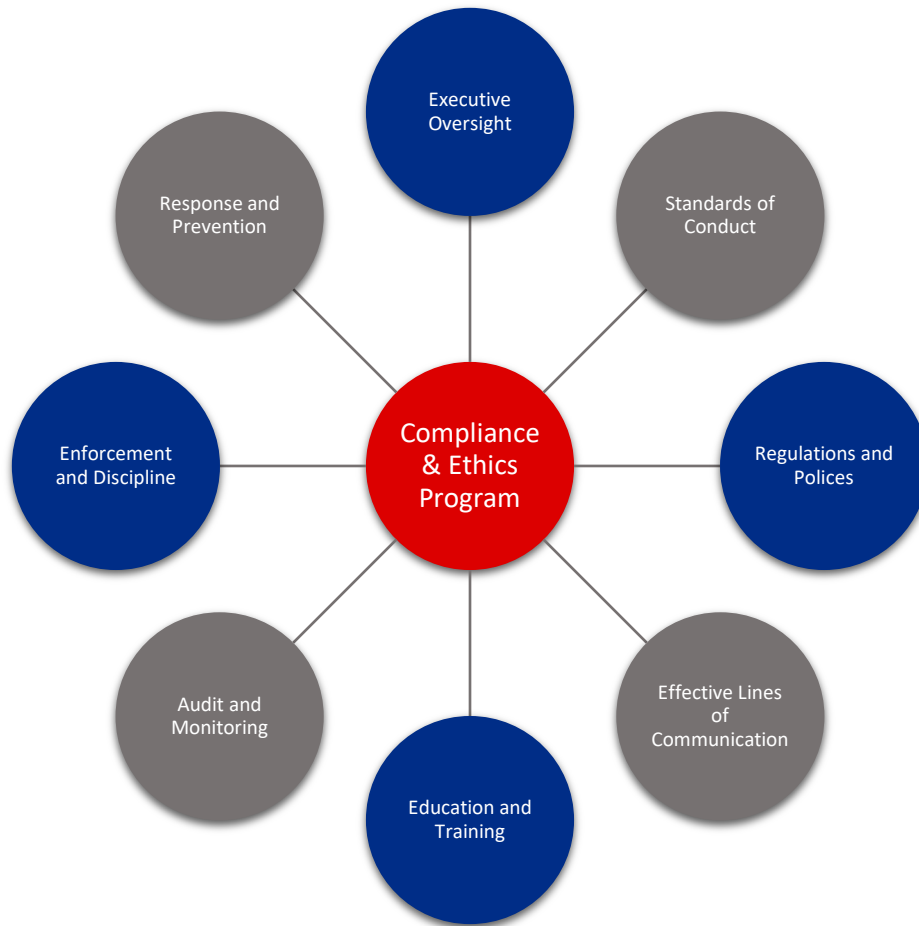**FLORIDA ATLANTIC UNIVERSITY**
COMPLIANCE AND ETHICS
ANNUAL REPORT
FY 2020-21

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.

FAU had a busy year engaged in compliance and ethics-related activity. This annual report primarily focuses on compliance and ethics matters that were included in the FY20-21 compliance and ethics work plan, as well as highlighting new or updated compliance and ethics 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 FY20-21.

Compliance Partners

Accreditation
Advancement Services
Athletics
eLearning
Emergency Management
Environmental Health & Safety
Equity & Inclusion
Export Control
Financial Aid
Inspector General
Government Relations
Health & Wellness
Human Resources
Global Academic Services
Information Security
Public Affairs
Research Integrity
Sponsored Programs
Student Accessibility Services
Technology Development
University Police
Youth Programs

	A. Executive Oversight	
Component Summary	*Work Plan*	*Status*
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	Approved second compliance and ethics annual report and third compliance and ethics work plan; Compliance office conferred regularly with BOT Audit & Compliance Committee Chair.
	Compliance office chairs the University Compliance and Ethics Committee (comprised of Departmental/Divisional Compliance and Operational Leaders)	Continued conflict of interest task force, and discussed compliance topics including foreign influence issues and the new FAU ethics hotline.
	Compliance office chairs the University Policies and Procedures Committee	Reviewed nine (9) new policies and five (5) amended policies (see Section C below) and began review and updates to the policy guidelines and process.
	Compliance office chairs the HIPAA Task Force	Finalized mobile device security policy and billing compliance plan, discussed alternate HIPAA trainings, and other HIPAA matters.
	Compliance office is a member of the Pre-Collegiate Programs Advisory Group	Updated Pre-Collegiate Programs policy to clarify scope, insurance requirements, and program administrator responsibilities.
	Compliance office is a member of the Office of Information Technology (OIT) Compliance Committee	Reviewed phishing, multi-factor authentication, DNS filtering, NIST cyber-security framework efforts, policies, SSL certificates, research security, data storage, and refresher and other trainings.
	Compliance office is a member of the Institutional Athletics Committee (IAC) and the IAC Institutional Controls subcommittee	Reviewed covid protocols, student-athlete success and well-being, transfer updates, exit surveys, waivers, audits, and name, image and likeness developments.
	Equity, Inclusion and Compliance (Title VI, VII & IX, ADA) and Athletics Compliance report directly to the CCEO	Modified EIC office name to the Office of Equity and Inclusion. Hired a new Executive Director and Title IX Coordinator and a new Civil Rights Investigator. OEI completed the FY19 Florida Educational Equity Report and continued to process ADA and alternative work arrangement requests for employees.

	Compliance office provides oversight on new or revised legislative, BOG, and other regulatory compliance authorities, including new those pertaining to foreign influence and conflicts of interest, athletics name, image and likeness, and state authorization regulations	Compliance worked with eLearning on state authorization regulation implementation and formed a foreign influence task force. Athletics compliance oversaw name, image and likeness implementation.

B. Standards of Conduct

Component Summary	*Work Plan*	*Status*
It is the expectation of all employees to perform their duties and responsibilities with integrity and accountability to the highest ethical standards.	*Complete the new Standards of Conduct and update to Regulation 5.011 University Ethics*	Standards of Conduct completed. Update to Regulation 5.011 to be completed first quarter of FY21-22.
	Finalize review of a third-party ethics reporting hotline	Third-party hotline implemented in March 2021.
	Review status of interns at FAU	Draft policy for unpaid interns in progress.
	Review, update and enhance conflicts of interest policies, procedures and resources (with particular concentration on foreign influence issues and the creation of a process for the sponsored research exemption)	Updated conflict of interest policy completed. Updated procedures and resources to be implemented first and second quarter of FY21-22.

C. Regulations and Policies

Component Summary	*Work Plan*	*Status*
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	Draft update in progress.
	Review and update HIPAA policies, including the addition of the Communication Sciences and Disorders Clinic as a covered component	Communication Sciences and Disorders added as a Covered Component with HIPAA procedures implemented.
	Review scholarship policies regarding classification preferences (i.e., gender, race, religion, ethnicity)	Legal and compliance compiled proposed guidance for Advancement and Student Financial Aid scholarship policies and implementation.
	Complete an international safety & security policy	Global Travel Safety and Security policy completed.
	Develop a formal public records policy	Public records request policy completed.

	Create and/or enhance OIT policies on computing device management and sensitive data protection and control	Created and enhanced several policies regarding computing device management and sensitive data protection and control, creating stronger security controls with the use of multi-factor authentication for faculty, staff and health email accounts.
	Update the University discrimination/ADA policy	ADA policy update completed.
	Update regulations and policies to comport with new USDOE Title IX regulations re sexual harassment	Title IX regulations and policies updated for compliance with new US DOE regulations.
	Update the Provost's memorandum on distance learning to comport with new USDOE state authorization regulations	New procedures to determine the location of a student have been updated and notices to students regarding certification status in their home state to be implemented in FY21-22.
	Other matters: New University-wide policies: (i) Energy Conservation; (ii) Facilities Management; (iii) Billing Compliance Plan (Health Care Unit); (iv) Standards of Conduct; (v) Conflicts of Interest, Conflicts of Commitment and Outside Activity; (vi) Global Travel Safety and Security; (vii) Public Records Requests; (viii) Registration Holds; and (ix) Prompt Payment Updated University-wide policies: (i) Prohibited Discrimination and Harassment (fka Prohibited Sexual Conduct); (ii) HIPAA Compliance; (iii) Disabilities and Accommodations; (iv) Emergency Management; and (v) Pre-Collegiate Programs Regulation updates: (i) Student Code of Conduct; (ii) Anti-Discrimination & Anti-Harassment; and (iii) University Direct-Support Organizations. Other policies: New EH&S Building Permit Policy; New DoR Faculty-Level Clinical Research Appointment Policy 10.1.5; New Athletics Student Athlete Name Image and Likeness Policy	

D. Effective Lines of Communication

Component Summary	Work Plan	Status
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	Coming in FY21-22.
	Enhance internal communications on conflict of interest disclosures	Working on enhanced communication plan for the launch of the new conflict policy.
	Streamline and enhance communications for internal complaints	Form letters prepared and communications protocols established by the Office of Equity and Inclusion.
	Develop and communicate an integrated approach to minimizing the impact of risks and threats affecting the security, safety, and health of persons engaging in University-sponsored or supported activities or programs globally	Subcommittees formed for Global Travel Safety and Security and Academic Affiliations and Agreements; Major enhancements to the Global Academic Services Website with expanded information, forms and resources.
	Coordinate communications with new Inspector General	New Inspector General hired. Held introductory meeting for integration and coordination between Compliance and Internal Audit.

E. Education and Training		
Component Summary	Work Plan	Status
Compliance and ethics training is a foundational element of an effective compliance program.	Provide training on conflict of interest disclosures	Training provided to Advancement and Council of Deans.
	Add athletics compliance training to new employee orientation	Delayed due to COVID impacts and shifting priorities; will defer to next fiscal year.
	Update Student Health Services (SHS) training to align with AAAHC standards	SHS training has been updated to align with AAAHC standards.
	Enhance resource base for faculty on foreign influence issues	The Research Integrity Website was updated with additional resources for faculty: https://www.fau.edu/research-admin/international-research-collaborations/
	Develop a training program focused on wildlife researchers to improve oversight of non-traditional animal models	The animal care and use program components, including the institutional veterinarians,

		IACUC office and IACUC committee are in the process of developing training components specific to unique researchers using non-traditional animal models.
	Deploy targeted refresher courses for our security awareness program	Refresher training deployed to all staff members that had not completed the full security awareness training course previously in the same fiscal year.
	Other matters: Creation of the Owl Ready Resiliency Program—a whole-community based emergency management program that includes the development and launch of a mobile safety application, rebranding of department-oriented publications, retooling of training, and the identification of proceeding Owl Ready initiatives. Office of Technology Development provided multiple training sessions to various colleges and units regarding Requests for Exemptions to Conduct Business with FAU under Section 112.313(12)(h), Florida Statutes. Research Integrity developed new financial conflict of interest committee member training modules. On-going COVID-19 communications and updates.	

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	Contracted with an external third party to perform a risk assessment covering the NIST cybersecurity framework, which will continue into the next fiscal year.
	Review clinical billing practices and policies	The Colleges of Medicine and Nursing conducted their first chart reviews with follow-up training and education sessions and the University implemented a new Billing Compliance Plan and Billing Compliance Committee for oversight of medical billing

		practices for all FAU health-care units.
	Coordinate with Emergency Management and EH&S to evaluate pandemic-specific processes and policies	Conducted debriefing to evaluate processes and discuss policy revisions to be implemented going forward.
	Complete athletics recruiting audit	Completed with no findings.
	Monitor ADA compliance in websites, graduation, and Workday	Continued oversight by Communications and Marketing of FAU websites; ASL interpreters and closed captioning provided for graduation ceremonies; Student Accessibility Services working with the Registrar's office for other accommodations for graduation as needed.
	Develop an IACUC quality assurance program	Completed with IACUC approval and plans to implement in fall 2021/spring 2022.
	Continue Department of Financial Services risk management audit (multi-year)	Delayed due to COVID impacts. Rescheduling to be determined by the DFS.

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)*	To be integrated with the implementation of the new conflict of interest and outside activity disclosure process..
	Promote awareness of new and amended University policies (on-going)	Created Policy Update webpage to inform constituents regarding new and updated policies.
	Implement measures and accountability to enhance conflict of interest disclosures	In progress with the launch of the new conflict policy.

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.	Streamline and enhance internal EIC complaint process	Forms, templates and timeline tracking implemented to enhance efficiencies.
	Create website for state authorization regulations re state licensure requirements	New professional licensure and certification webpage has been completed.
	Review protocols for telehealth services	Telehealth services working effectively.
	Investigate new technologies to enhance control and monitor the flow of university data	Investigated and employed new technologies to enhance the control of university data, protect university assets and tighten controls over acceptable traffic flows.
	Conduct root cause analysis of misconduct issues for proactive preventative measures and earlier detection	Lack of communication and training were common trends.

Other matters:

What to do and who to call presentation posted to General Counsel's website.

Continued review and updates to the COVID Health & Safety Plan.

Creation of the Clery Compliance Committee to support the Clery strategic plan and promote university-wide safety and prevention efforts.

In-sourced the Radiation Safety Officer (RSO) role and function

Implemented new laboratory safety software platform (Bioraft) and diving and boating safety software platform (Bloop).

DoR operated proactively to address foreign influence concerns in research related activities by meeting with the FBI and communicating to the FAU research community regarding NDAA Section 889 and various funding agency updates/reports.

The Export Control officer provided new or updated guidance for the University's material transfer review form, international travel review form, deemed-export questionnaire for visa applicants and visitors, and export control and foreign influence grant/award screening questions.

The Office of Sponsored Programs provided new guidance for the Novelution online grant submission system, including FAQs and a percent project credit guide, and a new SOPs including post-award compliance.