



## Conducting Coordinated Compliance Investigations



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### Presenters



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## Objectives



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- > Learn how institutions conduct coordinated compliance investigations by leveraging resources that may already be available to a compliance function
- > Understand the key elements of a coordinated compliance investigation
- > Discuss the roles of key stakeholders in the investigation process
- > Review leading practices for conducting successful investigations



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## Coordinated Compliance Investigations



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### **What does it mean to conduct a coordinated compliance investigation?**

- > Define coordinated compliance investigation
- > Discuss the requirements under the Federal Sentencing Guidelines
- > Identify the stakeholders involved
- > Share examples of a coordinated investigation vs. an investigation conducted solely by compliance



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## Coordinated Compliance Investigations



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### What are the key elements of a coordinated compliance investigation?

- > Intake (receiving the report)
- > Identification of the issues
- > Choose investigator/team
- > Review standards and background documents
- > Conduct interviews
- > Determine the facts
- > Report findings
- > Corrective action and discipline
- > Document outcomes



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## Coordinated Compliance Investigations: Intake and Identification of the Issues



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### When and how does a coordinated compliance investigation begin?

- > What constitutes a report of suspected non-compliance (Intake)?
- > Where do these reports come from?
- > What typically gets reported?
- > What constitutes an investigation of the suspected non-compliance?



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**Coordinated Compliance Investigations:  
Choose Investigator/Team**



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**What are the roles of key stakeholders involved in an investigation?**

- > Define each stakeholder's role
- > Discuss how each stakeholder can add value
- > Determine how to develop and foster relationships
- > Share examples of working with various stakeholders



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**Coordinated Compliance Investigations:  
Choose Investigator/Team**



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**How can you leverage key departments in an investigation?**

- > Typical departments to collaborate with through an investigation
  - Internal Audit
  - Compliance
  - General Counsel
  - Other key departments/stakeholders



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**Coordinated Compliance Investigations:  
Review Standards and Background  
Documents**



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**What investigatory guidelines should you have in place?**

- > Setting policies and standards for conducting internal investigations – must be **prompt, thorough, and objective**
- > Gathering documentary evidence
- > Conducting effective interviews
- > Preparing the report
- > Disciplining, following up, closing the loop



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**Coordinated Compliance Investigations:  
Conducting Interviews**



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**How do you get the most out of the interview process?**

- > Identify the key participants/interviewees
- > Determine an effective order
- > Refine your questions
- > Document your discussion



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**Coordinated Compliance Investigations:  
Determine the Facts**



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**What is meant by a standard of proof?**

- >Evaluating documentation and witness interviews
- >Differentiating legal requirements vs. leading practices
  - Review the role of General Counsel
  - When you should do more
- >Performing the analysis
- >Determining accountability and culpability



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**Coordinated Compliance Investigations:  
Report Findings**



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**How to be most effective when reporting  
your findings?**

- >Focus on what was reported
- >Avoid statements that confirm the allegation
- >Avoid legal conclusions
- >Include recommendations – discuss the challenge
- >Protect participants and their information



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**Coordinated Compliance Investigations:  
Corrective Action and Discipline**



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**What is the process for discipline and/or  
corrective action?**

- > Issuing discipline vs. making recommendations
- > Ongoing monitoring activities
- > The importance of consistency



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**Coordinated Compliance Investigations:  
Documenting the Outcome**



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**How are you documenting and finalizing the  
investigative activities?**

- > What should be retained in the investigative file?
- > Do you use a case management system?
- > When to close out an investigation?



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## Coordinated Compliance Investigations: Future Activities



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### What happens next?

- > Was the matter reported externally and/or investigated by a regulating body?
- > Are you prepared for a public investigation?
- > What information will you have to turn over?
- > Updating your process and documenting any lessons learned



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## Coordinated Compliance Investigations: Examples and Lessons Learned



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### What is the value of a coordinated compliance investigation?

- > Reduces the level of effort across the institution and within each role
- > Leverages subject matter expertise throughout the investigative process
- > Streamlines the process to create a consistent investigative approach
- > Monitors remediation activities and increases accountability



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## Coordinated Compliance Investigations: Examples



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### Examples of coordinated compliance investigations completed using these guidelines

- >HIPAA/Privacy Complaint
- >Discrimination/Harassment



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## Coordinated Compliance Investigations: Conclusion and Key Themes



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- >Reviewed the typical stakeholders included in a coordinated compliance investigation
- >Discussed the process to document your review, interview stakeholders, and conclude on the results
- >Outlined the process to report your findings and determine the appropriate corrective action/discipline
- >Discussed other leading practices for conducting successful investigations



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## Q&A



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## Contact Information



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