

Concern Reporting: Leveraging Reporting to Drive Integrity Culture



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1

1

Overview

Concern Reporting: Taking a Fresh Look

Defining the Problem

- For Individuals
- For Institutions
- Role for Compliance and Ethics

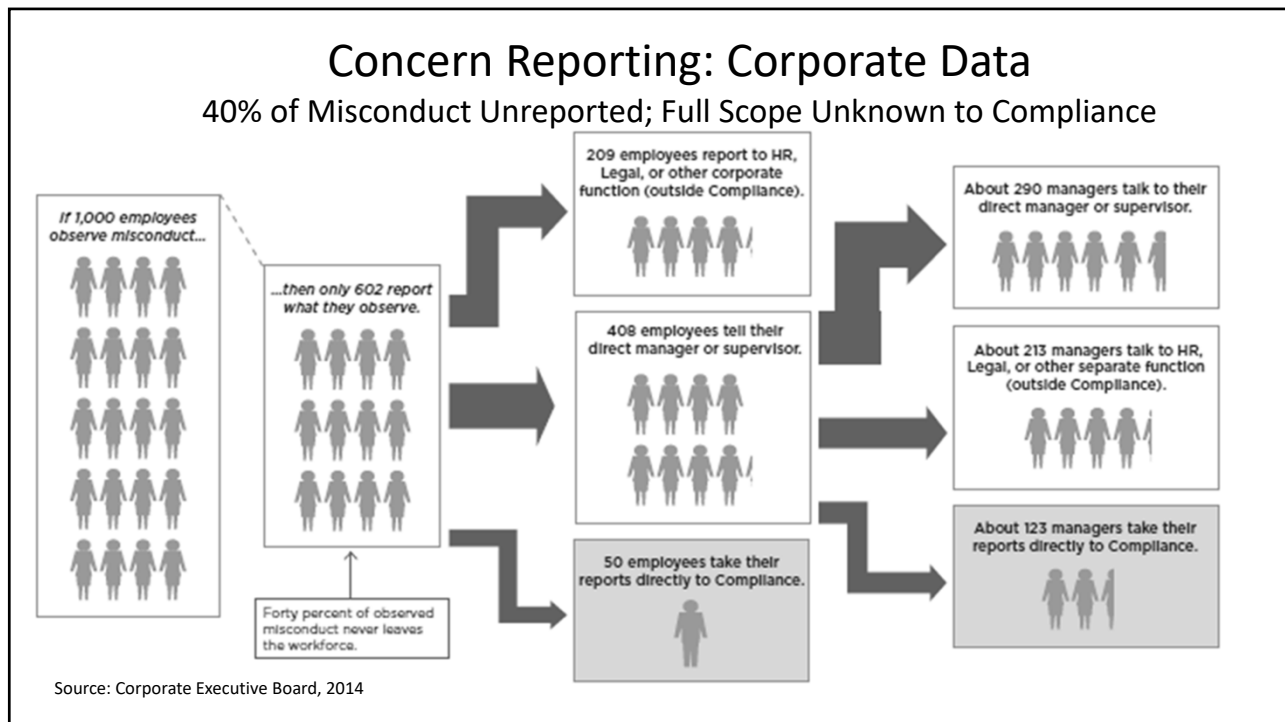
Setting a Standard

Defining and Measuring Progress

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2

2



3


Apparent Evidence in Higher Education: Pervasive Underreporting

Michigan State Discouraged Reporting of Rape Allegation Against Athletes, Woman Says

Ex-Olympics doctor Larry Nassar pleads guilty to sex charges


Ohio State University Marching Band Director Fired Over 'Sexualized' Culture

By ABC NEWS Jul 25, 2014, 9:32 AM ET

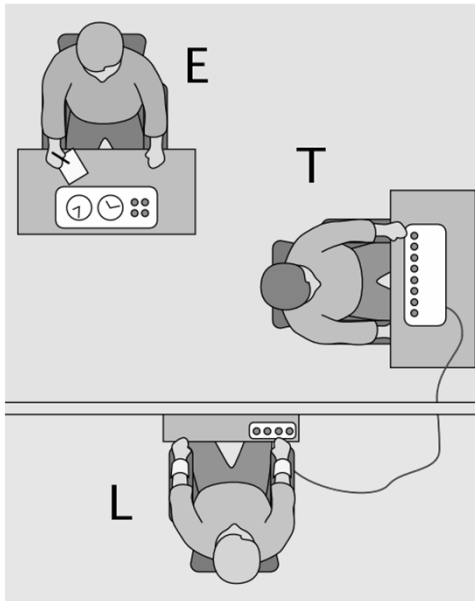


Ex-Penn St. Asst. Coach Jerry Sandusky Guilty Of Sex Abuse

AMERICA June 22, 2012 - 10:38 PM ET



4



Potential Cause: Fear of Authority

Stanley Milgram study (1961)

- Experimenter (E) directs Teacher (T) to give Learner (L) shocks for wrong answer
- Machine scaled from 15 to 450 volts
- “Learner” was an actor who feigned heart problems and unconsciousness
- How many study subjects will shock “Learner” to “unconsciousness”?
- Will any study subjects report study?

5

Potential Cause: “Bystander Syndrome”

Kitty Genovese (1964)

- Woman stabbed and raped over 30 minutes
- 38 witnesses in apartment building
- None saw attacks in entirety; attacks occurred at different times
- Only call to police occurred well after Genovese died



6



Potential Cause: Stress

Princeton Theological Seminary Study ("Good Samaritan Study")

- Seminarians asked to give talk across campus; given deadline for trip
- Some read Parable of Good Samaritan in advance; some told to teach it
- Who stopped?
 - "In no hurry" -- 65%
 - "In moderate hurry" – 45%
 - "In great hurry" – 10%

7

Converting Causes Into Actions: Summary

Potential Causes

Individuals

- Fear of authority
- Bystander syndrome
- Stress
- Lack of knowledge (too many channels)
- Futility (no evidence)

Institutions

- Reporting not linked to mission
- No owner

Actions

Link to accreditation

Develop framework (program)

- Inventory existing channels
- Develop framework
- Develop assessment

Measure progress

- By program
- By unit/college

8

Higher Learning Commission: Reaccreditation Standards

Integrity: Ethical and Responsible Conduct

- The institution acts with integrity; its conduct is ethical and responsible.
 - The institution operates with integrity in its financial, academic, personnel, and auxiliary functions; it establishes and follows policies and processes for fair and ethical behavior on the part of its governing board, administration, faculty, and staff.

Student Complaints

- Requires inventory and evaluation of institutional methods for addressing student complaints

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9

9

Assessing Overall Concern Reporting Environment: Available Resources

- 1. Inventory all channels**
- 2. Establish a standard protocol**
 - Key elements
 - Defined optimized state
- 3. Measure channels against requirements**
- 4. Report to owners of channels**
 - Identify opportunities for improvement and collaboration
- 5. Quick hits**
 - Leverage central compliance office website
 - Link websites with common branding and pathway
 - Emphasize EthicsPoint as a last resort
 - Education of colleges (esp. student advisors) and units

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10

10

Preliminary Questions

Who is handling intake and evaluation?

- Student concerns (academic, financial aid, code of conduct)
- Faculty/Staff concerns (employment concerns, financial/business issues)
- Other concerns (Title IX, info security, research, NCAA compliance)

How are various channels tracking reports and outcomes?

- Do reporting channels systematically improve proactive risk mitigation

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11

11

Inventory of Channels: Students

Types of Concerns

- Academic inquiries
- Student financial accounts
- Student financial aid
- Academic misconduct
- Academic, financial, health and personal crises
- Hate and bias-related incidents
- Potential Violations of Code of Student Conduct
- Misconduct or other issues in residence halls
- Greek Life community standards
- Concerns regarding staff or faculty members
- Mental health services
- Health/medical needs
- Criminal misconduct; public safety
- Concerns while studying abroad
- Legal issues

Channel Owners

- Undergraduate Education/Graduate School
- University Bursar
- Student Financial Aid
- Committee on Academic Misconduct
- Student Advocacy Center
- Bias Assessment and Response Team
- Student Conduct
- Residence Life
- Sorority and Fraternity Life
- Office of Human Resources
- Counseling and Consultation Service
- Student Health Services
- Department of Public Safety
- Office of International Affairs
- Student Legal Services

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12

12

Inventory of Channels: Medical Center

Types of Concerns

- Quality of Care/Patient Safety Concerns Related to a Specific Patient or Visitor
- Employee Accident and Injuries
- Employee Blood and Body Fluid Exposures
- Environmental Services
- Facilities Issues
- Potential HIPAA Violations
- Patient/Visitor Complaints
- Perceived Compliance Issues Such as Potential Billing Problems
- Perceived Human Resources Issues Potential Billing Problems
- Patient Billing Questions/Complaints
- Employment-related concerns
- Environmental, health, and safety concerns

Channel Owners

- Patient Quality
- Occupational Medicine
- Environmental Services
- Facilities
- HIPAA Privacy
- Information Security
- Patient Experience Office
- Compliance Office
- Human Resources
- Billing office
- Patient Financial Services

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13

13

Inventory of Channels: All Community

Types of Concerns

- Employment-related concerns
- Environmental, health, and safety concerns
- Any research-related compliance or ethical concerns
- Human, animal, or biosafety compliance or safety concerns
- Sponsored projects compliance or ethical concerns
- NCAA issues or athletics culture
- Health care compliance
- Financial issues or business practices
- Information security
- Academic matters
- Legal issues
- Criminal misconduct; public safety

Channel Owners

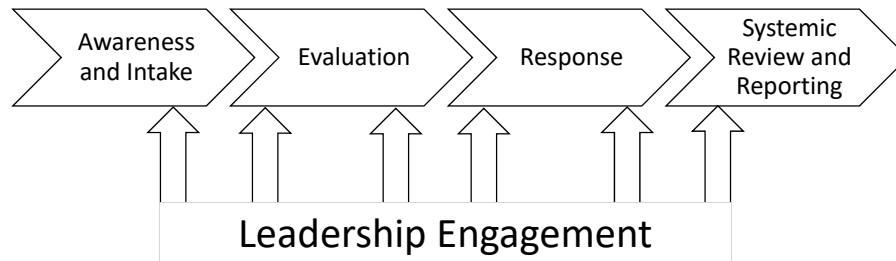
- Office of Human Resources
- Environmental Health and Safety
- Office of Research Compliance
- Office of Responsible Research Practices
- Office of Sponsored Programs
- Athletics Compliance Office
- Medical Center Compliance Office
- Internal Audit
- Enterprise Security
- Office of Academic Affairs
- Office of Legal Affairs
- Department of Public Safety

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14

Reporting Channels: Key Elements



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15

Concern Reporting Protocol (1)

Awareness & Intake

Channel published to defined population; tool/system exists for concerns to be received and answered

- **Publication/Education**
 - Identification of defined scope and population
 - Targeted and accurate publication
 - Trained advisors (“referral system”)
- **Reporting system**
 - Responsive language in template and timing
 - Routing to appropriate person
 - Tracking of appropriate data
 - Trained responders
- **Key Considerations**
 - Provide examples and response process
 - Responders assess immediate safety threats
 - Distinguish complex versus routine concerns

Evaluation

Preliminary assessment (interim steps, notifications) & full evaluation when necessary

- **Preliminary Assessment**
 - Interim measures assessment and response
 - Required notifications
 - Appropriate routing
- **Analysis or Investigation**
 - Factual review
 - Appropriate decision/adjudication
 - Result and process considerations
 - Documentation of decision-making
- **Key Considerations**
 - Interim measures are checked
 - Findings support individual corrective actions & systemic analysis

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16

16

Concern Reporting Protocol (2)

Response

Unit takes action on findings; complainant receives communication with findings/appeal rights (if any)

- **Internal Responsive Action**
 - Corrective actions
 - Notice
- **Communication to Complainant**
 - Formal response provided
 - Appeal rights
- **Key Considerations**
 - Distinguish decisions relating solely to a complainant's own file (e.g., correction of student loan) from those requiring external elevation, tracking, and reporting
 - Appeal requirements should be integrated where appropriate

Systemic Review & Reporting

Concerns are reviewed to identify systemic issues; results routinely reviewed by oversight process

- **Operational Changes**
 - Systemic impact to identify causes and risks
- **Governance Reporting**
 - Strategic/policy impact
 - Effectiveness of reporting processes
- **Key Considerations**
 - Concerns can provide evidence of potential control failures and incorporated into risk assessment
 - Review for reputational risks

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17

17

Concern Reporting Protocol (3)

Leadership Engagement

Unit, college, and university leaders set requirements and ensuring that the channel facilitates, receives, and resolves concerns, including the mitigation of any systemic risk.

- **Encouraging a strong concern reporting environment**
 - Discussion of individual examples
 - Modeling behavior within the unit
- **Governance decisions**
 - Appropriate elevations of issues
- **Oversight**
 - Routine review for systemic issues
 - Routine review of channel effectiveness
- **Linkage with mission, strategy, and values**
 - Continue to identify connections with concern reporting environment
- **Key Considerations for Leadership Engagement**
 - Leaders continuously find ways to integrate concern reporting into work

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18

18

Program Evaluation

Evaluation methodology

- Standard program maturity scale (below)
- Used law students
- 10 hours/channel
- Regular governance reporting

PROGRAM MATURITY SCALE

| RATING | OVERSIGHT/ GOVERNANCE | CONTROL DESCRIPTION | REPEATABILITY |
|------------|------------------------------------|---|--|
| Optimized | Leadership oversight is proactive | Controls in place; regular risk-based testing | Strategies to make processes more efficient |
| Managed | Leadership oversight is active | Controls in place; ad hoc testing | Reevaluation and updating of methods |
| Repeatable | Leadership oversight is continuous | Controls cover requirements; no testing | Uniform and repeatable processes |
| Developing | Leadership oversight is sporadic | Some controls in place | Highly dependent on actions and knowledge of people close to the issue |
| Initial | No leadership oversight | No institutional controls | Ad hoc |

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19

19

Reporting of Assessment Results

CONCERN REPORTING PROGRAM EVALUATION

| | Awareness and Intake | Evaluation | Response | Systemic Review and Reporting | Leadership Engagement |
|---------------------------------|----------------------|------------|-----------|-------------------------------|-----------------------|
| Athletics | Optimized | Managed | Managed | Developing | Managed |
| Environmental Health and Safety | Managed | Repeatable | Managed | Developing | Repeatable |
| Ethics | Managed | Managed | Managed | Managed | Repeatable |
| OSU Physicians | Repeatable | Repeatable | Managed | Developing | Managed |
| Internal Audit | Managed | Managed | Optimized | Managed | Managed |
| Student Financial Aid | Repeatable | Managed | Managed | Managed | Optimized |

Major observations

- Inadequate standardization of response processes
- Inadequate website linkage and educational materials
- Ad hoc processes for evaluating systemic reviews

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20

20

Using Surveys to Measure and Improve Culture

| A | B | C | D | E |
|--------|-------|-------|--------|--------|
| 68.4% | 64.0% | 64.9% | 43.4% | 43.4% |
| 78.8% | 64.3% | 62.1% | 55.6% | 64.1% |
| 75.9% | 69.0% | 72.4% | 55.2% | 69.0% |
| 78.3% | 60.9% | 60.9% | 47.8% | 69.6% |
| 70.8% | 69.7% | 64.6% | 53.8% | 59.1% |
| 74.0% | 68.5% | 63.8% | 59.1% | 66.4% |
| 68.4% | 66.2% | 61.0% | 51.8% | 64.7% |
| 93.8% | 75.0% | 68.8% | 68.8% | 75.0% |
| 68.3% | 71.2% | 67.2% | 54.8% | 65.9% |
| 70.0% | 80.0% | 80.0% | 40.0% | 40.0% |
| 63.6% | 81.8% | 72.7% | 54.5% | 45.5% |
| 75.0% | 83.3% | 91.7% | 91.7% | 91.7% |
| 100.0% | 84.6% | 76.9% | 100.0% | 100.0% |
| 79.2% | 79.2% | 66.7% | 66.7% | 79.2% |
| 62.4% | 49.0% | 47.5% | 45.0% | 58.4% |
| 55.6% | 50.0% | 50.0% | 55.6% | 50.0% |
| 81.3% | 71.0% | 77.4% | 40.6% | 43.8% |
| 73.3% | 80.0% | 73.3% | 33.3% | 44.8% |

Overall response rate 53%

- A. I know the policies that apply to my job.
- B. If laws are broken, I know how to report them.
- C. If policies are broken, I know how to report them.
- D. People are comfortable reporting concerns.
- E. I am comfortable reporting concerns.

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21

21

Summary: Concern Reporting and Integrity Culture

- Reporting is the important indicator of trust
- Building trust drives integrity and accountability
- Employees in strong integrity cultures*:
 - 1.5x more likely to report observed misconduct
 - 90% less likely to observe misconduct
- Link with other educational and training efforts to build ethical behavior
- Targeted and census culture surveys

*Source: CEB/Gartner Top Insights 2017-18, p. 34

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22

Questions?

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23