

## Compliance Today – June 2021 Qualities needed for a compliance leader

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By Solomon Carter

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The qualities required to be a successful compliance leader are truly the exact same qualities needed to be a successful leader in other areas. Of course, there are always going to be some minor differences from job title to job title within the genre, but by and large, the ingredients that go into being a hyper-effective compliance leader are the same. Leadership positions within compliance are what I consider to be positions of severe responsibility, and they should be viewed as such.

### Challenges and the mindset

So, without being able to itemize all of the challenges, generally speaking, it's important to understand that as a compliance professional, you're not an advocate for your CEO, the leadership team, the nonmanagerial staff, or any other interest in your organization. You are an advocate for your policies and procedures. That's why I created the phrase, "If you're not talking to me about a written policy, then you're only talking to me about an unwritten fantasy!" Everything you do should be according to what's written, and it is your policies and procedures that should drive your compliance program.

You may have someone whom you report to, but in reality, the policies and procedures of your organization are the boss. That is your true north. Being true to that and having the ability to ensure that your colleagues and everyone up and down the chain of command understands is key. I don't care if it's your first day on the job or your 30th year; that standard in compliance excellence should remain the same.

Without getting too technical, as a foundation, I think it would be wise to mention the Federal Sentencing Guidelines (Chapter 8) on the two fundamental elements of an effective compliance and ethics program, which are:

1. "[Exercising] due diligence to prevent and deter criminal conduct; and
2. "Otherwise [promoting] an organizational culture that encourages ethical conduct and a commitment to compliance with the law."<sup>[1]</sup>

In many ways, it's a rather simple edict, but on the other hand, depending on the complexities of your organization, it can present some profound challenges as well, especially if you have weak leadership in place.

For at least the initial purposes of this article, I'd like to focus on a critical element of these guidelines that presents significant challenges to compliance programs and leadership in general: "[Promoting] an organizational culture that encourages ethical conduct and a commitment to compliance with the law."

In my travels consulting and performing assessments of organizations both large and small, it is the "[promoting] an organizational culture" part that gives firms the most challenges. Why? Because many compliance programs consist of less than proactive paper pushers who simply evaluate the pain points and

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issues brought before them. And then, after they address the issue, either through recommending discipline, training, a tweak in a policy, the creation of a new policy, or other peripheral recommendations, that's it! In the eyes of many compliance programs, by virtue of the fact that they may have addressed an issue that popped up in their inbox, that's their way of promoting organizational culture when in fact it is not. It is one of the top reasons why I always proselytize that training and compliance need to go hand in hand. If the core compliance mission is to shape the culture of an organization, we know that the number one way that organizations are shaped is via training. The culture of an organization literally consists of everything that you train on and the failure or absence of everything that you don't train on.<sup>[2]</sup>

In order to be hyper-successful in this role—and really any other role of severe responsibility and leadership—there must be a special cohesiveness, synergy, and accountability between compliance, what's being recommended, what the training actually looks like, and how it embeds into the culture of your organization. The problem is, when it's fragmented into several different moving parts, divisions, sections, and leadership, the seamlessness, fluidity, and accountability of what compliance is saying can get lost downstream and become diluted. So, on the one hand, you may have a compliance team who offered 10 really good solutions, but on the other hand, they may be siloed from seeing how they're presented and received at their root to the staff receiving the information. Thus, a potential disconnect. Yes, after some time, the compliance team should receive the data to ascertain the effectuality of what was offered. But remember, if there are significant failures that have continued, then it's too late, and the compliance team will be made to reevaluate what was done that led to the poor performance and impotent risk mitigation efforts, and at least for some period of time, your firm would have continued to potentially operate outside of your risk tolerances. My counsel on this matter is to always say, "why potentially fail twice when we can ensure success the first time and follow the process from the root to the fruit." That success relies on having compliance professionals who are willing to roll their sleeves up and come out of the locked compliance office. Being successful in this role requires a leader to have a team willing to go to the ensuing classes and review measures firsthand downstream in order to evaluate and monitor processes through their state of success.

All of this is to say that an outstanding compliance leader ensures that their teammates get involved in a more detailed level at times to ensure the quality of what's being administered. If done with vigor, not only will the culture of the organization be better promoted and shaped, but the need to follow all of the processes so closely (all the time) will be diminished because expectations will be clearer, and a more deliberate mold of excellence would have been established. Thus, a great culture of compliance throughout your enterprise. From leading mission work initiatives in Haiti to professional development in compliance to being a lifeguard and swimming instructor when I was 17, that equation for success remains the same for every role I have led in.

## **Stress levels and temperament**

Unfortunately, my take on the stress levels within compliance and leadership is somewhat jaded. Administering food and medicine programs in an underdeveloped country for quite some time has given me a heightened sense of perspective. First-world problems take on a different flavor compared to, "If the food and medicine don't get to the village, I'm going to have to answer to 500 families of mostly women and children as to why I didn't do the very first thing that I promised them—not to mention the despair." So, juxtaposed with that, nothing in the business world really stresses me out. I understand and demand urgency and a bias for action from my team, but I'm never really stressed. However, I have seen other people stressed, and it's normally because of their inability to properly influence the compliance and ethics culture of the organization, which causes them to have to put out—what I view as unnecessary—fires morning, noon, and night. They are glued to their computers, answering fire calls all day and not being proactive, which causes more work on the back end. It is something that I have seen quite often. Not everywhere, but definitely too often. On the flip side, I have seen compliance programs where

everything that's said is as if it was a word dropped down from heaven. And the leaders in charge of such programs have no stress, because whenever they blink, everyone moves quickly, and they do it with a smile. So, I would recommend that you take the time to do your research on the culture and workflows of where you plan on applying.

The temperament of a fair, just, highly competent, and effective professional who shows sound judgment in their leadership should always be one of balance and neutrality. They should always have a denoted deference to the policy and not the audience. However, there should be no ambiguity for tolerating behavior that exposes the business to undue legal liability and risk. Showing seriousness and vigor in that regard is what I practice and highly recommend. To change the exact wording of the expression somewhat significantly, people should know that you're not the "messaging-around crew." Period!

## **Job satisfaction and successes**

In my own experiences and from what I've seen, I'd say that job satisfaction within compliance would probably rate among the highest for several reasons. For starters, compliance is a thing that you really have to have a knack for and want to do in order to be successful at it. You can't really fake it and be good at it. And rarely are people drafted there. Keeping in mind that there are a few different kinds of compliance in terms of what a position may require, I think it's the best, and I incorporate the mind of a compliance leader in everything that I do.

Like with most things, it's a rather simple checklist for me.

- Writing a lot? I love it.
- Creating comprehensive policies and procedures? Love it.
- Reviewing policies and procedures and making recommendations to leaders? Love it.
- Reviewing and analyzing disciplinary trends and trends within leadership that may cause the organization to operate outside of its risk tolerances? Love it.
- Analysis, observing, assessing, monitoring, and then having influence based on my findings? Love it!
- Being the decision maker? That would be me!
- Creating initiatives and programs to insulate my colleagues and the organization from risk and protecting us? Love it.
- Being a bona fide source of expertise? Love it.
- Creating and administering professional development opportunities in furtherance of better performance and lowering risk? Love it!

So those are just some of the things that I love about compliance, and of course they may vary from firm to position. When it comes to compliance, I guess I've drank the Kool-Aid, and I'm a true believer. I believe that everyone is happier, performance is always optimal, and compliance professionals can positively affect the lives of our colleagues in profound ways when a compliance program is robust. From sexual harassment issues to where people can park after dark, compliance can have a say in it all and can both positively and negatively affect more employees than any other role in an organization.

Thus, it is one of the most satisfying jobs a person can ever have, and I highly recommend it.

## Takeaways

- Promoting an organizational culture within compliance can be a significant challenge and is key to success.
- Compliance professionals should consider following cases closely from their inception downstream to the outcome to ensure compliance instead of waiting for data weeks or months later.
- As a compliance professional, you're not an advocate for your leadership, colleagues, staff, or any other interest in your organization. You are an advocate for your policies and procedures.
- If someone's not talking to you about a written policy, then they're only talking to you about an unwritten fantasy.
- Compliance professionals have the ability to affect more areas of an organization than any other role.

1 USSG § 8B2.1 (U.S. Sentencing Comm'n).

2 Solomon Carter, "If the word 'culture' didn't exist, it would be training," *CEP Magazine*, October 2018, <https://bit.ly/3uWMBMd>.

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