Item: AC: A-2

AUDIT AND COMPLIANCE COMMITTEE
Tuesday, November 16, 2021

SUBJECT: COMPLIANCE AND ETHICS WORK PLAN (FY 2021-22)

PROPOSED COMMITTEE ACTION

Recommend approval of the Compliance and Ethics Work Plan (FY 2021-22).

BACKGROUND INFORMATION

Florida Board of Governors (BOG) Regulation 4.003 requires each state university to implement a university-wide compliance and ethics program and to report at least annually on the effectiveness of its program. On October 2, 2018, this Board approved FAU's Compliance and Ethics Program (Program). In connection with Program implementation, and as required by BOG Regulation 4.003, FAU has developed a Compliance and Ethics Work Plan (Work Plan). The Work Plan includes both ongoing activities of the FAU Compliance Office and its compliance partners, as well as specific task-based items, as appropriate and applicable for each Program element. The Work Plan shall provide a blueprint for FAU's FY2021-22 annual report on the effectiveness of its Program.

IMPLEMENTATION PLAN/DATE

The Compliance ad Ethics Annual Work plan will be implemented during the 2021-22 fiscal year.

FISCAL IMPLICATIONS

N/A

Supporting Documentation: Compliance and Ethics Work Plan (FY2019-20)

Presented by: Elizabeth Rubin, Chief Compliance &   Phone: 561-297-3004
                            Ethics Officer

FLORIDA ATLANTIC UNIVERSITY
COMPLIANCE AND ETHICS WORK PLAN
FY 2021-22

FAU's Compliance Office provides oversight of compliance-related activities including the oversight and implementation of FAU's Compliance and Ethics Program (CEP). The office is led by FAU's Chief Compliance and Ethics Officer (CCEO), The mission of Florida Atlantic University's CEP is to assist the university in achieving its financial, operational and strategic goals (as set forth in FAU's Strategic Plan for the Race to Excellence, 2015-2025) while promoting compliance with all institutional policies as well as federal and state laws and regulations. FAU's mission, vision, and values speak to a level of employee engagement which extends beyond simple compliance; FAU's commitment, supported by the CEP, is to the highest standards of integrity, accountability, and ethical conduct.

FAU's CEP creates a structural foundation to prevent and detect violations of law and assist FAU in encouraging ethical conduct and compliance with all applicable laws and regulations. The program also proactively identifies and assesses risk to the University and strives to mitigate those risks through appropriate controls, governance processes, as well as developing or implementing training and awareness for the University community. The goal is to make compliance and ethical behavior relevant to each and every employee by establishing a tone for ethical decision-making and accountability in all University business operations and reinforcing FAU's commitment to integrity and "doing the right thing."

The following work plan presents the CEP components and activities to be conducted during the 2020-21 Fiscal Year. Items included in the FY21-22 work plan that were also included in the FY20-21 work plan but were not fully completed are indicated in *italics*. Most of the activities in the Executive Oversight component of the work plan are ongoing activities, while the majority of remaining CEP components include specific task-based items. FAU is required by Board of Governors Regulation 4.003 to report at least annually on the effectiveness of the CEP. This work plan will provide a blueprint for the FY 2021-22 annual report.

Significant themes or highlights for the 2021-22 work plan are conflict of interest disclosures and training, foreign influence oversight with international applicants, contracts, grants, gifts and travel, compliance program review and assessment, data security, and name, image and likeness in collegiate athletics.

A. Executive Oversight

Component Summary	Work Plan	Lead Office(s)
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. Most of initiatives in this component are ongoing activities.	Chief Compliance & Ethics Officer (CCEO) reports regularly to the BOT Audit & Compliance Committee, confers with the BOT Audit & Compliance Committee Chair as needed, and prepares an annual work plan and annual report	Compliance
	Compliance office chairs the University Compliance and Ethics Committee (comprised of Departmental/Divisional Compliance and Operational Leaders)	Compliance
	Compliance office chairs the University Policies and Procedures Committee	Compliance
	Compliance office chairs the HIPAA Task Force and the Billing Compliance Committee	Compliance
	Compliance office is a member of the Pre-Collegiate Programs Advisory Group	Student Affairs
	Compliance office is a member of the Global Travel Safety and Security Subcommittee	Police/Emergency Management (EM)
	Compliance office is a member of the Office of Information Technology (OIT) Compliance Committee	Office of Information Technology (OIT)
	Compliance office is a member of the Institutional Athletics Committee (IAC) and the IAC Institutional Controls subcommittee	Athletics/ Academic Affairs
	Equity, Inclusion and Compliance (Title VI, VII & IX, ADA) and Athletics Compliance report directly to the CCEO	Compliance
	Compliance office chairs a Foreign Influence Task Force	Compliance

B. Standards of Conduct

Component Summary	Work Plan	Lead Office(s)
It is the expectation of all employees to perform their duties and responsibilities with integrity and accountability to the highest ethical standards.	Develop communications for FAU's new Standards of Conduct and updated Ethics regulation.	Compliance
	Draft and complete policy on interns (unpaid) at FAU	Human Resources (HR)/Career Center/ Compliance
	Enhance conflicts of interest resources and develop FAQs.	Compliance
	Finalize reaccreditation of the animal care and use program (AAALAC)	Division of Research (DoR)
	Prepare for accreditation of FAU's human subjects research program (AAHRPP)	DoR

	Implement electronic management system for consistent management of: (i) financial conflict of interests, (ii) animal care and use protocols (IACUC), and (iii) biological safety registrations (IBC)	DoR

C. Regulations and Policies

Component Summary	*Work Plan*	*Lead Office(s)*
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.	*Review, update and enhance the policy development guidelines and process*	Compliance
	Finalize new HIPAA policies re requests to amend PHI and use of mobile devices	Compliance
	Update the auxiliary chargeback policy	Financial Affairs
	Complete the update to Regulation 5.010 University Ethics	Compliance
	Create a new Fraud Regulation	Compliance/ Financial Affairs/IG
	Implement improvements to security governance including creation of additional policies/procedures/standards around the NIST cybersecurity framework	OIT
	Create a policy covering the diversity of search committees	Office of Equity and Inclusion (OEI)
	Monitor and update changes to the USDOE Title IX regulations re sexual harassment	OEI
	Create new policies and/or procedures for international travel, global recruitment, and grant and gift monitoring and reporting in accordance with HB7017	Compliance/HR/EM/ Center for Global Engagement
	Finalize updates to the Provost's memorandum on distance learning to comport with new USDOE state authorization regulations	Center for eLearning/ Compliance
	Review and update the University Pandemic Plan and Public Health Policy, including considerations of a pandemic annex, revised emergency declaration and order processes, and other related items	EM/Environmental Health&Safety (EH&S)
	Update University Policy 7.5 re Personnel and create a new policy re minors in the workplace and doing research in laboratories	HR

D. Effective Lines of Communication

Component Summary	Work Plan	Lead Office(s)
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.	*Create a conflict of interest resource website*	Compliance
	Enhance internal communications on outside activity disclosures	Compliance
	Create and distribute publications related to intellectual property, technology transfer and startup companies	DoR
	Promote and publicize FAU's new third-party ethics hotline	Compliance/ Public Affairs
	Implement communications to current and prospective students on license/certification program status in their home state	Center for eLearning/Compliance

E. Education and Training		
Component Summary	Work Plan	Lead Office(s)
Compliance and ethics training is a foundational element of an effective compliance program.	*Provide training on conflict of interest disclosures*	Compliance
	Provide education, training and resources for name, image and likeness rules and limitations	Athletics
	Add Athletics compliance training to new employee orientation	Athletics
	Continue to enhance resource base for faculty on foreign influence issues specific to research	DoR
	Initiate a new training program with the departments and colleges to distribute those functions that units can support the central research administration for our shared culture of compliant research	DoR

F. Audit and Monitoring		
Component Summary	Work Plan	Lead Office(s)
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 data risk assessment(s) and enhancements to security event collection capabilities and review procedures to identify gaps in security posture/design	OIT
	Complete the BOG-required University Compliance Program Review	Compliance
	Update Title IX audit for NCAA analysis	Athletics
	Complete Bright Futures audit	Financial Aid
	Implement the approved IACUC quality assurance program focused on administrative protocol compliance	DoR

G. Enforcement and Discipline		
Component Summary	*Work Plan*	*Lead Office(s)*
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)*	Compliance
	Promote awareness of new and amended University policies (on-going)	Compliance
	Implement measures and accountability to enhance conflict of interest disclosures	Compliance
	Coordinate with compliance committees and central administration to standardize processes to investigate and correct research misconduct and noncompliance activities	DoR

H. Response and Prevention		
Component Summary	*Work Plan*	*Lead Office(s)*
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.	Implement procedures for the new ethics hotline	Compliance
	Conduct an internal assessment of FAU's Compliance Program (and gap analysis) in preparation for updating the program next year	Compliance
	Implement additional technical security controls to improve readiness for more sensitive research	OIT
	Implement professional judgment review for HEERF funds	Financial Aid

Approved by the Florida Atlantic University Board of Trustees on November 16, 2021