

Compliance & Ethics Professional

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Making SCCE's code part of your compliance program

We compliance and ethics professionals can be proud of our strong code of conduct for our profession, the SCCE Code of Professional Ethics for Compliance and Ethics Professionals (<http://tinyurl.com/op5bate>). This code requires us



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to act in ways that serve and protect the public, our clients, and our profession. Through strengthening us as professionals, the code can, in turn, enormously strengthen company compliance and ethics programs.

How does the code do this? As one example, in the corporate world the usual rule is that one's boss makes the final call on things. If a compliance person says a certain course violates the company's code of conduct, but the boss wants to do it (and the lawyers advise it is not illegal), what does the compliance person do? Under SCCE's code of ethics, the compliance person must take whatever steps are necessary to prevent the violation. This is not merely a requirement to give competent advice; it is a call for action. When the boss says, "Enough, I have decided," the compliance person must escalate the matter, all the way to the board of directors if necessary.

Here is another example: If a compliance practitioner is asked to conduct an investigation as a result of a whistleblower's allegations, but is told not to go too far and not to bother certain managers who are too busy to be interrupted, the compliance practitioner again has no choice. He or she must conduct a diligent investigation consistent with

professional standards. If this is not permitted, then the compliance and ethics person must advise the board, including details relating to the circumstances.

Our role is not simply to give advice when asked and hope for the best. We have a duty to act to prevent misconduct by our client/employer. This serves the public and our client/employer.

But the code is not a legal requirement that, on its own, controls companies and others who interact with us. It can, however, be made part of company compliance programs and thus be accepted as governing our conduct. Here are several possible ways:

- ▶ Make it part of employment contracts for compliance and ethics professionals,
- ▶ Make it part of compliance and ethics position descriptions,
- ▶ Incorporate it as part of board resolutions adopting the program,
- ▶ Incorporate it as part of any policies on the program, and/or
- ▶ Provide protection in the company's code of conduct for professionals who stand by their professional code of ethics and prohibit retaliation for doing so.

We compliance and ethics professionals should know and follow our code and seek to make it part of our standards where we work. *

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