

THE UNIVERSITY OF TEXAS AT TYLER



Institutional Compliance Manual



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Introduction

On April 24, 1998, the Business Affairs and Audit Committee of the Board of Regents approved The University of Texas System *Action Plan to Ensure Institutional Compliance*. Since that time, management at The University of Texas at Tyler has taken the following steps to organize an institutional compliance program:

- Appointment of UT Tyler's Institutional Compliance Officer. The Vice President of Business Affairs (VPBA)/Chief Business Officer (CBO) serves as UT Tyler's Institutional Compliance Officer. The Institutional Compliance Officer is responsible for ensuring that UT Tyler has a risk-based process that (1) builds compliance consciousness into daily operations, (2) monitors the effectiveness of compliance activities, and (3) communicates instances of non-compliance to appropriate administrators for corrective action. The Institutional Compliance Officer chairs the Institutional Compliance Advisory Council and the Institutional Executive Compliance Committee.
- Appointment of UT Tyler's Institutional Executive Compliance Committee (IECC). The IECC is appointed by the President. The IECC consists of the President, Vice President of Business Affairs, Provost and Vice President for Academic Affairs, University Counsel, Compliance Officer and the Director of Information Security.

The principal responsibilities of the IECC are as follows:

- Assign responsibility at all levels of management and establish clear lines of program authority.
 - Approve standards and procedures for the compliance program.
 - Allocate resources based on the complexity of the institution's compliance environment.
 - Allocate resources for compliance office infrastructure as well as compliance activities that are part of institutional operations.
 - Understand the compliance environment and potential risks.
 - Approve the annual operating plan to manage critical compliance risks of the institution.
 - Monitor the operating plan.
 - Review disciplinary actions for significant instances of non-compliance and ensure consistency and equity when requested by HR.
 - Review incentives for exemplary compliance efforts and ensure consistency and equity.
- Appointment of UT Tyler's Institutional Compliance Advisory Council (ICAC). UT Tyler's Institutional Compliance Officer appoints the members of the Institutional Compliance Advisory Council. UT Tyler's policy is to appoint the responsible party on each high risk area to the council and others whose areas are relevant to risks at the University.

The principal responsibilities of the ICAC are as follows:

- To implement directives from the UT System Compliance Office.
- To assist in performing a risk assessment of UT Tyler's compliance issues.
- To assist in preparing monitoring plans for all high risk compliance issues.
- To monitor the implementation of UT Tyler's high risk monitoring plans.
- To monitor UT Tyler's compliance with UT System's *Action Plan to Ensure Institutional Compliance*.
- To communicate instances of non-compliance to UT Tyler's Institutional Compliance Officer.
- To follow-up on compliance findings to ensure that appropriate corrective action has been taken.
- To continuously assess the effectiveness of compliance activities including the effectiveness of the committee itself.

Monthly meetings of the Institutional Compliance Advisory Council. UT Tyler's Institutional Compliance Advisory Council normally meets once a month; however, monthly meetings are not required and all meetings are at the discretion of the Institutional Compliance Officer. The Institutional Executive Compliance Committee meets three to four times a year and is provided summaries of the Institutional Compliance Advisory Council meetings and updates on compliance issues.

Pledge of sufficient budget resources for compliance activities. Management has pledged sufficient resources to fund UT Tyler's monitoring plan.

Preparation of UT Tyler's compliance plan for high risk compliance issues. UT Tyler's Audit Committee and Institutional Executive Compliance Committee have identified high risk compliance issues which are reviewed annually.

UT Tyler's monitoring plan identifies (1) the specific compliance issues within each of the above areas, (2) the responsible party, (3) training for responsible parties and others, (4) departmental compliance monitoring activities, and (5) reporting plan.

Establishment of a UT Tyler Ethics/Compliance Hotline: Policies and procedures for handling hotline calls have been developed and approved by UT Tyler's Institutional Executive Compliance Committee.

Conclusion

Management at UT Tyler is confident that it has taken the appropriate steps to implement an effective compliance program. The remainder of this compliance manual describes UT Tyler's (1) risk assessment process and methodology, (2) Ethics/Compliance Hotline policies and procedures and (3) high-risk area monitoring plan(s).

Questions about this compliance manual should be directed to UT Tyler's Institutional Compliance Officer at 903-566-7044 or the Compliance Officer at 903-565-5688.

Institutional Compliance Officer

(This section of the manual describes the responsibilities of UT Tyler's Institutional Compliance Officer.)

UT Tyler's Institutional Compliance Officer is the VPBA/CBO (903-566-7044). The Institutional Compliance Officer is responsible for ensuring that there is a risk-based process that (1) builds compliance consciousness into daily operations, (2) monitors the effectiveness of compliance activities, and (3) communicates instances of non-compliance to appropriate administrators for corrective action. The Institutional Compliance Officer is chair for the Institutional Executive Compliance Committee and the Institutional Compliance Advisory Council.

The Institutional Compliance Officer reports to the President and is evaluated by the President annually.

Compliance Officer

(This section of the manual describes the responsibilities of UT Tyler's Compliance Officer.)

UT Tyler's Compliance Officer is listed on the [Compliance web page](#) (903-565-5688). The Compliance Officer is responsible for: performing departmental Quality Assurance Reviews (QAR) and High Risk Monitoring Plan Inspections; compiling quarterly Compliance reports and other reports when requested by UT System; conducting at least two Department Safety Liaison (DSL) Program inspections annually; maintaining the *Institutional Compliance Manual*, the *High Risk Areas' Monitoring Plans*, and those portions of the *Standards of Conduct (SOC)* and *Management Responsibilities Handbook (MRH)* subject to review by the Compliance Officer; assisting with monitoring the biennial compliance on-line training and annual Budget Authority Compliance Assessment, updating UT Tyler's Institutional Compliance website, overseeing/participating in UT Tyler's Ethics/Compliance Hotline Triage Team and attending UT System-wide Compliance Officers' meetings. The Compliance Officer also coordinates both the Institutional Executive Compliance Committee and the Institutional Compliance Advisory Council meeting agendas.

The Compliance Officer reports to the Vice President for Business Affairs, Chief Business Officer and Institutional Compliance Officer and is evaluated annually.

Institutional Executive Compliance Committee (IECC)

The Institutional Executive Compliance Committee consists of the President, the Provost/Vice President for Academic Affairs, the VPBA/CBO/Institutional Compliance Officer, University Counsel*, Compliance Officer* and the Director of Information Security*. The Institutional Compliance Officer reports to the IECC matters of Compliance discussed in the monthly Institutional Compliance Advisory Council meetings. The IECC meets three to four times a year either immediately before or after the Audit Committee meetings. The VPBA briefs the other IECC members on matters that cannot wait until the quarterly

meetings.

(*Ex-officio)

Institutional Compliance Advisory Council (ICAC)

This section of the manual describes the responsibilities of UT Tyler's Institutional Compliance Advisory Council. In addition, this section of the manual outlines membership criteria and lists the members of the group.

The principal responsibilities of the ICAC are as follows:

- To review a risk-based plan to manage institutional compliance.
- To monitor the implementation of UT Tyler's risk management plan for all high risk compliance issues.
- To monitor UT Tyler's compliance with the *UT System Action Plan to Ensure Institutional Compliance*.
- To communicate instances of non-compliance to the Institutional Compliance Officer.
- To follow-up on compliance findings to ensure that appropriate corrective action has been taken.
- To continuously assess the effectiveness of institutional compliance activities including the effectiveness of the committee itself.

UT Tyler's policy is to appoint each responsible party on the high risk list and also others whose areas are relevant to risks at the University. Members of the ICAC can be found on the Institutional Compliance website.

Compliance Risk Management

For each high risk compliance issue, the Institutional Compliance Advisory Council identifies the party responsible for compliance, training for responsible parties, departmental compliance activities, and the Institutional Compliance Advisory Council monitoring requirements. The Institutional Compliance Advisory Council determines whether a department has adequate policies and procedures, information sources, communication methods, compliance training, and built-in monitoring activities. If the Institutional Compliance Advisory Council is not satisfied with a department's compliance activities, it recommends that the department head take immediate action to strengthen compliance activities. If the department head does not agree with the Council's recommendation, the Council refers the matter to the applicable division head. If the matter is not satisfactorily resolved with the division head, the matter is referred to UT Tyler's Audit Committee for resolution.

Responsibility for Institutional Compliance

UT Tyler department heads are responsible for compliance with all applicable laws, regulations, policies, and procedures, regardless of the Institutional Compliance Advisory

Council's risk assessment. Departmental budget authorities must submit an annual sub-certification letter to the Office of Business Affairs.

The Institutional Compliance Advisory Council and the Compliance Office are responsible for monitoring departmental compliance activities for all high-risk compliance issues.

Annual Budget Authority Compliance Assessment

The Compliance Officer will conduct an annual Budget Authority Compliance Assessment each year asking each budget authority to complete a survey. This can be conducted as a stand-alone survey or included with the annual Sub-Certification letter required by the Office of Business Affairs. The results of the survey will be reviewed to determine areas of non-compliance and high-risk.

Inspections

High Risk Monitoring Plans (MP) - Inspections of high risk monitoring plans activities are performed by the Compliance Office on a rotating basis and as requested by Internal Audit and Executive Management. The inspections are to assure senior management that the monitoring plan activity is taking place.

Department Safety Liaison (DSL) - Inspections of the DSL Program (EH&S) are performed by the Compliance Office at least twice annually and reported to the Institutional Compliance Officer to ensure an effective safety program for the entire campus.

General Compliance Training

UT Tyler provides online generalized compliance training to all benefits eligible UT Tyler employees. UT Tyler's generalized compliance training includes the following modules:

1. Introduction to UT System Compliance Training
2. Contacts with the Media, Government, and Outside Investigators
3. Confidential Information, Accuracy of Records, and Retention/Disposal of Records
4. Fraud, Errors, Omissions, and Outside Employment & Financial Interests
5. Sexual Harassment, Misconduct, Tobacco and Drug-Free Workplace
6. EEO, Overtime Compensation, Exempt and Non-Exempt Timekeeping, and FMLA
7. Use of State Property: Computers - Security and Use, and Internet Policy
8. Copyright and Intellectual Property
9. Contracts and Agreements; Purchasing
10. Political Activities and Contributions, Gifts and Gratuities
11. Effectively Controlling Risk
12. Hazard Communications – Your Right to Know
13. Protecting the Confidentiality of Social Security Numbers
14. Campus SaVE Act and Title IX
15. Endowment Compliance

16. Identity Theft and Red Flag Rules

All benefits eligible employees are required to complete all Compliance Training modules biennially. Department heads will be notified of any employee that does not complete the generalized compliance training within the specified time frame. In the event that the department head is unable to bring the employee into compliance, the employee's non-compliance shall be referred to the appropriate dean or director (and, subsequently, vice president) for resolution. As new employees are added, they will be scheduled to complete the modules within 60 days of notification by the Office of Human Resources.

All other employees (not benefits eligible) will receive a new employee packet from Human Resources containing the following information:

- SSN Disclosure Statement and Notice about Information on Laws and Practices
- Drug Free & Tobacco Free Workplace Policy Statement
- Safety Training; Safety and Emergency Response Information
- Employment Discrimination, Sexual Harassment, and Equal Employment
- Clery Act – Campus Security Information; Title IX information
- Standards of Conduct – A Brief Compliance Summary
- Illicit Drugs & Alcohol Abuse Information
- Criminal Background Checks Notice (if applicable)
- Conflict of Interest
- Campus Emergency Guidelines
- HIV Aids and the Workplace
- Tax-Sheltered Annuity Program
- Deferred Compensation Plan
- IR Employee Security Manual
- Information Resources Acceptable Use Policy/Phishing Awareness
- Confidentiality Compliance Statement for Student Records
- Compliance web page link

The new employee signs an acknowledgment form stating that they received the information and the signed form is kept in their personnel file. The Office of Human Resources will notify EH&S of any employees employed in labs so that they will receive laboratory safety training by EH&S or their agent. The employees who will be using systems such as PeopleSoft are required to sign non-disclosure and/or policy statements for those systems.

Reporting

Ethics/Compliance Hotline and Other Reports

UT Tyler's Compliance Officer reports a summary of hotline calls to the Institutional Executive Compliance Committee and Institutional Audit Committee members on a quarterly basis.

Reporting to UT System

The Compliance Officer shall provide a status report on compliance activities to the Institutional Compliance Officer each quarter (or as requested) for review, approval, and distribution to the UT System-wide Compliance Office.

Recommendations to Institutional Audit Committee

The Institutional Compliance Advisory Council shall recommend to the Audit Committee which compliance areas to include in UT Tyler's Audit Plan. The Institutional Compliance Advisory Council shall also refer matters of non-compliance or concern to the Audit Committee.

Risk Assessment Process

The Executive Director of Audit and Consulting Services is responsible for following UT System Audit Department guidance to develop a university-wide risk assessment to use in preparing the annual audit plan. The Institutional Compliance Advisory Council will review the risk assessment to determine if it includes appropriate compliance related risks and determine which areas are required to have a Risk Monitoring Plan.

Ethics/Compliance Hotline ("Hotline")

The objective of the Hotline shall be to provide a confidential way for employees to report instances of suspected non-compliance outside the normal chain of command in a manner that preserves confidentiality and assures non-retaliation. Employees should use the hotline when they are not satisfied with their supervisors' response to an issue or if they fear retaliation by their supervisors. Under normal circumstances, however, issues should be addressed through normal administrative channels.

Supervision of hotline. The University of Texas at Tyler has a contractual agreement with The Network for the ethics/compliance hotline. **The hotline telephone number is:**

1-877-507-7318. This phone number shall be included in UT Tyler's *Standards of Conduct Guide*, the *Management Responsibilities Handbook*, and posted on the Compliance website. The Network provides reports via email to the Hotline Triage Team.

HOTLINE TRIAGE TEAM:

- Compliance Officer – reports to the Vice President for Business Affairs
- Title IX Coordinator in Student Affairs – reports to the VP for Student Affairs
- Director of Human Resources – reports to the Vice President for Business Affairs

The Triage Team is responsible for updating and reporting within The Network and conducting investigations when a compliance issue is reported. The individual will receive a

code and a call back date from The Network. The University can utilize this third party reporting system to ask further questions or to give the caller a response. Note: The response in the database cannot be longer than 2000 characters including blank spaces.

Ethics/Compliance Hotline via Web Reporting

An individual can also file a report directly to The Network via web link that is posted on the Compliance website. The Network sends the report via email to each member of the Hotline Triage Team.

UT Tyler Ethics/Compliance (PO) Box

The Ethics/Compliance Box is an alternative reporting mechanism to the Hotline. The employee can choose this method and remain anonymous if they so choose. The Ethics/Compliance Box is a post office box at the Southeast Crossing US Post Office in Tyler.

Only UT Tyler's Compliance Officer and the Title IX Coordinator in Student Affairs have keys to the Ethics/Compliance Box. The Title IX Coordinator in Student Affairs will serve as a backup in the absence of the Compliance Officer. The Compliance Officer will check the Ethics/Compliance Box at least weekly. Once a letter is received, the other two members of the Triage Team will be emailed a scanned copy immediately. The mailed report will be addressed using the same procedures as the Hotline reports.

Confidentiality. Employees who call the Hotline or use other methods for filing a Hotline report may choose to remain anonymous. If the reporter requests anonymity, no attempt shall be made to identify the reporter. Information provided by the reporter shall be treated as confidential and privileged to the extent permitted by applicable law.

Non-retaliation. Employees who make a Hotline report shall not be retaliated against. On the other hand, employees who intentionally and maliciously use ethics reports to make false allegations shall be subject to disciplinary action.

Records retention. A copy of all Hotline reports shall be maintained by the Compliance Officer electronically or kept in a locked file cabinet for a period of six years.

Investigation. The Triage Team shall discuss each Hotline report and determine the appropriate action. If the reported event is deemed not to be a compliance issue, then it will be so reported to the employee and no further action shall be taken. If the report is considered to be a "minor" issue, a Triage Team member will forward it to the appropriate department manager for resolution. The manager will be asked to email the Triage Team with a weekly status report until the matter is resolved. If the reported event is deemed to be a "major" issue, a Triage Team member will inform the President and the Chief Legal Officer. Appropriate actions will be taken to determine the validity of the reported event and the necessary resolution. If the reported event is deemed to be "significant" in accordance with UT System Policy 178, *Required Reporting of Significant Events*, the report will be forwarded to the designated UT Tyler employee responsible for UTS 178 reporting, or if the report involves

the designated employee responsible for UTS 178 reporting, then the report will be forwarded to the appropriate UT System office. If the compliance issue involves an alleged fraud, the Triage Team shall follow UT System's fraud policy. The designation of an issue as minor, major, or significant is a matter of professional judgment.

Resolution. All Hotline issues shall be resolved as quickly as possible. If the reporter identifies himself or herself, a Triage Team member shall make follow-up contact to the reporter within five business days. The purpose of the follow-up contact is to inform the reporter that the compliance issue is being investigated and ask additional questions when needed. If the issue has been resolved, the nature and form of the resolution shall be communicated to the reporter. Confidential information obtained during the investigation shall not be disclosed to the reporter.

Role of legal counsel. A Triage Team member shall consult the Chief Legal Officer when a major issue is reported via the compliance hotline. UT System's Office of General Counsel will also be contacted as needed on the advice of the Chief Legal Officer.

Complaints. THE HOTLINE IS NOT A HOTLINE FOR COMPLAINTS. Only matters involving compliance with a UT System/UT Tyler policy or procedure or a federal/state law or regulation shall be investigated. Reporters with complaints shall be advised to pursue normal administrative channels.

Hotline Handling Procedures

- The Compliance Officer maintains all reports and relevant information pertaining to the report, maintains a digital log, and/or physical copies that are kept in a locked file cabinet.
- Upon the initial receipt of a report, the Triage Team members discuss the report(s) immediately and determine appropriate reporting and investigation procedures.
- If necessary, a Triage Team member forwards the report to the Chief Legal Officer and/or appropriate department/individual based on classification as minor, major or significant.
- If the caller identified himself or herself, place a return call within five business days and provide a status report. Confidential information obtained during the investigation is not disclosed.
- Update resolution information including the date and information reported back to the caller (if caller was not anonymous or through the web option).
- Secure all Hotline report(s) in locked offices.
- The Compliance Officer provides a summary report on Hotline calls to the Internal Audit Committee and Institutional Executive Compliance Committee at each meeting.

Organizational Chart of the Institutional Compliance Function

