

McDonald's
Restaurant Workplace Violence Policy
Suggested Investigation Protocol for U.S. Owner Operators

BaRu Enterprises, LLC is committed to ensuring that all employees and staff are treated with dignity and respect. Accordingly, when an employee of BaRu Enterprises, LLC reports an incident of workplace violence, we will investigate the issue immediately to ensure the safety and wellbeing of our employees and customers.

Investigating a report of workplace violence is much like investigating any allegation of misconduct, be it harassment, discrimination, or another violation of company policy. Given the nature of workplace violence, however, the investigator must be sensitive to the potential trauma suffered by victims, witnesses, and others.

We have established the following investigation protocol for our management personnel to use whenever BaRu Enterprises, LLC receives a verbal or written report of workplace violence as defined in our Workplace Violence Policy (the "Policy").

Note: If you become aware of an ongoing or imminent act or threat of workplace violence, call 911 immediately.

You should only conduct the investigation described below when you are reasonably certain that the reporting party, the victim, the subject, and all other employees and customers in the BaRu Enterprises, LLC workplace are safe and secure. Throughout the entire investigative process, you must recognize and act immediately if steps are necessary to protect the reporting party, the victim, the subject, or others in the workplace.

Step 1: Provide Interim Protection if Needed

If the person accused of misconduct (the "subject" of your investigation) is a **BaRu Enterprises, LLC** employee, management should take immediate measures for the protection of employees and customers and consider separating the victim from the subject (e.g., by temporarily suspending the subject or assigning both the victim and subject to different shifts).

Management should consult with the victim before making any changes directly affecting their employment (e.g., do not temporarily reassign them or change their schedule without first consulting them). The goal should be to work together with

the victim to arrive at an amenable solution. Doing otherwise may be seen as retaliatory.

If you have any questions about the actions outlined above, consult BaRu Enterprise's management team.

Step 2: Select the Investigator

A neutral party should conduct the investigation. Depending on the circumstances, this may be someone affiliated with BaRu Enterprises, LLC or an outside investigator. The investigator will typically interview the person who reported the concern, the victim, possible witnesses, and, if applicable, the employee accused of violating the Workplace Violence Policy (the "subject").

If BaRu Enterprises, LLC decides to conduct the investigation without assistance from a third party, the appropriate investigator should possess as many of the following criteria as possible:

- An ability to investigate objectively, without bias, and to treat everyone with respect, empathy, and professionalism, regardless of the circumstances.
- No stake in the outcome. The investigator should not have a personal relationship with the involved parties. The outcome should not directly affect the investigator's position within the organization.
- Skills that include prior investigative experience and working knowledge of employment laws.
- Strong interpersonal skills to build a rapport with the parties involved and to be perceived as neutral and fair.
- Attention to detail.
- The right temperament to conduct interviews.

In addition, the investigator should be able to maintain confidentiality to the extent possible and have the ability to act as a credible witness if needed.

Note: If the complaint involves an allegation of sexual assault, it is often helpful if the investigator is the same gender as the alleged victim. It is also helpful if the investigator is trained in trauma-informed interviewing.

Step 3: Create an Investigation Plan

An investigation will not be effective if it is not properly planned. An investigation plan should include a summary of the issue, a statement of the investigation's scope and objectives, a witness list, potential sources for information and evidence,

interview questions designed to elicit crucial information and details, a process for retention of documentation (e.g., interview notes and e-mails that could be treated as evidence), and procedures for ensuring the confidentiality of all information.

Step 4: Ensure Confidentiality, to the Extent Possible

BaRu Enterprises, LLC will protect the confidentiality of employee claims to the best of our ability. At the same time, it is important that we conduct a prompt and an effective investigation. Therefore, it may not be possible to keep all information gathered during the initial investigation, such as interviews and records, completely confidential. The investigator should explain to the person who initially reported the issue and all individuals involved in the investigation that all information gathered will remain confidential to the extent possible for a thorough investigation. The investigator should also explain that, in order to conduct an effective investigation, some information may be revealed to any employee accused of wrongdoing and potential witnesses, but that information will be shared only on a "need to know" basis. The investigator should not promise absolute confidentiality to any party involved in the investigation.

Step 5: Conduct Interviews

After creating an investigative plan, the investigator should prepare to conduct interviews. The investigator should inform all persons who are interviewed of the reason for an investigation and explain the investigation process.

The investigator should prepare a list of questions before conducting any interview but be prepared to depart from the list if the interview brings out new facts or issues.

Conduct interviews in a quiet and private setting, if possible, but never lock the meeting room door or prevent anyone from leaving.

For victim and subject interviews, have an appropriate, neutral person attend the interview to witness any important statements and to protect the interviewer from claims of unprofessional conduct. Where possible, the interviewer and/or the witness should be the same gender as the person being interviewed.

Do not interview more than one person at a time, and do not audio- or video-record the interview unless someone from Legal has approved it in advance, and offer to take a short break if the interview requires more than 45 minutes or an hour.

Good questions draw out relevant facts without leading the interviewee; they should be open-ended (e.g., "Please tell me what you saw," "Then what happened?") to elicit

as much information as possible.

The investigator should remain impartial and objective throughout the interview and not reach conclusions prematurely or appear to cast judgment. The investigator should NOT push the investigation in any particular direction, offer any opinion, or say anything to interviewees that will raise questions about their impartiality.

The investigator should assess the interviewees' credibility. Interviewees might provide differing accounts and even conflicting versions of the events. The investigator should be aware that the issue is very personal to employees involved and not every interviewee may be candid or truthful during interviews.

The investigator should take sufficient written notes during every interview to document, at a minimum, the name of the person interviewed; the name of anyone else present; the location of the interview; the time the interview began and ended; and the important things that are said. The investigator should also request a written and signed statement from all interviewees.

A. Interviewing the Victim or Reporting Party

An allegation of workplace violence can be reported by the alleged victim, a witness, or another person who may have learned of the incident. The investigator should interview the person who first reported the alleged misconduct at the time the complaint is made or soon thereafter. When the interview begins, the investigator should:

- Thank the person for coming forward and bringing the matter to BaRu Enterprises's attention.
- Assure the reporting party that the BaRu Enterprises, LLC respects their right to report their concerns, takes the report seriously, and will investigate and take appropriate action.
- Advise the reporting party that BaRu Enterprises's policy prohibits retaliation and request that they report any actions that they believe may be retaliatory through the appropriate reporting channels.
- Assure the reporting party that they are not in danger of losing their job for making a complaint in good faith if they are BaRu Enterprises's employee.

Trauma-Informed Questioning

Violence of any kind can be traumatic to the victim and those that witness it, and this may affect a person's ability to accurately recall details of the incident, even minutes

after it occurred. The investigator should, therefore, take a “trauma-informed” approach when interviewing victims, witnesses, and others who may be affected by the incident. This approach is designed to elicit the necessary information (e.g., the “who, what, and where”) without further traumatizing the person or distorting their memory.

To properly conduct a trauma-informed interview, the investigator should:

- Make sure the interview takes place in a quiet, private, and comfortable environment.
- Offer the complainant a drink of water before the interview begins and make sure to monitor their behavior for signs of trauma (e.g., lack of focus, nervousness, confusion, and emotional upset).
- Explain to the complainant how the interview and investigation process works.
- Explain that the interview may entail difficult and detailed questions so that the investigator can fully understand the underlying incident.
- Take breaks, if necessary, so the interviewee can remain comfortable and focused throughout the interview.
- Start the questioning by asking the interviewee to tell his or her story (“Please start wherever you feel comfortable and tell me what happened”). Do not interrupt the answer.
- If the interviewee looks for prompts, use open-ended questions, such as:
 - And then what happened?
 - What else happened?
 - What else do you remember?
 - How did you react physically? Emotionally?
 - What was the most difficult part of the experience for you?
 - Is there something about this experience that you can’t forget?

After asking these open-ended questions, the investigator can then follow up with more pointed questions to fill in any gaps regarding the who, where, what, why, and when. The investigator can also use this time to go over the chronology, as the interviewee may not tell their story chronologically. The investigator should always

ask questions in a neutral, non-leading, and sensitive manner.

Toward the end of the interview, the investigator should ask for names of anyone they believe to have witnessed any of the described events or who may have relevant information. The investigator should also collect any relevant documentation, such as text messages, video chats, etc.

B. Interviewing the Subject

When interviewing an employee accused of violating the Policy, the investigator should explain that BaRu Enterprises, LLC's objective is to conduct a thorough and fair investigation the allegation, and that the interview is designed to give the person a full opportunity to present their side of the story. The investigator should also explain that no conclusions will be drawn until the investigation is fully completed. In the interview, the investigator should:

- **Ask for the subject's "side of the story."** The investigator should describe in general terms what has been reported and invite the subject to provide their "side of the story" in a narrative form. While it will be difficult to avoid providing the name of the alleged victim, the investigator should avoid naming any other individuals (e.g., witnesses and the person who reported the incident) to the extent possible.
- **Get responses to specific allegations and the identity of potential witnesses.** The investigator should go through the specific details alleged by the reporting party, and seek an admission, denial, or explanation as to each allegation. The investigator should be sure that the person has an adequate opportunity to respond to each allegation that might be used as a basis for disciplinary action. In addition, the investigator should ask the subject for the names of anyone who witnessed or may otherwise have information about the incident.
- **Explore motives.** If the subjects admits the alleged misconduct, the investigator should ask them to briefly explain the reason for their action. If the person denies the alleged wrongdoing, the investigator should ask if they know of any reason why the reporting party would make the allegation. The investigator should ask what their relationship is like and whether there have been problems between them (and if so, what, when, etc.).
- **Warn against retaliation.** This warning should be part of all investigative interviews, but it is particularly important in subject interviews. The investigator should make clear that BaRu Enterprises, LLC respects the right of any employee to make a complaint or a report. The investigator should also instruct the subject to treat the victim and/or the person who made the report, on a "business as usual" basis and to make every effort to avoid conflict while the matter is under investigation.

C. Conducting Witness Interviews and Follow-Up Interviews

As necessary, the investigator should conduct interviews of any witnesses to the alleged misconduct and request written and signed statements from all such witnesses. The investigator should go back to the reporting party, victim, subject, and/or other witnesses to get their responses to any new issues or conflicting statements obtained as the investigation proceeds.

D. Documenting the Investigation

In addition to keeping detailed notes, the investigator should maintain an ongoing summary of the investigation, including a list of interviews, witnesses not interviewed and why, documents and evidence reviewed, key findings (uncontested and contested), etc.

Step 6: Determine What Happened

Throughout the investigation, the investigator must be careful not to jump to any conclusions before assessing all of the facts.

After conducting all appropriate interviews, the investigator should assess the credibility of each person who provided information and carefully consider and weigh all of the information gained during the interviews (whether the information supports the allegation or not). Then, after careful consideration of all the evidence collected during the investigation, the investigator should determine whether a violation of policy occurred.

The investigator, BaRu Enterprises, LLC management, and/or BaRu Enterprises, LLC's labor attorney should determine any corrective action to take as a result of the investigation.

If the investigation confirms a violation of our Workplace Violence Policy, BaRu Enterprises, LLC will take immediate corrective action that is proportionate to the violation, including termination of employment, reassignment to another job or location, suspension, changes in reporting relationships, written warning, training, coaching, counseling, and/or other measures appropriate for the circumstances.

Step 7: Closure of Investigation

Reporting Party and Witnesses

It is important to let the person who raised the concern and other witnesses know that the organization took the complaint seriously and responded appropriately. For

this reason, once the investigation is complete, management will notify the reporting party and all witnesses that the investigation has been completed and appropriate action has been taken. To maintain employee confidentiality, details of the investigation and any resulting discipline should not be shared with the reporting party or other witnesses.

Victim

Management should inform the victim that the investigation has been completed. It may be appropriate to share, in general terms, the findings of the investigation in an effort to assure the victim that the investigation was thorough and fair, even if the victim may not agree with the results. To maintain employee confidentiality, details of any resulting discipline should not be shared with the victim.

Subject

Management should share the results of the investigation with the subject, but care should be exercised to avoid unnecessarily attributing statements and other evidence to specific persons. If there is a finding of wrongdoing, management should explain the corrective action that will be imposed. In any case, the subject should be reminded of the company's policy that strictly prohibits any form of retaliation against anyone who cooperates with an investigation.

Follow-Up

Management should follow up with the victim and the reporting party shortly after the investigation to ask if they have any issues or concerns and to make sure they have settled back into the work environment without fear of retaliation. Management should encourage communication and follow-up with the victim until the victim is comfortable working again.

Management should also instruct the victim and the reporting party to notify human resources immediately if they feel they are being treated unfairly after the investigation, or if they have any continuing concerns or wish to provide additional information after the investigation is closed.

Finally, management should remind all parties to preserve confidentiality as appropriate.

Step 8: Prepare Written Summary of Investigation Results

At the end of the investigation, the investigator should prepare a final written report

summarizing the investigation.

The investigator should create a clear record of everything that was done during the investigation, including review of any evidence, such as emails, text messages, video recordings, employee time records, or documentation of previous employee behavior. The investigator should also document all interviews with the reporting party, victim, witnesses, and subject.

The Investigative Report should include:

- A summary of the incident being investigated, with dates and location.
- The individuals involved (reporting party, victim, and subject).
- Key findings.
- Applicable policies or guidelines.
- Summaries of witness statements or witness statements attached.
- Specific conclusions.
- The name of the person making the final determination of whether a policy was violated.
- Issues that couldn't be resolved, to the extent that these exist, and the reason for the lack of resolution.
- Corrective actions taken (e.g., termination of employment, suspension, verbal warning, re-training, transfer).

BaRu Enterprises, LLC wants to ensure that if a court, jury, or government agency were to review the investigation, the reviewers would understand that our organization took the situation seriously, responded immediately and appropriately, and documented our good-faith basis for any actions taken during or as a result of the investigation.

The safety and wellbeing of our organization's employees is our paramount concern. As we conduct investigations, it's important that we remember that we are all in this together, and we are stronger and better when we work together to keep our workplace a respectful, safe, and violence-free environment.