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### On ethics: Rebecca Walker

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Rebecca Walker, Esq., is a partner in the law firm of Kaplan & Walker LLP, which specializes in corporate compliance and ethics, located in Santa Monica, California, and Princeton, New Jersey.

An interview by **Adam Turteltaub**, Vice President of Strategic Initiatives & International Programs, SCCE & HCCA.

#### **AT: Why should organizations conduct compliance and ethics (C&E) program assessments?**

**RW:** In my view, conducting program assessments is a critically important exercise. When thinking about the preventive nature of much of our work in compliance, I often think of Sisyphus, rolling that big heavy boulder up the hill only to have it roll back down again every time. We in the C&E field toil every day to prevent misconduct, but it is difficult to demonstrate the efficacy of our work. How does one measure the harm (and money) saved in crimes prevented, in investigations not conducted, in business operations not interrupted?

The difficulty in quantifying the value of our work—and the return on investment of compliance resources—can lead to existential doubts of the highest order. Embarking upon an effort to *prove that your program is working*—to assess its effectiveness, to ascertain whether all those policies, communications, and training are actually reaching hearts and minds—can not only validate a program, it can also validate our C&E profession and our work as C&E professionals. And who doesn't need an occasional dose of validation?

Assessments are also important in that they help us understand where to focus our scarce compliance resources and help us get the (also scarce) attention of boards and senior leadership. In addition, assessments are increasingly a focus of government pronouncements. For example, the recent guidance from the Department of Justice's Criminal Division on *Evaluation of Corporate Compliance Programs* asks how often and how the company measures its culture of compliance and what steps the company has taken in response to its measurement of the compliance culture.<sup>[1]</sup>

#### **AT: When assessing the ethical state of an organization, surveys are very popular. How instructive do you find them to be?**

**RW:** Surveys can be very instructive on a number of levels. For program assessments, there are two primary types of information that surveys can help us explore: (1) the level of awareness of employees regarding various program elements, such as the hotline, the code, policy requirements, etc. and (2) employees' perceptions of important program indicia, such as senior leadership's support of compliance, employees' comfort level reporting concerns, and employees' fear of retaliation. Both of these types of information are useful in assessing a compliance program's efficacy.

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