Conducting Coordinated Compliance Investigations

Presenters

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Objectives

- 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

Coordinated Compliance Investigations

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
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

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?
Coordinated Compliance Investigations:
Choose Investigator/Team

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

Coordinated Compliance Investigations:
Choose Investigator/Team

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
Coordinated Compliance Investigations:
Review Standards and Background Documents

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

Coordinated Compliance Investigations:
Conducting Interviews

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
Coordinated Compliance Investigations: Determine the Facts

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

Coordinated Compliance Investigations: Report Findings

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
Coordinated Compliance Investigations: Corrective Action and Discipline

What is the process for discipline and/or corrective action?
- Issuing discipline vs. making recommendations
- Ongoing monitoring activities
- The importance of consistency

Coordinated Compliance Investigations: Documenting the Outcome

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?
Coordinated Compliance Investigations: Future Activities

**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

Coordinated Compliance Investigations: Examples and Lessons Learned

**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
Coordinated Compliance Investigations: Examples

Examples of coordinated compliance investigations completed using these guidelines
> HIPAA/Privacy Complaint
> Discrimination/Harassment

Coordinated Compliance Investigations: Conclusion and Key Themes

> 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
Q&A

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