



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**




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**




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**




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**




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**



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**




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**




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**




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**




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**




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**




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**



- > 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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