



Advancing Effective and Efficient Crisis Management

Key Considerations and Processes



THE OHIO STATE UNIVERSITY

The Ohio State University

Office of University Compliance
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What to expect

- **The Goal:** Develop efficient and effective crisis management practices and procedures
- **The Plan:**
 - Review key definitions and considerations
 - Share Ohio State's Emerging Issues Protocol
 - Discuss potential protocol challenges
 - Provide Ohio State example



Key Definitions and Considerations



Is this a Crisis?

- **Higher Education in Crisis:** Multiple universities reacting to circumstances that broadly apply to higher education – can lead to an Institutional Crisis
- **Institutional Crisis:** Definable event that directly affects your institution in measurable ways



Types of Crisis

- Legal and Regulatory
- Financial
- Reputational
- Health and Safety
- Technological and Data Security

 The New York Times

Chaos and Confusion: Tech Outage Causes Disruptions Worldwide

Airlines, hospitals and people's computers were affected after CrowdStrike, a cybersecurity company, sent out a flawed software update.

Jul 19, 2024



 The Lantern

Unprecedented: The first year of COVID-19 at Ohio State

Ohio State's March 9, 2020 suspension of in-person suspension was only supposed to last two weeks. Instead, it turned into a semester and a...

Mar 9, 2021



 NPR

Ohio State Doctor Sexually Abused At Least 177 Male Students, Investigation Finds

The independent investigation concluded that university personnel were aware of the abuse as early as 1979, but that Richard Strauss kept...

May 17, 2019



Compliance and Ethics Framework



Relevant Regulatory Guidance

“Another hallmark of a compliance program that is working effectively is the existence of a well-functioning and appropriately funded mechanism for the timely and thorough investigations of any allegations or suspicions of misconduct by the company, its employees, or agents. An effective investigations structure will also have an established means of documenting the company’s response, including any disciplinary or remediation measures taken.”

Evaluation of Corporate Compliance Programs

Department of Justice, Criminal Division

What is your role?



Compliance Officer

- Identify potential crisis
- Initiate ongoing communication
- Provide process expertise
- ?
- ?

Other Leaders

- Provide role clarity
- Set timing expectations
- Make strategic decisions
- ?
- ?

Ohio State's Issue Response Protocol



Issue Response Protocol



Preliminary Evaluation

Use materiality rating

Initiate communication



Implement Emerging Issues Procedures

Designate Coordinator

Execute action steps



Measure Effectiveness and Efficiency

Lead debriefing, including root cause analysis

Document risk reduction strategies



Preliminary Evaluation: Investigations Rating Methodology & Protocol

Materiality Ratings

Rating	Public Interest	Subject Position	Regulatory
5	Major reputational topic; of immediate interest to the general public	Concerns unit or senior leader	Regulatory debarment or shutdown
4	Potential for significant publicity; of interest to the general public	Concerns management of some seniority	Regulatory probation/ongoing supervision
3	Potential for publicity; could be of interest to the general public	Concerns staff or faculty	Regulatory warning letter or equivalent
2	Small potential for publicity; no known interest to the general public	Concerns staff or faculty	Advisory letter or other indication of ongoing interest
1	No potential for publicity; no known interest to the general public	Concerns staff or faculty	No regulatory enforcement interest

Action Steps Summary

5 Key stakeholders advised; investigation coordinated by OUCI
Investigations Team Member: Consult OUCI, investigation TBD OUCI Responsibility: Consult Senior VP & General Counsel, coordinate investigation Additional Responsibility: Senior VP & General Counsel to inform key stakeholders as appropriate
4 Appropriate Senior Leaders advised; investigation overseen by OUCI
Investigations Team Member: Consult OUCI, investigation TBD OUCI Responsibility: Notify Senior VP & General Counsel, oversee investigation Additional Responsibility: Senior VP & General Counsel to inform Senior Leaders as appropriate
3 Management advised; OUCI and Unit collaborate on investigation
Investigations Team Member: Consult OUCI, perform investigation themselves OUCI Responsibility: Notify university leaders as appropriate, monitor Additional Responsibility: None
2 Unit oversees investigation
Investigations Team Member: Notify OUCI, perform investigation themselves OUCI Responsibility: Monitor Additional Responsibility: None
1 Local investigation
Investigations Team Member: Notify OUCI, perform investigation themselves OUCI Responsibility: Monitor Additional Responsibility: None



Implement Emerging Issues Procedures

Coordinator Action Steps

- ✓ Determining use of attorney-client privilege
- ✓ Making appropriate university leadership aware of the matter
- ✓ Working with Communications on any holding statement
- ✓ Identifying subject matter experts, a team to assist in the response, and meeting cadence
- ✓ Assessing the need for and engaging external assistance
- ✓ Determining and making any required external notices
- ✓ Providing regular updates for partners and stakeholders
- ✓ Facilitating the team's work until the emerging issue is concluded as determined by General Counsel



Measuring Effectiveness and Efficiency

- Team debrief:
 - Assess the effectiveness and efficiency
 - Conduct a root cause analysis
 - Plan and document risk reduction strategies
- Share debrief with the Executive Leadership Team. The Executive Leadership Team will review all such reports quarterly to help drive future mitigation of legal, regulatory, and reputational risk.
- Provide metrics about material emerging issues for each meeting of the Board of Trustees' Legal, Audit, Risk, and Compliance Committee.



Communicating Value and Addressing Challenges



What is the value of this protocol?

How do we communicate it?



Timing/Speed – allows university to respond quickly



Unified and consistent approach



Common language for communication among units/departments

What are some challenges to this protocol ?

How can we address them?



Time for debriefing and root cause analysis when the next crisis has already started



Buy-in across the university (trust)



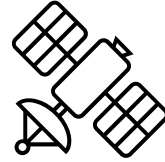
Turnover – maintaining consistency, especially among leadership transitions



Issue Response Example

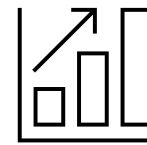


Managing legislative change – Ohio Senate Bill 1



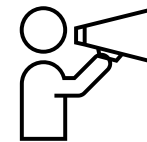
A wide-ranging law affects much of university

Need to create an agile leadership team, with subject matter expertise and authority, to guide complex implementation efforts with a bird's eye view



Using materiality ratings

Implementation Team is charged with making decisions rated 1-3 while elevating issues that are rated 4-5 for senior leadership



Considering proactive communications

Providing regular updates for partners and stakeholders



Lessons Learned

- Establishing roles and a process to address a crisis is essential
- Compliance often functions as a neutral/objective project manager in a crisis (extremely important!)
- Developing a process for issue response (treating all issues as potential crises) helped clarify roles and develop the processes for the big issue (a crisis)
- Consistently linking issue response to proactive risk mitigation encouraged leaders to view crises as opportunities for future improvement



Your Experiences and Questions?



Thank you!

