

SCCE Higher Education Compliance Conference

The Risk May Be Real: A Refresh on DOJ's Corporate Compliance Polices and Their Application to Institutions of Higher Education

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Why You Should Care About the DOJ Guidelines

- ▶ DOJ's guidance is well established and well respected.
- ▶ Avoids the need to recreate the wheel.
- ▶ Can help obtain buy-in from stakeholders.
- ▶ Can be used to as a roadmap to move a decentralized program to a more centralized program.

DOJ's Focus for Corporate Enforcement

Promises of a more aggressive enforcement environment.

Renewed focus on strength of an organization's compliance function.

New focus on individual accountability.

Recent enforcement actions against colleges and universities.

Incentive for self-reporting, including declination or reduction of fines.

Certification by Chief Compliance Officers.

Evaluation of Corporate Compliance Programs

01

Is the corporation's compliance program well designed?

02

Is the program being applied earnestly and in good faith? In other words, is the program adequately resourced and empowered to function effectively?

03

Does the corporation's compliance program work in practice?

Best Practices For Higher Education Compliance Programs

Tone at the top,
mood in the middle,
and buzz at the
bottom.

No one-size fits all compliance programs.

Consider the compliance program as a magnet to bring all the pieces together.

Compliance efforts must be proactive and sustained.

Respond and investigate complaints, allegations and issues.

Learn from investigations and make adjustments.

Focus on research and other federal grants.

Consider record retention and BYOD.

Implement risk assessment program.

Consider compensation and incentive payment plans.

What you should do if DOJ knocks.

- Plan for government investigations
- Cooperation and transparency
- Consider self-disclosure



Areas Of Focus

- 1. Title IV**
- 2. Clery Act**
- 3. Title IX**
- 4. FERPA**
- 5. Hotline**
- 6. College ranking reports**
- 7. Veterans' benefits**
- 8. Greek Life**
- 9. Student-Athletes/NIL**
- 10. ADA**
- 11. Disaster relief/COVID funding**
- 12. Foreign influence/export controls**
- 13. Healthcare fraud**

DOJ's Corporate Enforcement Policies



Monaco Memo #1 (dated October 2021)

Monaco Memo #2 (dated September 2022)

DOJ Criminal Division Corporate Enforcement Policy (updated January 2023)

U.S. Attorney's Offices Voluntary Self-Disclosure Policy (issued February 2023)

DOJ Criminal Division Evaluation of Corporate Compliance Programs (updated March 2023)

DOJ Justice Manual (updated March 2023)

U.S. Sentencing Guidelines, Sentencing of Organizations, §8B2.1 - Effective Compliance and Ethics Program

