

## Compliance Today – September 2022

### Using exit interviews to mitigate risk

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Exit interviews are an integral part of an effective compliance program and a tool, if implemented and executed well, that assists in mitigating risk. Exit interviews can help the compliance team identify potential fraud and misconduct, including harassment and retaliation, as well as opportunities to take the pulse of the organization's culture and areas of the program for improvement. Compliance departments strive to maintain a speak-up culture, and some employees may be hesitant to come forward with issues for fear of retaliation. The exit interview can be an opportune time to hear from employees who may have previously declined to raise issues while working for the organization. The exit interview can provide employees a forum to speak freely about potential issues closer to their departure and they may feel there is less of a chance they will face negative consequences. Providing this opportunity to employees can assist in potentially deterring whistleblower activity and possibly prevent or be a defense to litigation.

Exit interviews can provide significant insight regarding an employee's experience with the entire organization, and their feedback regarding compliance can help organizations mitigate ongoing regulatory risks. Questions should focus on discussing and identifying potential compliance matters commonly experienced in the workplace such as fraud, harassment, retaliation, discrimination, and other abusive practices. Having an effective response plan for investigation and resolution of issues such as these can help deter potential whistleblowers or reports by employees to external agencies. An effective compliance exit interview strategy serves as a helpful line of defense when faced with litigation or external investigations. When faced with external scrutiny, organizations are often called to produce documentation demonstrating effective lines of communication between the organization and its employees. Comprehensive documentation of an active exit interview process can partially satisfy some of these inquiries.

An effective compliance exit interview process allows organizations to obtain pertinent information about their organization that can assist in improving the effectiveness of the compliance program, identify potential compliance concerns, and facilitate actions to address issues if needed. Learning of and correcting reported compliance issues can help to reduce the organization's risk of future adverse actions that may be taken by departing employees who do not otherwise feel heard by their company's leadership. This article will review key considerations for an effective compliance exit interview process to ensure compliance departments are capturing and mitigating organizational risks. We will also discuss Bon Secours Mercy Health's (BSMH) process for conducting and responding to exit interviews, as well as lessons learned that have helped us improve our process over time.

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