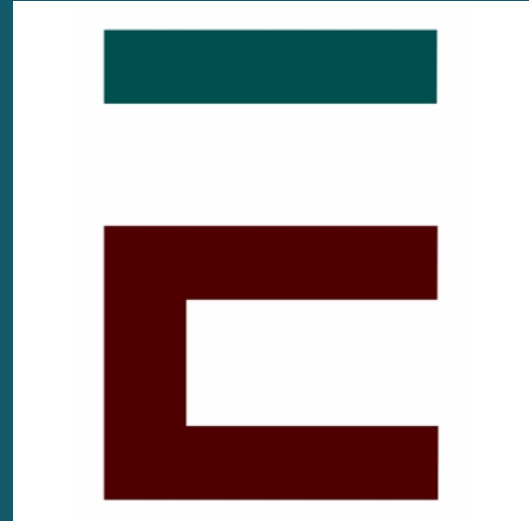
OCTOBER 3



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Founder & President, Ethics Suite

- Creator of HotelEthics.com and RestaurantEthics.com
- Former Director of Investigations and Anti-Corruption Program for global lodging company with 180,000 employees
- 1,400 investigations in 75 countries and 10,000+ ethics line reports
- More than 15 years hotel, restaurant, bar, and casino operations management



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Implementation

Intake, Protocols & Standards

- Internal or external provider
- Complaints/allegations
- Policy questions
- Ethical considerations
- Self reporting
- Resources
- Monitoring
- Communication strategy
- Documentation and retention policies



Reports & Response

Sources

- Hotline Reports
- Social Media
- Management/Internal Audit
- Policies/Code of Conduct

Stakeholders

- Legal
- Finance
- HR
- Safety & Security
- Risk
- Operations
- Sales & Marketing
- IT



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Report Triage

Checklist

- Who receives the report?
- Who reported?
- What happened?
- Why did this happen?
- What needs to be done?
- Where else can this be happening?
- Who needs to be notified?
- Who should be assigned to investigate?
- Do we need outside assistance?



Checklist Example

| 1 General Information | | | 3 Resource Information | | |
|-----------------------------|--|---|---|---|--|
| # | Item | Comments/Instructions | | | |
| 1-1 | Nature of investigation/issue type | e.g., theft, fraud, corruption | 3-1 | Identify appropriate resources | Determine who will be responsible for the investigation and whether they are available, or if third-party assistance is warranted |
| 1-2 | Source of allegation | If hotline is the source, include case number and identify related cases, if applicable | 3-8 | Budget needed | Determine the amount of expenses that may be incurred. Determine number of hours expected from each resource involved in the investigation |
| 1-4 | Date and results of last property or process audit | Or other historical information | 3-9 | Investigation expenses | Discuss allocation of expenses (if any) with relevant directors |
| 2 Investigation Information | | | 4 Notifications / Confidentiality / Privilege | | |
| 2-1 | Allegation (s) | | 4-1 | Discussed with Compliance/Legal contact | Determine extent of confidentiality/privilege |
| 2-2 | Potential loss/impact | | 4-2 | Local law enforcement notified, if applicable | Discuss with Compliance/Legal if notification is required |
| 2-3 | Potential liability/risk | | 4-4 | Insurance provider notified, if applicable | Discuss with Risk Management |
| 2-4 | Level of complexity | Is this a complicated issue requiring SME? | 5 Reporting | | For reference only |
| 2-5 | Level of Legal/IA/HR involvement | Consider privilege | 5-1 | Status updates, if required | Determine timing, content and distribution of updates |
| 2-6 | Data preservation/eDiscovery needs, if applicable | Requests for data preservation/imaging must be approved by Privacy Office | 5-4 | Prepare recommendations for further investigation, if any | Consider resources and expenses involved with additional investigative steps and the benefit of completing the additional work |
| 2-11 | Expected location of investigation | Determine location of onsite fieldwork and/or desktop analysis | 5-6 | Prepare findings report | |



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Challenges

- Privacy concerns
- Employment law
- E-Discovery
- Cost
- Safety and security
- Maintaining privilege
- Consistent disciplinary action
- Internal conflicts

