

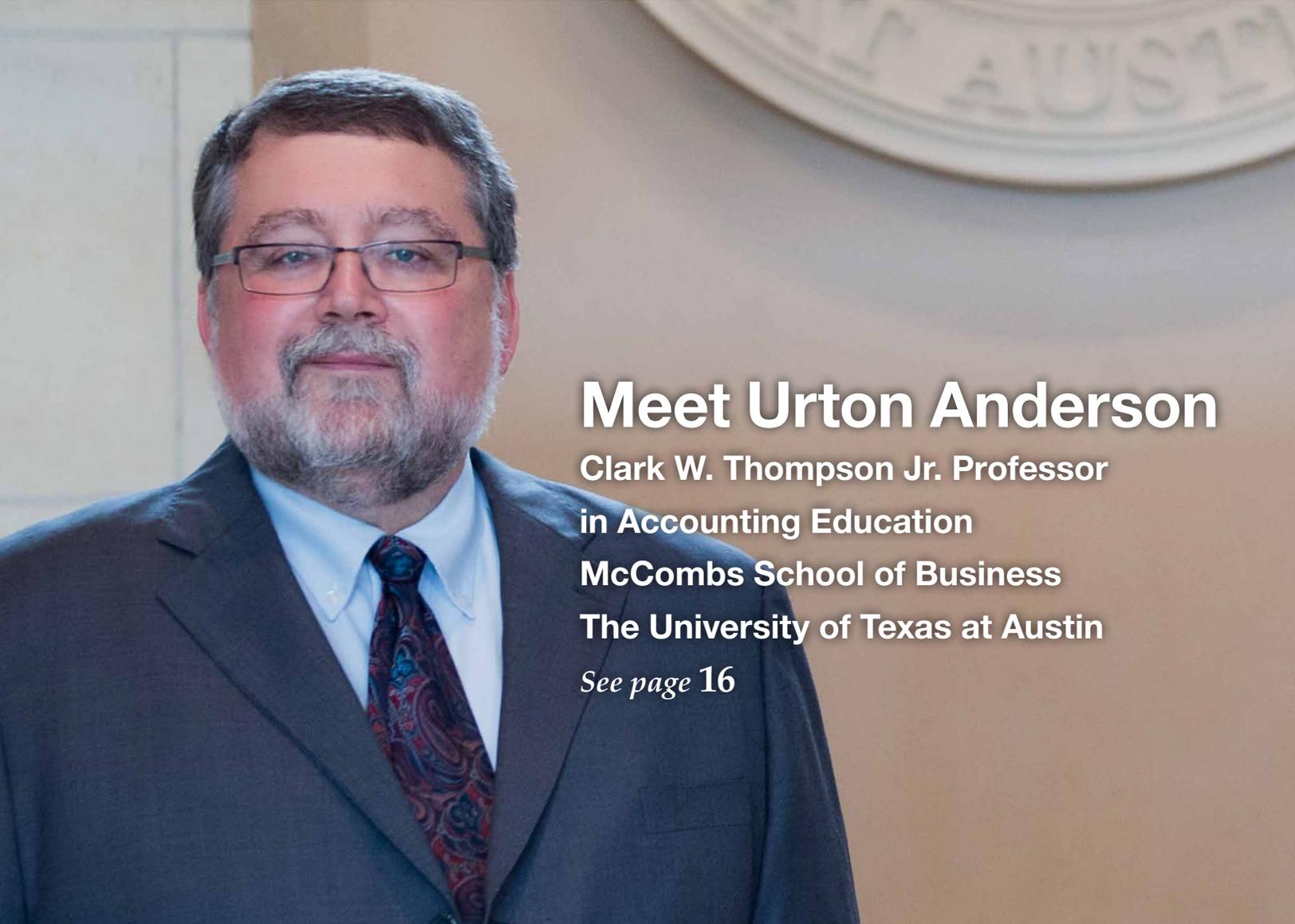


Compliance - TODAY

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by Roy Snell, CHC, CCEP-F

Are we advisory or are we the solution?

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Many people think their job is done when they advise people to do the right thing. Many corporate departments consider themselves “advisory.” They feel it is their duty to inform someone of an ethical or legal infraction, and that is the extent of their responsibility.



Snell

I have often referred to these people as the pointer sisters. They point to where a problem might be. They point to where a problem is. But then they smugly declare their job done, and occasionally the problem goes unresolved. They like the “advisory” title because they don’t have to clean up difficult problems. Enron, HealthSouth, and Penn State University all had several people who knew of a problem but did nothing except advise someone else that there was a problem. They were more concerned about themselves than the organization. They wanted to keep their pristine political noses clean. This is why the compliance profession was created.

For years Congress has been interviewing the pointer sisters during congressional hearings. The pointer sisters at Tyco, Enron, PSU, and more would say, “Yes, I knew about the problem, and I told somebody about the problem.” When asked why they didn’t do something about the problem, they would say it was not their job. They were advisory. Congress was dumbfounded that no

department or leader who knew about the problem felt it was their job to fix it.

That is why the press, the public, politicians, and prosecutors have decided that there must be someone assigned to actually do something more than advise. They want someone to actually fix the problem. They want a compliance officer. And they want the compliance

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officer to be independent of those who are conflicted and to have access to the board (much like audit). Society wants the compliance officer to have an avenue to pursue if everyone they advise to fix the problem refuses to do so.

So my message to you is simple. If you are a compliance officer, do not fall into the trap all of the other departments have. Our profession is at great risk if you just advise people to fix a problem. If you don’t fix the problem, our profession will become a cost center. And unlike legal, audit, and risk, we will not have another job to fall back on if we become merely advisory. If no one is willing to fix a problem, we must escalate the issue up through the organization until it is fixed. ☺