The Who, The How, and The What Could Go Wrong?

How to Effectively Navigate an Investigation

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Learning objectives

• Understand how institutions can create standards for conducting investigations to ensure the process is consistently performed in a way that adds value for all stakeholders

• Understand opportunities for leveraging existing communication channels and internal controls to enhance the investigations process

• Understand how data analytics and key performance metrics can be used to monitor trending activities across an institution

• Understand leading practices in navigating complex investigations at any institution

Who typically leads the investigation process at your institution?

A. Internal Audit  
B. Compliance  
C. General Counsel’s Office/Legal  
D. Risk Management  
E. Do not know or other
Panelist question

What “triggers” how an investigation gets initiated at your institution?

What reporting channels or mechanisms do you have in place that could lead to an investigation?
POLLING QUESTION #2
When is Compliance the area that leads or conducts an investigation at your institution?

A. Compliance always conducts or leads the investigations
B. Compliance is always involved, but another area may conduct an investigation
C. The relevant area conducts investigations, with minimal involvement from Compliance
D. Do not know or other

Panelist question
What role does Compliance have in your institution’s investigation process?

What other institutional partners have a role in this process or does it depend on the nature/type of the investigation?
Compliance and Ethics Program Overview – Montgomery College

INVESTIGATION FUNDAMENTALS

Montgomery College Investigation Roadmap
Ensuring consistency
Panelist question

Does your institution have investigation-related content formally documented (e.g., standards; policies; procedures; guidance on reporting protocols, anonymity, non-retaliation)?

Tools to standardize investigation approaches

- Intake forms
- Investigation report templates
- Templates for documenting interview notes
- Templates for communicating to reporting and responding parties
- Internal investigation policies
- Guidelines or procedures for compliance investigations
Internal Investigations Policy

https://policies.catholic.edu/governance/internalinquiries.html

Per the Code of Conduct for Staff and Faculty and the Non-Retaliation and Reporting Ethical Misconduct Policy, suspected ethical misconduct must be brought to the attention of the appropriate University officials.

The University has a responsibility to investigate thoroughly, objectively, consistently, and as promptly as possible so that it can implement corrective action, if necessary. To meet this responsibility, employees of the University community must cooperate with University Investigations.

Confidentiality for individuals who are interviewed or otherwise cooperate in an investigation will be maintained to the extent possible by law. While absolute confidentiality cannot always be guaranteed, all matters will be kept private (i.e., shared only with those with a need to know).

Retaliation based on an individual’s cooperation with an investigation is prohibited. Knowingly initiating or causing a false or bad faith report also is strictly prohibited.
POLLING QUESTION #3

Does your institution currently have an anonymous hotline for reporting misconduct or ethical concerns?

A. Yes, one that is provided by a third party (e.g., EthicsPoint)
B. Yes, one that is provided internally by the institution (e.g., designated University phone number or general email address)
C. No, but reporters direct complaints to the Compliance Office or to another individual
D. Do not know or other

Panelist question

How do you determine whether to proceed with an investigation after receiving notification of a report?
Panelist question

How are you keeping your stakeholders informed of the status of an investigation or information reported through an intake channel?

Analytics and metrics
POLLING QUESTION #4
My institution uses analytics and metrics to monitor compliance.

A. True
B. False
C. Do not know or other

Panelist question
What data points do you use to monitor the “pulse” of the compliance and ethical environment at your organization?

Are there other metrics you track or monitor to assess whether an investigation has been effective?
Panelist question

What data points, metrics, or statistics from an investigation get reported to, or are shared with, Management?

Is this information different than what is shared with your Board?

Sample metrics, analytics, or monitoring criteria

- Cycle times – intake to resolution, incident to report, report type, report category
  - Average time versus median time
  - Other informal tracking metrics (e.g., timely, prompt)
- Trend analysis – intake channels, reporting periods (e.g., by year, month, or semester), functional area
- School, College and/or University-wide analysis and industry comparison
- Anonymous versus identified reporting comparisons
- Substantiation rates – allegations versus information
- Dashboard reporting and tracking
Leading investigation practices

- Use a centralized incident management system and document/analyze intake data
- Establish a culture that fosters communication and provides a mechanism (i.e., a hotline) for timely reporting
- Develop and leverage compliance-focused tools and communication strategies for employees responsible for investigation activities (consistency)

Key takeaways

- Define what “triggers” action and who participates in, and executes, the investigation process
- Designate a single process owner with the necessary support resources to coordinate an effective response
- Document processes and use structure/templates to standardize investigation approaches
- Leverage analytics and metrics to proactively monitor compliance activities and ethical behavior
Questions?

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