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'Critical for Some and Good for All': Neurodiversity Calls for New Compliance-Program Thinking

By Nina Youngstrom

Suppose an organization's anti-harassment training is centered on a video with actors playing a boss harassing an employee. It's intended to evoke strong feelings about inappropriate behavior that violates corporate policy and state and federal laws. But some employees who are neurodiverse may not get the message because of the way it's presented and they would respond better to other training methods, an expert says.

"It's emotional content where I am really supposed to get the emotional power of someone being harassed. But if I have a neurodiversity that affects my ability to perceive emotions and process and read them from people's expressions and demeanors and compute that in something more than a purely intellectual way, then I have also lost the power of training in the way it was presented," said Jason Meyer, a former general counsel and compliance officer. In fact, possibly that video is "normalizing" the behavior "without a companion message that it was wrong," he said. If a neurodivergent employee then observes harassment and hasn't learned about it in another format, that's a compliance risk because it may go unreported, Meyer said.

Neurodiversity refers to natural variations of the brain, including autism, attention deficit hyperactivity disorder, dyslexia, executive dysfunction and sensory processing disorder, Meyer said Oct. 4 at the Compliance and Ethics Institute sponsored by the Society of Corporate Compliance and Ethics. "It has nothing to do with the person's intelligence or knowledge or ability," he said. It affects the way they process and absorb information.

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