Item: AC: A-1

AUDIT AND COMPLIANCE COMMITTEE
Friday, December 6, 2019

SUBJECT: COMPLIANCE AND ETHICS ANNUAL REPORT (FY 2018-19)

PROPOSED COMMITTEE ACTION
Recommend approval of the Compliance and Ethics Annual Report (FY 2018-19).

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 as well as throughout the entire university.

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

FISCAL IMPLICATIONS
N/A

Supporting Documentation: Compliance and Ethics Annual Report (FY2018-19)

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                                   Ethics Officer

FLORIDA ATLANTIC UNIVERSITY
COMPLIANCE AND ETHICS ANNUAL REPORT
FY 2018-19

A. Executive Oversight	
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.	**Board of Trustees (BOT) Compliance and Audit Committee** • Approved FAU's initial Compliance and Ethics Program (October 2018) • Approved Compliance and Ethics Work Plan for FY2019-20 • Regular communications between the Chief Compliance and Ethics Officer and the Audit and Compliance Committee Chair (Trustee Davis)
	University Compliance and Ethics Committee • Created (Oct 2018) and convened three times • Comprised of Departmental/Divisional Compliance and Operational Leaders • Conducted heat mapping activity re risk and impact • Completed University-wide compliance inventory
	University Policies and Procedures Committee • Completed five new policies (see Section C. below) • Amended four existing policies (see Section C. below)
	HIPAA Task Force • Reconvened in February 2019 • Updated HIPAA Notice of Privacy Practices • Created new HIPAA-compliant Fundraising Policy re PHI
	Pre-Collegiate Programs Advisory Group • Restructured to focus on compliance and oversight • Updated Pre-Collegiate Programs Manual and Forms • Worked with FAU risk management to clarify insurance requirements
	Office of Information Technology (OIT) Compliance Committee • Convened nine times • Established an Endpoint Security Subcommittee to test, plan and implement new security controls on endpoint devices • Began work towards institution-wide compliance with upcoming regulatory requirements including potential new GLBA requirements • Began deploying two-factor capabilities to students on a voluntary basis

	• Prepared new External Email header to alert users to messages sent from outside the University • Deployed newer full disk encryption technologies to protect desktops and laptops with sensitive information
	Equity, Inclusion and Compliance (EIC) • Hired New Executive Director and Title IX Coordinator • Completed annual Florida Educational Equity Act Report for FY17
	Athletics • Hired new Senior Associate Athletics Director for Compliance with a direct line to Compliance (dotted line to AD) and new Assistant Athletics Director of Compliance • The Institutional Athletics Committee (IAR) was reconvened with new Faculty Athletics Representative (FAR) (Stephen Engle, College of Arts and Letters); Office of Compliance is a member of the IAR and the Institutional Control Subcommittee
	EH&S • Radiation Safety Committee • University Safety Committee • Aviation Review Panel
	Research • Institutional Biosafety Committee (IBC) • Diving and Boating Board (DBB) • Institutional Animal Care and Use Committee (IACUC) • Institutional Review Boards (2) (IRB) • Financial Conflict of Interest in Research Comm (FCOI) • Technology Review Advisory Committee (TRAC)
	General Compliance • Attended SUS Compliance Officers meeting • Participated in sub-group re Ethics Training

B. Standards of Conduct	
It is the expectation of all employees to perform their duties and responsibilities with integrity and accountability to the highest ethical standards.	**Ethics Training** • Launched on-line ethics training for all new employees as part of onboarding and for BOT
	Reporting • Began evaluating third party ethics hotline providers
	Research • Launched "Notices from the DOR–VPR Guidance documents" including DoR Responsibility and Authority regarding matters of research misconduct

C. Regulations and Policies	
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.	**New University Policies** • Waiver of Tuition and Fees Policy • Religious Accommodations Policy for Employees • Information Security Policies (delegates data policies to data committee) • Cloud Service Providers • General Privacy Policy
	Amended University Policies • Social Media Policy • Systems and Data Classifications Policy • Responsible Use of Data Access Policy • Acceptable Use of Technology Resources Policy
	Amended University Regulations • Student Code of Conduct (amendments) • Admission Requirements and Enrollment Limitations (amendments) • Institutes and Centers (amendments) • Health Insurance for International Students (amendments) • Exceptional Circumstances Withdrawal • Anti-Discrimination/Anti-Harassment • Tuition, Fee Schedule and Percentage of Cost • University Direct-Support Organizations
	HIPAA • Created new HIPAA-compliant PHI Fundraising Policy • Updated Notice of Privacy Practices
	Other • Division of Research (DoR) created new policies for intellectual property terms in industry-sponsored research agreements and reporting to appropriate government agencies • CoM developed many new and updated policies for their 2020 first reaccreditation site visit, including policies addressing conflicts of interest in academic evaluations and diversity and inclusion • Student Health Services (SHS) updated its policy regarding the treatment of minors and enacted new policies covering chaperones, patient dismissal, medical care for individuals with intellectual disabilities, general affirming care and victims of sexual assault

D. Effective Lines of Communication	
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.	**Websites** • Updated Compliance and Ethics Website • Updated EIC Website • Updated Athletics Compliance Website
	EIC • Instituted Maxient Case Management for all EIC matters • Developed standardized letters and reports within EIC • Developed case procedure manual • Developed protocol to inform DoR on grant recipient/PI matters in EIC for new NSF reporting requirements • Received 86 new Title IX/Harassment/Discrimination matters (80 internal; 6 external with 4 external agencies (OCR, FCHR, EEOC, PBEOE) and closed 86 cases

E. Education and Training	
Compliance and ethics training is a foundational element of an effective compliance program.	**Ethics** • Launched on-line ethics training for new employees as part of onboarding and for BOT
	Title IX • Provided ATIXA Title IX Investigator Level I & Hearing Board Training Certification for 36 FAU Employees • Provided Title IX, Harassment and Discrimination training to all new employees and students
	Research • "The Importance of Compliance in Research" presented by AVP for Research, Office of Research Integrity • Four training sessions explaining tech development policy • Lunch hour series (allowable costs on federal projects) • Collaborative Inter-Institutional Trainings (CITI) • Three grants management training sessions
	Athletics • Created Athletics Bylaw Briefs (reminders to coaches) • Provided NCAA rules education to all sports
	ADA • Website accessibility standards and best practices
	OIT • 92 new users completed PCI training • 760 new users completed Security Awareness training
	Police • Multiple trainings, including active threat assessment and rape aggression defense
	Health Affairs • 429 new users completed HIPAA training

F. Audit and Monitoring	
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.	**Audits** • Athletics financial aid audit • Athletics Title IX audit & survey • Started a new external information security risk assessment
	Inspections • IACUC semiannual facility inspections (ongoing)
	Accreditations • Submitted Interim 5th Year SACSSOC Report in March • DoR achieved AAALAC accreditation (for animal care and use in research) • SHS was reaccredited by the Accreditation Association for Ambulatory Health Care (AAAHC)
	OIT • Total network access policies (technical): 8050 (12% increase from July 2018) • No major security incidents reported • Security data collection was 23.2GB of data per day at the end of FY18-19; an increase of 139% from last year

G. Enforcement and Discipline	
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.	**Service Awards** • Annual service awards includes President's Leadership Award, Exemplary Employee Award and Customer Service Award • CoN Daisy Award (for caring)
	Awareness/Promotion • Human Resources announcements • Marketing announcements re new policies
	Enforcement • 76 disciplinary actions, including counseling, reprimands, suspensions, separations and terminations • One case of research misconduct

H. Response and Prevention	
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.	**Research** • College of Education has developed two for-credit courses on "Responsible Conduct of Research", one for undergraduates and one for graduate students. First courses will be offered summer 2019. Talking with Graduate College, OURI and Deans to encourage participation and awareness. • Combating Trafficking in Persons notification (required for federal grants) added to HR onboarding • Issued new guidance on the implementation of the New Common Rule
	Export Control • Expanded role of the DoR Export Control Officer university-wide • Meetings held with Procurement, Property, Tuition and Billing, International Scholars and Students, and E-Learning to discuss export control issues and implementing changes (batch screenings)
	NCAA • Restructured football host program for enhanced NCAA compliance • Reviewed and updated financial aid policies and procedures • Instituted procedures for all new athletic hires to meet with Athletics Compliance their first week of employment • Included Athletics Compliance public service announcements at spring home events. • Created rules education pamphlet for all season ticket holders • Developed an Athletics Compliance Calendar
	Financial Responsibility Reporting • Implemented notifications between compliance, legal and academic affairs for events requiring reporting to the USDOE re Title IV funds and the Borrower Defense Rule
	Student Records • Revised authentication method for telephone inquiries re FERPA records
	Police • Numerous training and education programs, including active threat assessments and rape aggression defense, and campus and community outreach programs