

CHAPTER 3**BEGINNING AN INVESTIGATION**0301 **FORMAL INVESTIGATION**

Whenever a preliminary review determines a potential violation has occurred, a formal investigation is required under the provisions of this volume. Generally, the existence of a potential violation shall be established during the preliminary review and before a formal investigation begins.

030101. **Purpose.** The purpose of the formal investigation is to determine the relevant facts and circumstances concerning the potential violation--if a violation has occurred, what caused it, what are appropriate corrective actions and lessons learned, and who was responsible for the violation.

030102. **Appointment of an Investigating Officer.** An appointed investigating official shall perform a formal investigation. A formal memorandum shall advise the investigating officer of his or her appointment. That memorandum shall include the case number and specific timeframes to be met during the investigation. The case number shall be used on all applicable correspondence and reports related to the formal investigation.

0302 **INVESTIGATING OFFICER SELECTION**

030201. **Selection Procedures.** Individuals with no vested interest in the outcome, and who are capable of conducting a complete, impartial, unbiased investigation, shall conduct investigations of violations. A NASA official (e.g. Center CFO for the Centers and Deputy Administrator or OCFO) shall appoint a trained and qualified individual to serve as an investigating officer. To help assure independence and impartiality during an investigation, an investigating officer shall be selected from an organization external to the Center or Headquarters office being investigated.

030202. When the OCFO determines that a formal investigation be conducted, the applicable official shall assign an investigating officer within 15 business days of the receipt of the request.

030203. If the NASA CFO notifies the Inspector General, (IG) that a potential violation requires IG investigation, then the IG shall assign an investigating officer and advise the OCFO of the date the investigation began in the next monthly activity report. A case number shall be assigned by the organization being investigated.

030204. Except as prescribed in paragraphs 030204, 030205, and 030206, below, an investigating officer shall meet all of the following qualifications:

- A. Be adequately trained to conduct an investigation of this type.
- B. Have adequate experience in the functional area that is involved in the apparent violation.
- C. Have knowledge of financial management policies and procedures and the Antideficiency Act.
- D. be otherwise fully qualified to serve as an investigating officer.

030205. An investigating officer(s) need not be senior in grade to the person(s) being investigated. If not senior to the subject(s) of the investigation, the investigating officer shall not be anywhere within the supervisory chain of the persons being investigated.

030206. If an individual involved in the investigation or in the process of selecting and appointing the investigating officer has a conflict of interest or any personal stake in the outcome of the investigation, that individual shall remove himself or herself from the process.

Those matters that may not lend themselves to impartial investigation--because the investigator is assigned to the level where the violation occurred--shall be referred to the next higher level, through the appropriate management hierarchy, for the appointment of an investigator.

030207. Appointment of an Investigating Officer by the NASA CFO. An appointment of an investigating officer may be made or reviewed by the CFO or Deputy Administrator, whenever a potential violation (a) is of special interest to that official, (b) demands specific attention, or (c) may involve a high-level official. Such a review or appointment also may be made whenever other circumstances warrant such involvement.

030208. Legal Issues. An investigating officer may face a number of legal issues during the course of an investigation and may be expected to take statements. An investigating officer shall consult with appropriate legal counsel on any legal issues associated with the investigation.

030209. Using an Investigating Team. If a potential violation appears to involve a complex situation or multiple functional areas, then a team approach may be necessary. The appointing official shall ensure the investigating officer receives adequate support, including access to additional personnel with the requisite knowledge in all of the functional areas involved. A legal advisor for the investigating team shall be appointed.