



FLORIDA ATLANTIC UNIVERSITY

Board of Trustees

Item: AC: A-2

AUDIT AND COMPLIANCE COMMITTEE

Tuesday, November 19, 2024

SUBJECT: COMPLIANCE AND ETHICS ANNUAL REPORT (FY 2021-24)

PROPOSED COMMITTEE ACTION

Recommend approval of the Compliance and Ethics Annual Report (FY 2021-24).

BACKGROUND INFORMATION

Florida Board of Governors (BOG) Regulation 4.003 requires each state university to report 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. Due to staffing changes and vacancies in the compliance office, the current report is a three-year report.

IMPLEMENTATION PLAN/DATE

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

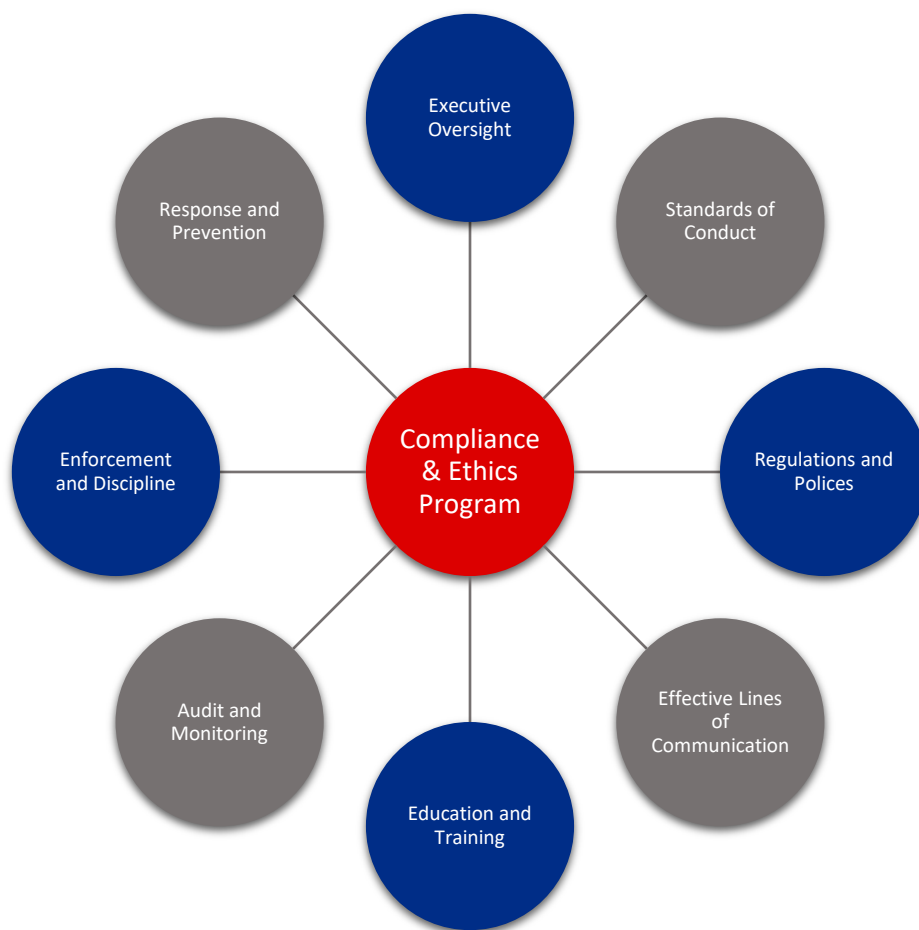
FISCAL IMPLICATIONS

N/A

Supporting Documentation: Compliance and Ethics Annual Report (FY2021-24)

Presented by: Elizabeth Rubin, Senior Corporate Counsel & Interim Chief Compliance & Ethics Officer Ph: 561-297-3007

**FLORIDA ATLANTIC UNIVERSITY
COMPLIANCE AND ETHICS
ANNUAL REPORT
FYs 2022, 2023 & 2024**



OFFICE OF COMPLIANCE & ETHICS

About this Report

FAU's mission, vision, and values speak to a level of employee engagement which extends beyond mere compliance with laws, rules and policies. FAU's commitment, supported by the Compliance and Ethics Program (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 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.

This three-year annual report focuses on highlights of compliance and ethics matters from fiscal years 2021-22, 2022-23, and 2023-24. It includes activity happening throughout the University, including without limitation compliance and ethics activity led and/or accomplished by the University's compliance office and the University's compliance partners. The annual report is not intended to provide a comprehensive overview of all compliance and ethics-related activity that occurred at the University in these fiscal years.

Compliance Partners

Accreditation	Advancement Services	Athletics
Civil Rights & Title IX	Communications	Emergency Management
Environmental Health & Safety	Export Control	Financial Affairs
Financial Aid	Global Academic Services	Government Relations
Health Affairs	Health & Wellness	Human Resources
Inspector General	Information Technology	Online & Continuing Education
Public Affairs	Registrar	Research Integrity
Risk Management	Sponsored Programs	Student Accessibility
Technology Development	University Police	Youth Programs

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. Most of initiatives in this component are ongoing activities.

<i>Area</i>	<i>Matter</i>	<i>FY</i>
Board of Trustees	Chief Compliance & Ethics Officer (CCEO) reports regularly to the BOT Audit & Compliance Committee, confers with the BOT Audit & Compliance Committee Chair as needed	2022-24
Compliance	Compliance office chairs the University Compliance and Ethics Committee (comprised of Departmental/Divisional Compliance and Operational Leaders)	2022-24
Policies	Compliance office chairs the University Policies and Procedures Committee	2022-24
HIPAA & Billing	Compliance office chairs the HIPAA Task Force and the Billing Compliance Committee	2022-24
Youth Programs	Compliance office is a member of the Pre-Collegiate Programs Advisory Group	2022-24
Global Travel	Compliance office is a member of the Global Travel Safety and Security Subcommittee	2022-24
Information Technology	Compliance office is a member of the Office of Information Technology (OIT) Compliance Committee	2022-24
Athletics	Compliance office is a member of the Institutional Athletics Committee (IAC) and the IAC Institutional Controls subcommittee	2022-24
Civil Rights & Title IX (OCR9)	Office of Civil Rights and Title IX and Athletics Compliance report directly to the CCEO	2022-24
Foreign Influence	Compliance office chairs a Foreign Influence Task Force	2022-24
Conflicts of Interest	Compliance office participates in 112.313 Conflict of Interest Sponsored Research Exemption Reviews.	2022-24



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.

<u>Area</u>	<u>Matter</u>	<u>FY</u>
Conflicts of Interest	Full roll-out of the new Outside Activity Reporting format through Workday.	2022
Conflicts of Interest	Developed FAQs for outside activity reporting.	2022
Research	Created a FAU Health Network Research Toolkit to assist FAU researchers in designing and managing biomedical and clinical research studies	2022
Research	Research Integrity has revised and made public webpages to support an ethical ecosystem for IRB, IACUC, IBC, FCOI, and Responsible Conduct of Research .	
EH&S	EH&S oversees the Diving and Boating Board to promote safety, availability, and accessibility of FAU diving and boating activities for research and education.	2022-24
Compliance	Created a new online training course for FAU's Standards of Conduct	2022

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.

<u>Area</u>	<u>Matter</u>	<u>FY</u>
HIPAA	Created new HIPAA policies regarding Requests to amend PHI and Use of mobile devices .	2022
Distance Learning	Created a new Provost's Memorandum: Policy on Student Location Determination : This new policy outlines how FAU will determine a student's learning location, regardless of the mode of instruction for their courses, pursuant to DOE requirements.	2024
Public Affairs	9.2 Social Media : These policy amendments address the posting or sharing of content or comments by members of the public to FAU social media sites.	2022
Foreign Influence	6.4 Reporting Foreign Gifts and Contracts : These policy amendments address new Florida legislation which requires reporting of foreign gifts and contracts at a \$50,000 threshold level (the federal reporting threshold is currently \$250,000).	2022
Financial Aid	6.3 Waiver of Tuition and Fees : These policy amendments add a new waiver for AA/AS non-resident students from the Broward College International Center.	2022

EH&S	4.1.3 Children in the Workplace : These policy amendments clarify certain exceptions and address children in the context of various other university relationships.	2022
EH&S	4.1.5 Bicycles, Skateboards, Scooters, and Other Similar Devices : These policy amendments expand the scope to include similar devices such as segways, hover boards, etc.	2022
Health & Wellness	4.1.7 Tobacco-Free Campus (fka Smoking and Tobacco Use on University Property): These amendments expand the scope to include the promotion, distribution and sale of all tobacco and nicotine products.	2022
Police	1.20 Reporting Child Abuse, Abandonment or Neglect : These amendments shift policy responsibility from Human Resources to the University Police.	2022
Public Affairs	12.13 Email Communications . This new policy makes FAU email accounts the official method of communication for faculty and staff, primarily driven by compliance concerns.	2022
Facilities	4.2.7 Contracting for Design and Construction Services . This new policy provides the parameters for the selection of design and construction professionals in accordance with new and updated BOG regulations.	2023
Global Travel	1.19 Global Travel Safety and Security . This new policy provides policies and procedures for those engaged in University-sponsored or supported travel abroad or while in the possession of University assets.	2023
EH&S	10.1 University Unmanned Aircraft Systems policy : This policy was updated to enforce the procurement and use of approved drones at FAU in accordance with updated Florida regulations.	2023
Human Resources	7.3 Flexible Work Arrangements : This new policy establishes a framework and criteria for flexible work arrangements that advances the mission and strategic vision of Florida Atlantic University while ensuring the stability, continuity, safety and security of University operations.	2023
EH&S	4.1.8 Passenger Van Safety : These policy updates are related to the audit/monitoring/inspection and recordkeeping elements of program.	2023
EH&S	4.1.6 Golf Carts and Utility Vehicles : These policy revisions address program applicability, administration and maintenance, seatbelts, requirements for maintenance and annual inspections, approval forms, and registration process	2024
Financial Affairs	6.008 Procurement : This amended regulation modifies the competitive bid threshold.	2024
Human Resources	5.002 Faculty Evaluations : This amended regulation adds a new section for post-tenure review.	2024
Health Affairs	9.003 Linking Industry to Nursing Education Fund : This new regulation establishes the administration of the Linking Industry to Nursing Education (LINE) Fund at FAU.	2023
Student Affairs	4.015 Military Veterans and Active Duty : This amended regulation clarifies experience and credit transfer credits for military students.	2023
Student Affairs	4.009 International Students and Scholars : This amended regulation updates eligibility & insurance requirements for international students and scholars.	2023
Academic Affairs	2.001 Admission Requirements and Enrollment Limitations : This amended regulation changes “limited access” programs to “specialized admissions”.	2023

Academic Affairs	7.010 Examinations and Assessments : This new regulation was developed to protect postsecondary examination and assessment instruments and related developmental materials from public records disclosures.	2023
OCR9	7.008 Anti-Discrimination and Anti-Harassment : This amended regulation updates the name of the applicable University office to the Office of Civil Rights and Title IX (OCR9) to more accurately reflects the office's role in conducting investigations and facilitating University compliance with applicable anti-discrimination and anti-harassment laws and regulations.	2023
Academic Affairs	3.004 Textbook and Instructional Materials Affordability : This amended regulation strives to minimize the cost of required or recommended textbooks and instructional materials for students while maintaining the quality of education and academic freedom.	2023
Research	2.006 Institutes and Centers : This regulation was amended to comply with updated procedures, reporting and review of institutes and centers at FAU.	2023
Academic Affairs	2.001 Admission Requirements and Enrollment Limitations : This regulation was amended to add the University's admissions requirements and policies for graduate and post-baccalaureate professional students.	2023
Financial Affairs	8.002 Tuition and Fee Assessment, Remittance, and Refunds : This regulation was amended to add additional categories of tuition (i.e., market-rate) and remove the withholding of transcripts for outstanding payments.	2023
OCR9	7.008 Anti-Discrimination/Anti-Harassment . This regulation was amended to add the prohibition of discrimination by subjecting any student or employee to training or instruction that advances the concepts set forth in paragraph BOG Regulation 10.005 and affirms that the Regulation covers the Florida Educational Equity Act.	2023
Financial Affairs	8.001 Tuition, Fee Schedule and Percentage of Cost . This regulation was amended to create a differential non-resident fee for certain graduate assistants, graduate associates, and graduate fellows.	2022
Academic Affairs	4.001 Code of Academic Integrity : The purpose of this amendment is to update the definition of academic dishonesty, clarify the procedures for hearings and appeals, and provide additional information regarding the penalties and potential consequences of a violation.	2022
General Counsel	1.007 Agency Clerk . This regulation was amended to update contact information.	2022
Human Resources	5.016 Employee Bonus Plan . This new Regulation was a conversion and expansion of existing lump sum/bonus payments provisions and identifies the categories of employees who are eligible to receive bonuses and the applicable criteria and procedures.	2022
Inspector General	7.009 Fraud Prevention and Detection . This new regulation is a conversion of existing policy and adds a strategic emphasis on fraud prevention and detection strategies.	2022
DSOs	6.013 University Direct Support Organizations . This regulation was amended to limit the use of the same accountant or firm to conduct the annual audit more than four consecutive years and to clarify that the BOT Chair or University President may require any records or data relative to the operations of a DSO from any of its independent auditors.	2022
EH&S	Created a new Illicit Discharge Policy : This new policy outlines the required enforcement of illicit discharges at FAU.	2024

Research	The Animal Research Protection Program (ARPP) updated several policies and developed the Rodent Breeding Colony Management policy	2022-24
Academic Affairs	Created a Post-Tenure Review Policy that began in Spring 2024 and a PTR Policy Committee to review the policy at least every three years.	2024
Academic Affairs	Created Provost's Memorandum 1.19 re: Guidance on Senate Bill 266 to provide guidance on spending funds to promote, support, or maintain programs and activities that advocate for diversity, equity, and inclusion, or promote or engage in political or social activism.	2024
Research	Created a new policy on Research on Vulnerable Populations to address special circumstances and/or protections.	2024
Research	Revised the Budget Amendment Policy for Federal and Non-Federal Sponsored Programs to streamline and clarify the process.	2023
Financial Aid	Updated Title IV policies and processes (and provided retraining) in accordance with the FAFSA Simplification Act and FUTURE Act.	2022-24
Information Technology	Developed numerous IT security policies , including without limitation those on encryption standards, cloud infrastructure, vulnerability scanning and remote access.	2022-24

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.

<u>Area</u>	<u>Matter</u>	<u>FY</u>
Conflicts of Interest	Created a conflict of interest resource website .	2022
Ethics	Launched the FAU Ethics Hotline with over 90 reports since inception.	2022
Public Affairs	Continued to enhance internal communications to ensure the university community is aware of new policies or compliance issues/procedures.	2022-24
Government Relations	Established an Office of Public Policy Events (OPPE) to facilitate the advancement of knowledge by hosting and sponsoring events with speakers of diverse viewpoints and featuring various contested public policy issues.	2024
Government Relations	Continued communication and facilitation of relevant agency information at all levels shared through in-person meetings, newsletters (Legislative Updates and Owl Outlook) and email communications.	2022-24
Research Integrity	Reinstated the Beacon Newsletter to communicate updates from Research Integrity for ensuring compliance through best practices, new policies, etc.	2022-24
Sponsored Programs	Launched OSP Announcements and Updates template to communicate important news and new sponsor and university regulations.	2022-24
Procurement	Updated purchasing and credit card manual and guidelines re competitive bids, change orders, receipts, motor vehicles, card closures, and approvals.	2024
Financial Affairs	Updated accounts payable manual with guidance on invoices, reimbursements and gift cards.	2024



E. Education and Training

Compliance and ethics training is a foundational element of an effective compliance program.

<u>Area</u>	<u>Matter</u>	<u>FY</u>
Conflicts of Interest	Offered training to all colleges on outside activity disclosures.	2022
Foreign Influence	Provided Foreign Influence Screening trainings to various colleges.	2023-24
Foreign Influence	Created Screening Foreign Researchers website with resources, information and flowcharts.	2022
Research	Tech Development began the Owl Innovator Workshop Series, a six-part educational training series on topics related to intellectual property and technology commercialization.	2024
Research	Initiated Monthly Postdoc Orientations and created an Affiliate Postdoctoral Fellow Appointment Process .	2022-24
OCR9	OCR9 hosted trainings on discrimination and harassment to departments attended by more than 1500 employees and created an online Canvas course for new employee Discrimination, Harassment, and Title IX Training.	2023
Info Tech	Deployed a new Security Awareness refresher course to faculty and staff.	2024
Procurement	Created on demand video training of all Procurement related business documents and functions@ https://www.fau.edu/training/workday/ .	2024
Athletics	Provided rules education annually as well as NIL and sports wagering education and training	2022-24

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.

<u>Area</u>	<u>Matter</u>	<u>FY</u>
Compliance	Completed the BOG-required University Compliance Program 5-year review.	2022
OCR9	Enhanced OCR9 Case Management Intake Process to track all reports received and created an annual report to audit and monitor office activity.	2023
Inspector General	Continued annual Inspector General audits and follow-up (i.e., performance-based funding, post-tenure review, cybersecurity risk and IT disaster recovery management etc).	2022-24
Information Technology	Conducted audits of IT systems, policies, and process, including without limitation penetration tests and social engineering engagements.	2022, 2024
Information Technology	Conducted a Cybersecurity Risk Assessment.	2022
Information Technology	Conducted a HIPAA Risk Assessment.	2023
Procurement	Completed OIG audits on vehicles, credit card use and contract processes.	2022-24

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.

<u>Area</u>	<u>Matter</u>	<u>FY</u>
Global Travel	New Provost's memorandum on <i>Non-compliance with FAU International Study and Travel Policy</i> provides a disciplinary process for noncompliance.	2024
OCR9	Created new proactive measures in conjunction with Dean of Students/Student Conduct and Employee Relations that can be utilized as informal options when resolving incidents involving discrimination and harassment issues.	2024
Owls Care	<i>Healthy Campus 2030</i> & <i>Annual Notification of Alcohol and Other Drug Information</i> with a biennial review of the drug and alcohol prevention program with guidelines for student and employee sanctions.	2024

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.

<i>Area</i>	<i>Matter</i>	<i>FY</i>
Foreign Influence	Developed a Foreign Influence Website and conducted over 300 foreign influence screenings since April 2023.	2022
EH&S	New FAU Workplace Accident Investigation Procedures : Requires work-related accidents be investigated for root cause, with corrective action.	2023
EH&S	Updated FAU's Public Health Manual to include COVID-19 and other communicable diseases and a rewrite of the Pandemic Annex.	2023
EH&S	Created an MRI Safety Manual & Safety Committee for use of FAU's MRI.	2024
Police	New radio communication system with multi-campus integration of law enforcement communication lines and functionality to increase effectiveness of response and prevention throughout the community.	2023
EH&S	Expansion of controls to meet BOG requirements regarding NARCAN stations in all residence halls.	2023
Research	Research Integrity responds to concerns/complaints within 24 hours.	2022-24
Research	Launched Financial Conflict of Interest (FCOI) and Institutional Review Board (IRB) modules on the Novelution platform to enhance compliance and communication across DoR with module interaction.	2022-24
Controller's Office	Created Quality Assurance Program Manager role to improve transaction quality and perform risk assessments and quality improvement reviews.	2024
Student Accessibility	Updated accessibility standards and created new Web Accessibility website to provide notice and guidance to the University community.	2024
Athletics	Established NIL Taskforce	2021

