

Standardizing the language of Corporate Internal Investigative Reports: A case study in Appropriated Professional Language Practices

Glen Michael Alessi



Università degli Studi di Modena e Reggio Emilia
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ABSTRACT – INTRODUCTION

My study looks at 'investigative' reports produced by a multinational corporation. The investigations are motivated by suspicions regarding employee behaviour, involving issues such as misconduct, accidents, theft, complaints and issues of compliance.

These reports are based on interviews between the company 'investigator' and employees, and are intended help make internal decisions which monitor, influence or create company policy. These reports, however, pose unexpected problems for the company when required at some future date for legal purposes: such as litigation cases between a dismissed employee and the company. The reports are then open to critical re-interpretation by legal professionals.

Complicating this problem is the fact that the reports are written by international agents whose commands of English and professional training vary widely. The company thus far has prescribed writing guidelines based on standard 'investigative report handbooks as in (Knoke, 2010) yet must still edit and re-write these reports at great expense, hoping they resist potential legal scrutiny.

The company has requested help in standardising the language of these reports and to re-contextualize them for external legal readership. For suggestions defended, they have turned to suggestions from applied linguistics.

Drawing on Bhatia's genre analytical framework (Bhatia, 1993, 2008, 2010) critical notions of intertextuality and interdiscursivity, this study describes generic and lexico-grammatical features found in a corpus of these anonymised internal investigative reports, and suggests strategies for standardisation.

It is hoped that linguistic insights may furnish the company with future recommendations when fine-tuning these reports for a previously unaccounted for external readership such as judge, lawyers and paralegals.

On a meta-analytic level, I hope to illustrate how academic research findings in applied linguistics, based on the study of existing communicative practices, might better inform, improve and shape future professional practice.

METHODOLOGY

Mixed methods of corpus-assisted and genre-based analysis, using Sketch Engine applications (e.g. Sketch-diff) and close-readings, were used to describe existing macro-and micro-structural elements, and especially lexico-grammatical choices in order to suggest standardization options which would render reports more cost-effective and legally resistant. The corpus consisted of 10 reports /54,366 tokens.

FINDINGS – COMMENTS

Interdiscursivity :

Reports (especially case-categories) relied on extensive reliance on legal terminology and phrasing e.g. alleged, fraud, bribery, embezzlement, pilferage, due diligence etc.) characteristic of civil and criminal investigative reports.

- Questions arise as to the efficacy of using strict legal terms (legal meanings) as opposed to more flexible general or ordinary language and phrasings; given that external legal practitioners will apply their own interpretations to adopted legal terms, relying on institutional precedence and professional expertise. A Sketch-engine application of Sketch-Diff revealed differences between shared and unshared collocates of ACCUSE and ALLEGE, that would certainly help reporters in more accurately choosing between the two.

- These borrowings reveal a 'genre colonization' (Bhatia, 2008) from criminal investigation reports, which seek to prosecute, but hold claimant innocent beyond a reasonable doubt. This purpose contrasts with company investigation motives where, rather - desired outcome dictates the required burden of proof (Knoke 2010). Here legal meaning is serving two distinct communicative and professional purposes: The report is appropriating legal terminology for administrative purposes which are self-serving and not for prosecuting.

II. Case-category vulnerability:-

Some case-categories were considered as being more susceptible 'a priori' to external legal contestation and companies who adopt them should target reports filed under these categories for closer editing. The category " workplace misconduct" leaves the employer particularly vulnerable to legal action by employees or former employees who feel they have been treated unfairly (e.g. wrongful termination, sexual harassment, defamation, and false arrest etc.) (Knoke, 2010).

FINDINGS – COMMENTS .. Cont.

III. Facts vs. Allegations

two related claims to objectivity were found in the reports :

Evidence-based facts > higher objectivity : " It was established that"... "It was found that"... "It was determined that" ... "there is no evidence to suggest" "based on a detailed scrutiny, "The investigation highlighted"

Things to Verify/allegations >less objectivity : " it was suspected that".. A random 50% of all invoices were physically check to see if the services rendered actually occurred"

--At a micro-level, the reports appear to be organised as the combination of two inter-related planes. The interplay of facts vs. allegations makes the choice of reporting verbs highly significant, especially with regard to expressing bias or maintaining neutrality.

IV. Attributors in reported speech

- Key reporting statements in the corpus appeared to be qualifiable on three levels :

As **Allegations** : "deny" "said" "stated" "according to" ;

As with **stronger qualification**: "confirmed" "when asked why"

Or with **Straightforward factuality**: "a scrutiny of ... showed that.."

- Key reporting verbs found in a comparable corpus investigative reports (66,235 tokens) (Alessi, 2012) compared with BNC, highlighted key-items by ways of increasing order of factuality : 'maybe', 'perhaps', 'guess', 'think', 'tell', 'remember', 'recall', 'know' and 'saw', might serve as rough parameters when prescribing graded attributors in the case of these company reports.

- Other key-term reporting verbs worth noting and classifying in terms of the three levels were: 'states', 'denies', 'claims', 'contends', 'recall', 'report', 'describes', 'admits', 'believes', 'feels' (* with 'admits' carrying negative semantic prosody).

- Reporters will need to choose attributors based on company-approved/ prescribed levels of qualification in accord with levels of factuality, conviction or truth value. These could be retrieved from an archive of relevant documentation for related concordance lines and reproduction of chunks of report language

CONCLUSIONS – RECOMMENDATIONS

It appears that the company, for lack of a better solution, imitates investigations (in terms of terminology, phrasings and macrostructure) reports intended for civic or criminal prosecution, while lacking the necessary authority, purpose, or defense of the language choices involved.

1. The company should consider pro's and con's of using its present textbook investigative template along with specialized legal terms.
2. If they choose to continue using legal terms, they should provide an a glossary of approved terms with agreed upon meanings and collocates (using Sketch-Diff), along with closest ordinary language terms or phrasings, if preferred.
3. Build an archive of documents (a Corpus) to retrieve related concordances to reproduce entire chunks of approved, pre-edited standardized language, paying particular attention to attributors.
5. Create a standard template for each case category and compile inventory of standardized key words and recurrent phraseology to draw on to systematically associate with the sections.
6. Case-categories most vulnerable to legal scrutiny should be given precedence. (especially case of "workplace misconduct ") .

References

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