



Item: AC: A-1

Tuesday, November 17, 2020

**SUBJECT: COMPLIANCE AND ETHICS ANNUAL REPORT (FY 2019-20)**

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**PROPOSED Board ACTION**

Approval of the Compliance and Ethics Annual Report (FY 2019-20).

**BACKGROUND INFORMATION**

Florida Board of Governors (BOG) Regulation 4.003 requires each state university to report at least annually on the effectiveness of its university-wide compliance and ethics program. The compliance and ethics annual report highlights activities and accomplishments of compliance program activity through the FAU Compliance & Ethics Office and throughout the University.

**IMPLEMENTATION PLAN/DATE**

Upon approval by the Board of Trustees, the annual report shall be provided to the BOG.

**FISCAL IMPLICATIONS**

N/A

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Supporting Documentation: Compliance and Ethics Annual Report (FY2019-20)

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**FLORIDA ATLANTIC UNIVERSITY  
COMPLIANCE AND ETHICS ANNUAL REPORT (FY 2019-20)**

**A. Executive Oversight**

<u>Component Summary</u>	<u>Work Plan</u>	<u>Status</u>
<p>Oversight and direction for the CEP sets the overall tone for accountability, sound risk management, ethical behavior, and compliance with laws and regulations. The compliance office serves as a central point and resource for coordination, collaboration, and oversight of activities and initiatives to promote and encourage a culture of compliance and ethical behavior.</p>	<p>Compliance office reports regularly to the BOT Audit &amp; Compliance Committee and confers with the BOT Audit &amp; Compliance Committee Chair as needed.</p>	<p>Approved first <a href="#">compliance and ethics annual report</a> and second <a href="#">compliance and ethics work plan</a> and compliance office conferred as needed with BOT Audit &amp; Compliance Committee Chair.</p>
	<p>Compliance office chairs quarterly meetings of the University Compliance and Ethics Committee (comprised of Departmental /Divisional Compliance and Operational Leaders).</p>	<p>Met quarterly (four times), formed a conflict of interest task force, and discussed topics including foreign influence issues, diversity, and a third-party ethics hotline.</p>
	<p>Compliance office chairs University Policies and Procedures Committee.</p>	<p>Reviewed three new policies and two amended policies (see Section C below) and updated the responsible parties for all policies.</p>
	<p>Compliance office chairs the HIPAA Task Force.</p>	<p>Met four times either as a full group or a subcommittee; discussed telehealth and mobile device security and best practices.</p>
	<p>Compliance office participates on the Pre-Collegiate Programs Advisory Group.</p>	<p>Met four times; working on updates to the University's Pre-Collegiate Programs Policy, including updates and clarifications on insurance requirements.</p>
	<p>Compliance office participates on the IT Compliance Committee.</p>	<p>Met six times; two-factor authentication deployed to all students, an endpoint subcommittee implemented new controls around inventory and encryption, and improvements implemented to email security around phishing and other malicious activities.</p>
	<p>Equity, Inclusion and Compliance [<i>nka the Office of Equity and Inclusion</i>] (Title VI, VII &amp; IX, ADA) and Athletics Compliance report directly to the CCEO.</p>	<p>Athletics Compliance hired a new Associate Athletics Director for Compliance and an Assistant Director of Compliance. OEI completed the <a href="#">FY18 Equity Act Report</a> and processed the alternative work arrangement requests for employees.</p>
	<p>Provide oversight on new legislative and BOG compliance requirements, including new financial processes and reporting requirements.</p>	<p>Compliance participated in the BOG-Crowe financial audit and provided oversight for CARES compliance.</p>

## B. Standards of Conduct

<u>Component Summary</u>	<u>Work Plan</u>	<u>Status</u>
It is the expectation of all employees to perform their duties and responsibilities with integrity and accountability to the highest ethical standards.	Update Regulation 5.010 University Ethics.	Draft in progress. Awaiting approval on the FAU Code of Conduct.
	Develop FAU Code of Conduct.	Draft completed, awaiting final reviews and approval.
	Evaluate establishing a third-party ethics reporting hotline.	Evaluation completed, awaiting final review and approval (and funding).
	Develop conflicts of interest hub/resources.	<a href="#">Ethics resources</a> were added to the compliance website, including resources on gifts. Additional conflicts of interest resources will be completed with the update to the FAU conflict of interest guidelines.

## C. Regulations and Policies

<u>Component Summary</u>	<u>Work Plan</u>	<u>Status</u>
University regulations and policies are necessary to: (i) to meet compliance and/or regulatory requirements, (ii) promote or enhance risk reduction, ethical conduct, and mitigation efforts, and (iii) set standards, processes, and expectations.	Provide guidance on policy development and interpretation.	Ongoing.
	Continue work on GDPR compliance.	Created a GDPR consent form for FAU students studying abroad in the European Union.
	Harmonize definitions in EIC-related policies and regulations and code of conduct.	Completed with updates to related regulations and policies.
	Review HIPAA mobile device security and scope of @health.fau.edu requirements.	@health.fau.edu scope completed and limited to those working within FAU's covered components; HIPAA-compliant mobile device security best practices draft policy in progress.
	Update and enhance Athletics Compliance Website for University, NCAA and Conference rules and policies.	<a href="#">Athletics compliance website</a> updated. Further enhancements in progress.
	Provide oversight to potential rule changes on the FTC's Safeguards Rule re expanded information security requirements for "customer information".	FTC Safeguard Rule implementation is still pending.

Other matters:

New University-wide policies: (i) [Clean Desk and Clear Screen](#); (ii) [Reporting Foreign Gifts & Contracts](#); and (iii) [Information Security Roles and Responsibilities](#).

Updated University-wide policies: (i) [System and Data Classifications](#) and (ii) [Environmental Health & Safety](#).

Regulation updates: (i) [Restrictive Covenants](#); (ii) [Exceptional Circumstances Withdrawal](#); (iii) [Student Financial Aid](#); and (iv) [Textbook and Instructional Materials Affordability](#).

Updated immigration policies, practices and [Global Academic Services \(GAS\) website](#): (i) DEQ checks on all visitors regardless of pay status; (ii) Standard department invitation template with language discussing background checks, immigration laws and requirements, and university policies; (iii) Required background checks for unpaid visitors; and (iv) New eligibility questions in collaboration with the DoR.

Student Health Services (SHS): New policies on the non-involvement of CoM faculty providers of SHS to CoM students, psychiatry clinical services and treatment guidelines and consent, informed consent for tele-medicine and tele-psychiatry, nutrition charting and COVID protocols.

Academic Affairs: Created a [Program Review Process](#) to assist with processing stipend payments, travel and honoraria for BOG required academic program reviews.

College of Medicine (CoM): Adopted a policy on the [Recusal from Academic Evaluation of Students by Faculty](#).

Division of Research (DoR): Created new institutional [biosafety program policies](#); updated FAU's [Intellectual Property policy](#); created new [guidance for online grant proposals](#) implementing a new research management system.

**D. Effective Lines of Communication**

<u>Component Summary</u>	<u>Work Plan</u>	<u>Status</u>
Open lines of communication are critical to early detection and identification of issues. Continued use of communications tools helps foster an environment of open, honest, and effective communications.	Maintain, update and promote the Compliance and Ethics Website.	Ethics updates completed. Ongoing,
	Streamline Title IX and other reporting areas.	Student Affairs and OEI worked together to launch the " <a href="#">Report a concern</a> " webpage with reporting directions for all areas of concern.
	Coordinate timely responses to regulatory and other external agencies.	Closed 131 OEI matters (five (5) external and 126 internal) with an average timeframe for internal matters

		of 61 days from open to close and an average response time to external agencies of 14 days.
	Coordinate communications with the new Inspector General.	Deferred to FY21 (or the hiring of the new IG)
	<p style="text-align: center;"><i>Other matters:</i></p> <p>COVID-19: Various communication plans, including without limitation, the <a href="#">Health and Safety Plan</a>; <a href="#">Guidance on Enforcement</a>, <a href="#">FAQs</a>, <a href="#">Talent Share Program</a>, <a href="#">Vulnerable Population Program</a>; <a href="#">Return to the Workplace Guide</a>; <a href="#">Return to Work Guide for Supervisors</a>; <a href="#">Leave Guidance</a>; <a href="#">Leave Donation Plan</a>; <a href="#">Fall 2020 Reopening Plan</a>; and <a href="#">Cleaning and Disinfecting Plan</a>.</p> <p>DoR: The <a href="#">Office of Research Integrity website</a> was redesigned to aid user friendliness and update several policies and links as well as develop the new <a href="#">Institutional Biosafety Committee webpage</a>.</p> <p>Athletics Compliance: Organized and led FRAAC (Financial Aid, Registrar, Admissions, Academics, &amp; Athletics Compliance) monthly meetings to strengthen communications between the athletics department and their campus partners and provide compliance rules education.</p> <p>Advancement Services: Data Governance Committee was formed to identify reporting needs and to prioritize projects.</p>	

### E. Education and Training

<i>Component Summary</i>	<i>Work Plan</i>	<i>Status</i>
Compliance and ethics training is a foundational element of an effective compliance program.	Extend ethics training to all employees.	Now available to all FAU employees through the <a href="#">Compliance and Ethics website</a> .
	Provide in-person ethics training to the BOT.	Chris Anderson, Executive Director and General Counsel for the Florida Commission on Ethics spoke to the BOT at the Fall 2019 BOT retreat.
	Increase breadth of Title IX training.	Strategically deferred to FY21 with the implementation of the new Title IX regulations.
	Provide training on reporting mechanisms, including whistleblower protection.	Whistleblower training deferred to FY21 with a new whistleblower policy in process.
	Explore one stop training hub for all FAU required and recommended trainings.	Continued growth of the FAU training website: <a href="http://www.fau.edu/training/">http://www.fau.edu/training/</a> .
	<i>Other matters:</i>	
Environmental, Health & Safety (EH&S): Launched a new <a href="#">EH&amp;S Training Site</a> with a web-based suite of environmental, health and safety training courses.		

	<p>University Police Department (UPD): Offered new trainings on de-escalation, response to resistance, threat assessments and community engagement.</p> <p>DoR: Office of Technology Development (OTD) created a comprehensive online <a href="#">Startup Guide</a>.</p> <p>Athletics: Conducted compliance rules education sessions with all student-athletes from each team three times throughout the year, rules education sessions with each athletics unit, monthly rules education sessions (Cookies with Compliance) or individual rules education sessions (football and basketball) covering all sports, and hosted weekly/bi-weekly Coaches Corner compliance meetings.</p>
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**F. Audit and Monitoring**

<u>Component Summary</u>	<u>Work Plan</u>	<u>Status</u>
Regular, rigorous review of University programs and operations allows issues to be identified early and remedied quickly. Continuous assessment is critical to ensuring an efficient, effective, and compliant work environment.	Continue IT Data Risk Assessment(s).	Completed a third-party risk assessment covering administrative area data handling and physical security controls, as well as internal risk assessments on Workday authentication security and network access policies.
	Review COM clinical billing practices and policies.	Deferred to FY21.
	Coordinate with University Risk Manager on areas for improvement and/or of concern.	Risk Manager to push into units for proactive messaging and to capture missed opportunities.
	Athletics financial aid audit.	Completed through the IG's office (in addition to a recruiting audit).
	Athletics Title IX audit & survey.	Completed (and ongoing annually).
	Dept of Financial Services audit.	DFS to visit FAU in FY21.
	<u>Other matters:</u>	
Office of Information Technology (OIT): (i) No major security incidents reported with 9300 Total Network Access Policies (technical) (15% increase from July 2019) [ <i>Network access policies control access to sensitive systems on campus as well as segment systems from one another. These controls greatly reduce the risk of a network-based compromise from an external or internal attacker.</i> ]; (ii) Security data collection was 220 GB of data per day at the end of FY19-20; an increase of 948% from last year [ <i>driven by an increased collection of security-relevant information</i> ]; (iii) 1022 new VPN accounts for remote access to university resources were established in FY20 compared to 217 in FY19 ( <i>primarily driven by the move to remote access due to the Covid19 pandemic</i> ); and (iv) Ongoing vulnerability scans for external software on the FAU network.		

	<p>SHS: Successful Department of Health audits for SHS bio-waste and dispensing programs.</p> <p>CoM: Instituted quarterly budget-to-actual reviews to reconcile transactions and monitor proper costing allocations.</p> <p>DoR: Institutional assurance with the federal oversight Office of Lab Animal Welfare (OLAW) was revised, negotiated, and approved (institutional assurance is negotiated every 4 years).</p>
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**G. Enforcement and Discipline**

<u>Component Summary</u>	<u>Work Plan</u>	<u>Status</u>
Incentives for employees to engage in conduct in accordance with laws, rules, and policies, and, conversely, appropriate disciplinary measures when employees engage in conduct which is non-compliant.	Develop compliance and ethics incentives. (Potentially through service awards).	Service awards cancelled in FY20; deferred to FY21.
	Promote awareness of new and amended University policies.	Announcements included in FAU Today. Updated communications plan in development.
	Work with HR and legal on review and updates to Regulation 5.012 Employee Standards and Disciplinary Procedures.	Determined updates not needed at this time.

**H. Response and Prevention**

<u>Component Summary</u>	<u>Work Plan</u>	<u>Status</u>
Ensure reasonable steps are taken to respond to complaints, especially complaints of compliance violations and/or unethical conduct. Corrective action helps prevent similar issues from occurring in the future.	Provide recommendations for timely responses and corrective actions (in research misconduct and other areas).	Recommendations to address claims that do not rise to a legal violation, but do raise professionalism concerns, and to keep internal business units informed on status.
	Expand the scope of our export control officer beyond research (to provide university-wide compliance oversight).	Export control officer now provides university-wide oversight and support. Updates were completed to the <a href="#">export control website</a> and related forms, questionnaires and screening questions.
	Explore best practices for data protection (non-HIPAA) and website accessibility.	Communications website includes website development best practices: <a href="http://www.fau.edu/publicaffairs/web/best-practices/index.php">http://www.fau.edu/publicaffairs/web/best-practices/index.php</a> ; data protection practices being evaluated by OIT and Registrar's office.
	Monitor emerging compliance issues and provide recommendations for corrective and/or preventative action.	Monitoring foreign influence issues and foreign gift reporting. Worked with immigration and financial affairs

on drafting and/or updating policies and procedures. Athletics compliance developing new forms and procedures for coaches and prospective student athletes to certify eligibility.

*Other matters:*

OIT: Updated information security incident response plan and associated playbooks.

EH&S: Updated charters for the University Safety Committee and the University Radiation Safety Committee.

FAU Health Units: Proactive measures for clinical units to quickly enable TeleHealth during COVID-19 pandemic addressing required consents and attestations.

DoR: Taking proactive steps to address foreign influence in research by: (i) meeting with University administration and FBI, (ii) hosting a town hall meeting with the FBI with FAU researchers and administration on November 1, 2019, (iii) launching an enhanced website with [Guidelines for International Research Collaborations](#), and (iv) hosting webinar(s) on "Global Engagement and "Foreign Influence" in Research – Practical Guidance for a Changing Landscape.

GAS: Inbound international exchange students are now automatically enrolled in health insurance affiliated with FAU and the cost is automatically billed to their student account. Students can complete a waiver form if they have approved alternate health insurance coverage.

Athletics: (i) Developed a new process to vet the backgrounds of new employees for associations with prospective student-athletes; (ii) developed, in coordination with admissions, an easier way to track missing admissions requirements for prospective student-athletes; and (iii) created/updated various compliance forms to monitor and track student-athlete employment, coach local sports club participation, prospects arriving prior to initial enrollment, and team entertainment.