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Overview
The University of Texas at Tyler is committed to the highest ethical and professional standards of conduct. UT Tyler intends to operate in full compliance with all applicable laws and policies. To achieve this objective, an institutional compliance program has been established. This program has been designed to be in compliance with requirements outlined in The University of Texas System Systemwide Compliance Charter (Article VI) and supports the UT Tyler “Strategic Goal: To operate using effective, efficient and creative strategies.”

Philosophy
University compliance and ethics programs are composed of two parts. First, the program is a mixture of strategic planning and operational projects or tasks that are in compliance with the Federal Sentencing Guidelines on Effective Compliance and Ethics Programs. This portion of the program addresses compliance university-wide. Second, a university compliance and ethics program in higher education involves ensuring there are several high-risk subject-specific programs in place that are maintained and improved, such as Title IX, Privacy (FERPA, HIPAA, COPPA, etc.), Minor Protection, Export Controls, etc.

This document is a high-level summary of both parts, 1) the strategies and operations of the university-wide compliance and ethics program at The University of Texas at Tyler (UT Tyler) and 2) a description of some of the subject-specific candidates for annual high-risk compliance initiatives.

Strategic Plan Defined
For the purposes of this executive summary, a strategic plan is a blueprint that is used to turn long-term compliance and ethics program goals into more specific plans and projects. Strategy includes identifying major benchmarks for compliance success that are measurable. Strategic objectives are usually developed as a part of a multi-year plan that identifies sets out the specific expectations that will allow the program to achieve a more broad-based mission or vision.

Operational Projects/Tasks Defined
For the purposes of this executive summary, an operational project/task is something that is done on a regular basis to support strategic compliance objectives. “Regular” means that these tasks or projects are done on a daily, weekly, monthly, quarterly, semi-annual, annual, or biannual basis.
Lag Measures versus Lead Measures

The strategy and operations of compliance at UT Tyler rely on the concepts of lag measures and lead measures. Therefore, a brief discussion of these concepts is in order. The primary reason for this discussion is that a lot of the activities in a compliance and ethics program do not seem intuitive at first until it is understood that most of these activities are lead measures.

In their book, *The 4 Disciplines of Execution*, authors Chris McChesney, Sean Covey, and Jim Huling define a lag measure as a quantifiable goal or a goal that can be measured. Examples include “decrease safety incidents from 10% to 5% in one year” or “go from a win-loss record of 2-10 to 6-6 in three years” or “increase sales from $100 million to $125 million in the next six months.” To quote, “Lag measures are easy to measure but difficult to influence directly.”

In compliance, some examples of lag measures are to the number of audit findings, the number of OCR complaints, the number of lawsuits, the amount spent on fines or other judgements, etc. Lag measures answer the question, “Are we in compliance?”

On the other hand, a lead measure is an activity that is predictive of whether a lag measure will be achieved. They are actions to be taken as a means of achieving a lag measure. For example, if the goal is to decrease safety incidents from 10% to 5% in one year, some lead measure activities might include number of signs in key places to remind workers of safety behaviors, budget allocated to provide additional safety equipment to employees, and maintaining training logs to ensure everyone is taking their training. Lead measures answer the question, “What are we doing to get/stay in compliance?”

In compliance at UT Tyler, the strategic model is a system of lead measures. When there are compliance successes, these measures usually contribute to those successes. When there are compliance failures, one or more of these measures probably contributed to the failure. Hence, the goal of the UT Tyler compliance and ethics program is to design operational activities that support each component of the strategic model.

Implementing Compliance at UT Tyler: The Strategic Model

In implementing the university compliance and ethics program, the Office of Compliance uses as a foundation the Federal Sentencing Guidelines on Effective Compliance and Ethics Programs (USSG §8B2.1). The diagram below depicts a model of how compliance is implemented at The University of Texas at Tyler. This
model is based on the requirements found in the aforementioned Guidelines. Please refer to The University of Texas at Tyler *University Compliance and Ethics Program* for detailed information.

Each of these eight activities is a *lead measure*. Together, these measures create the strategy that is currently used at UT Tyler to achieve compliance. Each operational activity listed in the next section supports one of these components.

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1 Adapted from Deena King, *Compliance in One Page*, (North Salt Lake, UT: Author, 2015), 5. Used with Permission. All Rights Reserved.
Implementing Compliance Part 1: Operational Projects/Tasks

Below is a table that provides a high-level overview of the operational projects and tasks that are in place or planned to support each strategic activity.

Table 1: Overview of UT Tyler Compliance Operations

<table>
<thead>
<tr>
<th>Strategic Activity</th>
<th>Operational Project/Task</th>
<th>Frequency</th>
</tr>
</thead>
</table>
| Identify Requirements/Assess Risk   | **IR**: Federal – Utilize the Higher Education Compliance Alliance (HECA) Matrix as a source for what is required at UT Tyler at the federal level.  
**•** When the HECA matrix is released, review changes to the new matrix, update HECA tables and reports in the Compliance Database, and review with compliance leaders.  
**IR**: State - Utilize the matrix recently compiled by the UT System; update Texas tables and reports in the Compliance Database, and review with compliance leaders.  
**IR**: Local – Rely on expertise of compliance leaders.  
**AR**: Partner with Chief Audit Executive in conducting an annual compliance risk assessment using input from compliance leaders, the IECC, and the Compliance Leadership Group (CLG). Document in the Compliance Database.  
**AR**: Review compliance risks with the IECC and the CLG regularly as part of the quarterly meeting. Update Compliance Database accordingly.  
**AR**: Partner with compliance leaders who are the business owners of high compliance risks (as determined by the annual risk assessment) on creating and implementing compliance risk management plans (CRMP). | Annually (usually—based on HECA)  
**IR**: Annually  
**AR**: Quarterly  
**AR**: Annually and as needed |
| Establish/Modify Compliance Organization | As new compliance leaders are identified or as current leaders resign or retire, meet with them or their replacements, respectively, one-on-one to introduce them to compliance at UT Tyler. Modify partner entry in the Compliance Database.  
Support the Institutional Executive Compliance Committee (IECC) and the CLG.  
Review current compliance organization and recommend changes as needs occur. This includes:  
**•** Compliance leaders,  
**•** All compliance-related committees, and  
**•** Other compliance-related divisions/departments. Update Compliance Database accordingly. | As needed  
**IR**: Quarterly  
**AR**: Annually |
| Document Standards, Policies, and Procedures | Provide support to various (max. 3-4) subject-specific compliance programs throughout the year including creating/updating standards, policies, and procedures (see p. 9).  
**Basic Compliance Plan Programs**: Ensure all primary compliance leaders have at least a basic compliance program documented and in place. Review annually.  
“Document” is a line-item on each compliance partner’s basic compliance plan.  
Work with Bill Geiger on HOP improvements. (SACS 2021) | Ongoing  
**AR**: Annually  
**IR**: Annually  
**IR**: Ongoing |
<table>
<thead>
<tr>
<th>Strategic Activity</th>
<th>Operational Project/Task</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Communicate Standards, Policies, and Procedures</strong></td>
<td>Compliance Website with information and resources</td>
<td>Ongoing</td>
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<tr>
<td></td>
<td>Annual Compliance Conference – Late Summer/Early Fall</td>
<td>Annually</td>
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<td></td>
<td>Compliance Week Activities – November</td>
<td>Annually</td>
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<td></td>
<td>Biannual Compliance and Ethics Training and New Employee Orientation</td>
<td>At Hire - Ongoing</td>
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<td></td>
<td>Ethics and Compliance Hotline Posters all over campus (update every 2 years)</td>
<td>Ongoing</td>
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<td></td>
<td>Email campaigns; campaigns in The Patriot</td>
<td>As needed</td>
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<tr>
<td></td>
<td>Create efficiencies in compliance training and tracking</td>
<td>Ongoing</td>
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<tr>
<td></td>
<td>Compliance workshops, brown bags, road shows, etc.</td>
<td>As needed</td>
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<td></td>
<td>Present to cabinet, university counsel, deans, etc.</td>
<td>Annually/Bi-</td>
</tr>
<tr>
<td></td>
<td>“Communicate” is a line-item on each compliance partner’s basic compliance plan</td>
<td>Annually</td>
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<tr>
<td><strong>Implement, Promote, and Enforce</strong></td>
<td>Implement: Annual Work Plan</td>
<td>Annually</td>
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<tr>
<td></td>
<td>Implement: Regular reporting on the status of the annual work plan</td>
<td>[Weekly]</td>
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<tr>
<td></td>
<td>Implement: Create and maintain a compliance data management db.</td>
<td>Ongoing</td>
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<td></td>
<td>Promote: Compliance Week Activities</td>
<td>Annually</td>
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<td></td>
<td>Promote: Emails, speeches, awards, and other means that include promotion of compliance and ethics at UT Tyler</td>
<td>Ongoing</td>
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<td></td>
<td>Promote: UT Tyler Compliance Champion Awards</td>
<td>Annually</td>
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<td></td>
<td>Enforce: Enforcement built-in to all standards and policies</td>
<td>As needed</td>
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<tr>
<td><strong>Monitor, Audit, and Report</strong></td>
<td>Monitor the high-risk compliance-related risk management plans to include working with CAE as needed</td>
<td>As needed</td>
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<td></td>
<td>Detailed “are we in compliance?” self-audit reviews with compliance validation; rotating partner in groups</td>
<td>Every 3 years</td>
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<td></td>
<td><strong>Hotline Case Management and Reporting</strong> As needed, address items that have come into the hotline in collaboration with the triage team and make assignments. Review hotline assignments and keep files up to date. Report status and results to IECC, IAC, and CLG (quarterly).</td>
<td>Daily/Weekly/Quarterly</td>
</tr>
<tr>
<td></td>
<td><strong>Outside Activity Monitoring and Reporting</strong> Annual reporting period and monthly monitoring,</td>
<td>Monthly/Annually</td>
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<td></td>
<td>Assist the defense of an Office of Civil Rights (OCR) or other regulatory complaint</td>
<td>As needed</td>
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<td></td>
<td>UT Tyler Compliance and Ethics Program Evaluation (UT System)</td>
<td>Every 3-5 years</td>
</tr>
<tr>
<td><strong>Continuous Improvement</strong></td>
<td>Evidence of completed follow-up items on audit reports, investigation reports, sanctions, etc. where standards, policies, or procedures were changed in an effort to prevent future issues</td>
<td>Ongoing</td>
</tr>
<tr>
<td><strong>Leadership/Corporate Culture</strong></td>
<td>Report to IECC and Audit Committee</td>
<td>Quarterly</td>
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<tr>
<td></td>
<td>Evidence that leadership is supporting compliance and ethics such as speeches, emails, pictures, budgets, etc.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td>Evidence that the compliance culture at UT Tyler is strengthening, such as calls to the hotline, fewer complaints (over time) to HR, fewer OCR complaints, less pushback, etc.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
Implementing Compliance Part 2: Subject-Specific Initiatives

Because the Office of Compliance is an “army of one,” i.e. a limited resource, the time and attention that can be focused on subject-specific areas is limited and must be prioritized. Thus, this focus must be overseen by an executive compliance committee to ensure that limited resources are being used as executive leadership sees fit, usually based on risk. In general, the Office can take on 4-5 initiatives each year on top of the foundational program.

Table 2: Overview of Possible Annual Initiatives

<table>
<thead>
<tr>
<th>Compliance Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code of Conduct, including Background Check Policy and Ethics Training Program</td>
<td>The institution has a code of conduct, conducts background checks, is in compliance with state law, and conducts regular ethics training. On this issue, some state laws may be quite specific and protective of employees.</td>
</tr>
<tr>
<td>Title IX</td>
<td>A Title IX specialist is in place—including an investigator—and that all policies and procedures are in place to support Title IX at the university.</td>
</tr>
<tr>
<td>Minor Protection Program</td>
<td>A Child Protection Policy is in place and that there are processes in place for implementing it with the various groups on campus who have minors in their programs.</td>
</tr>
<tr>
<td>Athletics</td>
<td>This is a higher priority at Division I schools but needs to have adequate compliance programming even at the Division II level.</td>
</tr>
<tr>
<td>Research</td>
<td>This is a higher priority at larger research institutions but needs to have adequate compliance programming at any school that has researchers.</td>
</tr>
<tr>
<td>Export Controls/Foreign Influence</td>
<td>Export Controls are federal statutes that govern the transfer of commodities, software, hardware, data, and services to a non-U.S country for the purpose of protecting national security. Violations can result in civil or criminal liability for the University and prosecution for the individuals involved. Any item that is sent from the US to a foreign destination is considered an export. Foreign relationships must also be monitored.</td>
</tr>
<tr>
<td>HEA Disclosures &amp; Title IV (Financial Aid)</td>
<td>Compliance with the disclosures requirements of the Higher Education Act; a Title IV specialist is in place all policies and procedures are in place to support Title IV at the university.</td>
</tr>
<tr>
<td>Environmental Health and Safety</td>
<td>Almost all institutions have some type of EHS manager/leader because OSHA, EPA, and others impose significant regulations on all employers.</td>
</tr>
<tr>
<td>Clery Act Compliance</td>
<td>A compliance program is in place that outlines all the steps to comply with the Clery Act. This should include identification and training of Campus Security Authorities (CSAs) and comprehensive program implementation.</td>
</tr>
<tr>
<td>Privacy Compliance</td>
<td>HIPAA, FERPA, GDPR and other privacy areas need to be addressed with adequate compliance programming.</td>
</tr>
<tr>
<td>ADA – Physical and Web Accessibility</td>
<td>Programs are in place to ensure faculty, staff, students, and visitors have reasonable access to campus facilities and online offerings.</td>
</tr>
<tr>
<td>Conflict of Interest Reporting</td>
<td>In compliance with HOP 2.5.2, ensure new employees, faculty, and staff are trained on reporting and report within 30 days of employment; faculty are required to report annually, even if “Report No Activity.” Monitor and enforce this requirement.</td>
</tr>
</tbody>
</table>
Revision History

First version (1.0b): February 26, 2020
Version 1.0c: September 18, 2020
Version 1.0d: September 24, 2020
Version 1.0e: March 10, 2021
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