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Simple strategies for identifying research compliance blind spots

By David Staley, MA

During the early days of the COVID-19 pandemic, my oldest daughter had been learning to drive, which had allowed me the honor of riding in the car alongside her. On the one hand, I was thrilled at the opportunity to experience this milestone with her; on the other, I was overwhelmed thinking about every facet of driving a vehicle that she'd surely have to master and that I'd been charged with somehow teaching her.

At the time, we lived in Denver, Colorado. So, we drove a few miles to an empty parking lot of the stadium where the Colorado Rapids, the Major League Soccer team, play their matches—a location, I might add, where we'd feel confident that very few people would be driving. I pulled into a parking spot, and we switched seats. I coached her on the art of going straight, changing lanes while using the turn signal, and stopping at a stop sign. I said to her, “Slowly ease out onto the stretch of the road in front of you and drive straight, keeping your eyes on the road and looking at what's right in front of you. Change lanes at least once using the turn signal, and drive until I tell you to stop.”

She seemed to understand the terms I used as I gave my instructions, trusting what I knew about driving a vehicle. She complied with my instructions exactly. Yet, after a few minutes of her driving, I said, “Stop the car, please. I'm getting dizzy. You aren't driving straight on your side of the road. And when you changed lanes, I didn't see you check your blind spot. What exactly are you looking at while you're driving?”

Somewhat exasperated, she said, “I'm trying to look at the road right in front of me.” Then she looked at me. I'll never forget the puzzled look on her face, and I'll never forget the question she asked: “What's a blind spot, and how do I check it?”

That question taught me a profound lesson: If we're only looking at the road right in front of us, we won't ever see where we're going. If we don't focus on seeing where we're going, we aren't going to reach our destination. That all seems obvious, sure. But if we don't learn about blind spots and how to check them, we won't anticipate what might catch us by surprise! That knowledge and skill could very well help us avert misfortune.

So, I emphasized, “It's less about looking at the road right in front of you and more about seeing down the road—anticipating what's in front of you. More importantly, it's about spotting the unexpected situations and adapting to them. Blind spots are those completely unexpected situations, the moment of unknowns, that can neither be easily foreseen nor can they be entirely prevented. But learning to check your blind spots often will position you for greater success while driving.”

What I figured had been a relatively decent driving lesson had turned out to be an even greater lesson in rethinking complex and unexpected situations, which require strategies to confront them proficiently. Since

then, I've contemplated important ideas that had been brought to life during the driving lesson that day, ideas that can be applied not only effectively but also meaningfully to compliance practices.

Blind spots in compliance

Despite substantial preventative measures, compliance offices and research programs confront emerging complex and unpredictable situations. Traditional compliance approaches—instituting policy and procedure reform, addressing the weightiest of compliance risks, and imposing stronger compliance mandates and oversight—cannot alone prevent noncompliance and other types of wrongdoing in fluctuating environments. Too often, the most challenging of compliance entanglements are unforeseen. For this reason, compliance professionals must seek ways to innovate how they approach and practice compliance. Because when we search for ways to enhance our practices in our diverse areas of compliance, we discover how to see those areas in ways we likely haven't previously. We uncover aspects of compliance that either give new meaning and perspective to our professional worlds or reveal something unexpected and imperceptible—something we hadn't even realized we should've been focusing on all along or why. The reason we hadn't even realized it is because we have blind spots.^[1]

Even still, we must learn to outmaneuver unanticipated and complex situations. We must learn to spot the blind spots—the gaps, weaknesses, and overconfidence in our daily compliance practices that could lead to misfortune. Fortunately, there are some simple strategies that can be used regularly to check and reduce blind spots and, ultimately, improve compliance oversight.

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