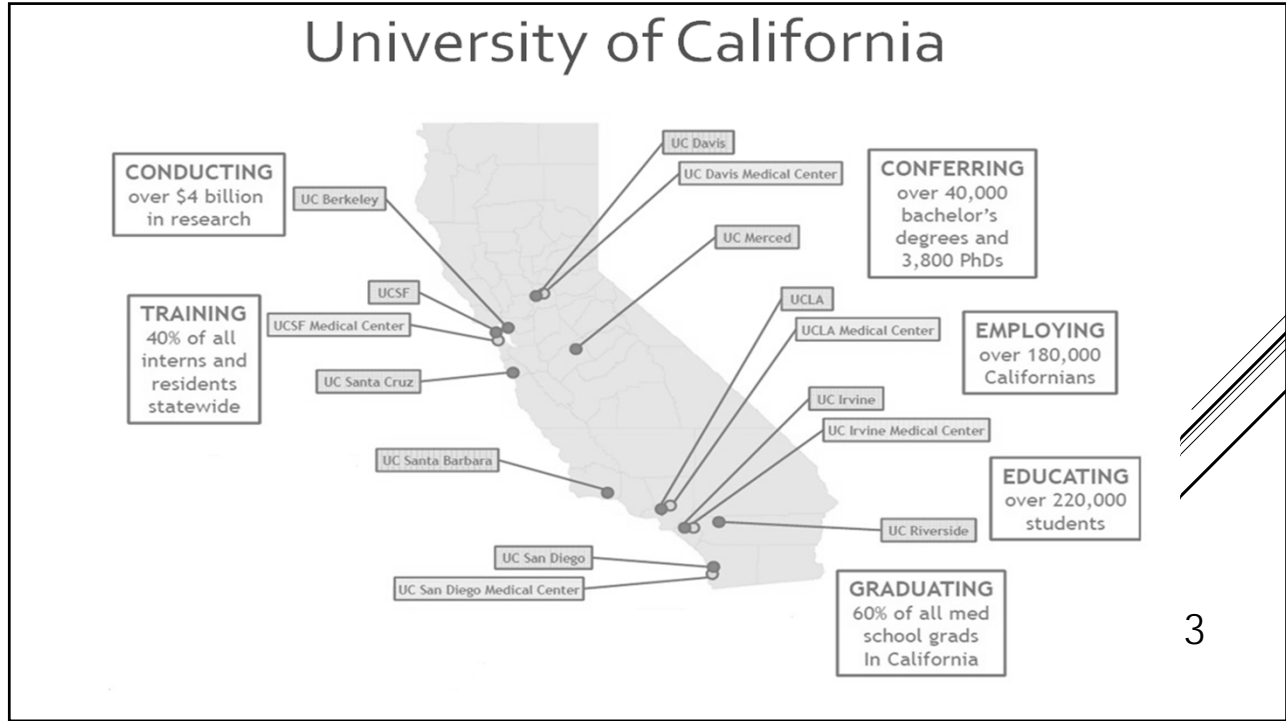


LEADING, IMPLEMENTING, AND COORDINATING A CENTRALIZED BUT DECENTRALIZED COMPLIANCE PROGRAM

- ▶ Implement, expand, and refine a compliance program to allow for consistency and transparency for small, medium, and large campuses
- ▶ Maintain campus culture and individuality while following best practices within a university system
- ▶ Adapt to new systemwide initiatives around issues such as Title IX, sexual violence/sexual harassment, and cybersecurity and adapt to individual campus size and structure.

TODAY'S OBJECTIVES....



3

UC At a Glance – as of October 2016

EDUCATION

Total enrollment	251,714
Undergraduate students	198,866
Graduate students	52,848
Alumni	1.86 M

More than 150 academic disciplines

More than 600 graduate degree programs

UNDERGRADUATE APPLICATIONS HAVE INCREASED EVERY YEAR FOR MORE THAN A DECADE; MORE THAN 207,000 STUDENTS APPLIED FOR FALL 2016 UNDERGRADUATE ADMISSION.

FACULTY AND STAFF

Faculty	21,200
Other academic (postdocs, etc)	44,100
Staff	144,000
Represented staff	42%

UC IS THE STATE'S THIRD LARGEST EMPLOYER.

HONORS AND AWARDS

Nobel Prize winners	61
MacArthur "Genius" grants	90
National Medal of Science winners	67
Fulbright Award recipients	264
Pulitzer Prize winners	16

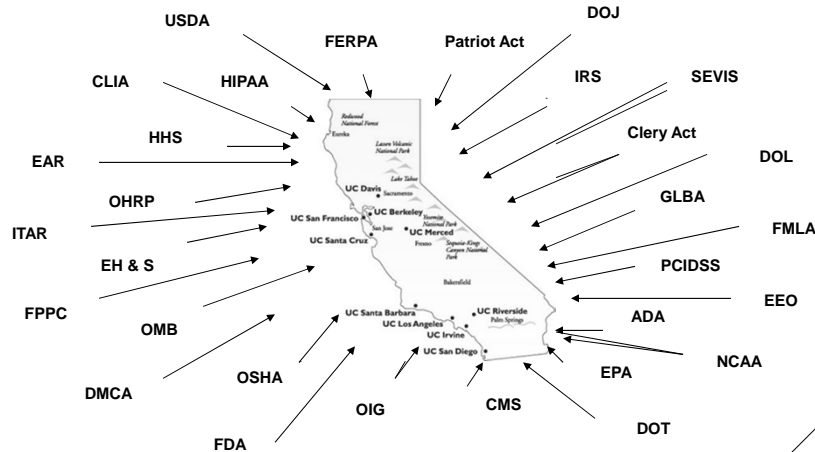
SIX OF UC'S 10 CAMPUSES ARE MEMBERS OF THE PRESTIGIOUS 62-MEMBER ASSOCIATION OF AMERICAN UNIVERSITIES (AAU), A REPRESENTATION NO OTHER STATE SYSTEM CAN MATCH.

RESEARCH IMPACT

Inventions per day (avg.)	5
Inventions	1,745
Startups founded on UC patents (TO DATE)	934
Active patents	12,203

MANY OF THE CALIFORNIA'S LEADING INDUSTRIES GREW FROM UC RESEARCH, INCLUDING BIOTECHNOLOGY, COMPUTING, SEMICONDUCTORS, TELECOMMUNICATIONS AND AGRICULTURE.

Regulatory Bodies and Requirements Impacting UC



**Including but not limited to the agencies listed*

5

Compliance Program Background and Overview

Background

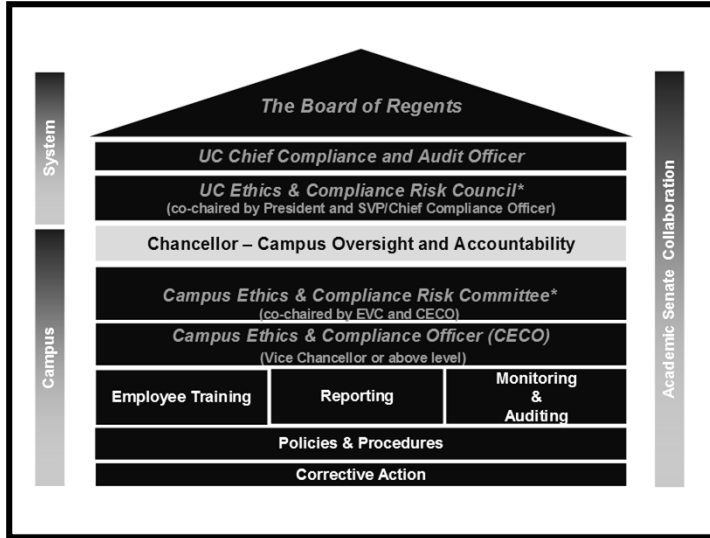
- The University of California (UC) Board of Regents launched an initiative in October, 2007 to create and maintain a comprehensive Ethics and Compliance Program for UC.
- Voluntary implementation of an ethics and compliance program provides a foundation for UC to proactively demonstrate its adherence to its mission, as well as its commitment to ensure good stewardship of federal, state and private resources.

Ethics & Compliance Program

- The UC Ethics and Compliance Program (“Program”) enhances the University’s duty to perform its public responsibilities in an ethics and compliance-based environment where applicable legal, regulatory, Regental and UC policy and other compliance requirements are followed and in which the public trust is maintained.
 - Policies, procedures and internal controls
 - Comprehensive reporting mechanisms which allow employees to report suspected violations of UC policies or regulatory obligations
 - Compliance training programs
 - Ongoing audit and monitoring activities
 - Reinforce individual accountability and responsibility for ensuring compliance to UC policies and/or regulatory obligations

6

THE UC COMPLIANCE PROGRAM STRUCTURE



THE CAMPUS OVERVIEWS

8

- ▶ Smallest and newest campus in the UC system
 - ▶ Established in 2005
 - ▶ 7,336 total enrollment (2016)
 - ▶ 1,300 FTE
- ▶ No academic medical school or professional schools (yet)
- ▶ Rapid 2020 Project growth plan (10,000 students by 2020) that includes construction of 12 new buildings and staff/faculty growth
- ▶ Campus Ethics and Compliance Officer since 2014
 - ▶ Prior compliance experience at UC system office, research compliance background, Ph.D. researcher by training
 - ▶ Oversight for compliance, audit, investigations, policy, cyber-risk, privacy, title IX, diversity and inclusion, threat team, protests, Chancellor's immediate office budget and operations

UC MERCED

9

- ▶ Largest campus (geographically) in the UC system
 - ▶ Established in 1905 as Ag school for UC Berkeley; 1959 as general campus
 - ▶ 35,000 students (60% female)
 - ▶ 23,500 FTE
- ▶ Health component
- ▶ Several professional schools
- ▶ Upcoming change in leadership
- ▶ Campus Ethics and Compliance Officer since 2010
 - ▶ Prior legal experience and UC Davis experience in labor relations, research compliance, Title IX/ADA
 - ▶ Oversight for campus-wide compliance coordination, Title IX, ADA, affirmative action, whistleblower, discrimination complaint resolution, all forms of investigations, policy, privacy, Clery compliance

UC DAVIS

10

UNIVERSITY OF CALIFORNIA BERKELEY

- Demographics: 1st UC land grant, world class teaching and research University that was established **1868**. Campus resides on 1,232 acres in a urban setting.
- Employees: **12,452**
 - *Number of faculty: 3,829*
 - *Number of Staff : 8,623*
 - Note: Number of Nobel Laureates 36*
- Students: **40,173**
 - *Number of Under Grads 29,310*
 - *Number of Grads 10,863*
 - Note: Women 52.1% of undergraduate enrollments and 46.0% graduate and professional students.*
- Academic Programs: 14 schools and colleges, with a number of graduate and professional schools, including a school of Optometry, offering over 300 degree programs.
- Reputation: **#1 Best Value College** 2017 editions of **Forbes** and **#4 in US News & World Report as the Best Global University** .
- Annual Budget: **\$2.6B**
- UCOP initiative creates a 1st Chief Ethics Compliance Officer (**CECO**) at each campus (2010).
 - Berkeley expands the CECO role to include **Risk** as **CERCO** (2011).
 - Created Office of Ethics, Risk & Compliance Services (**OERCS**).

11

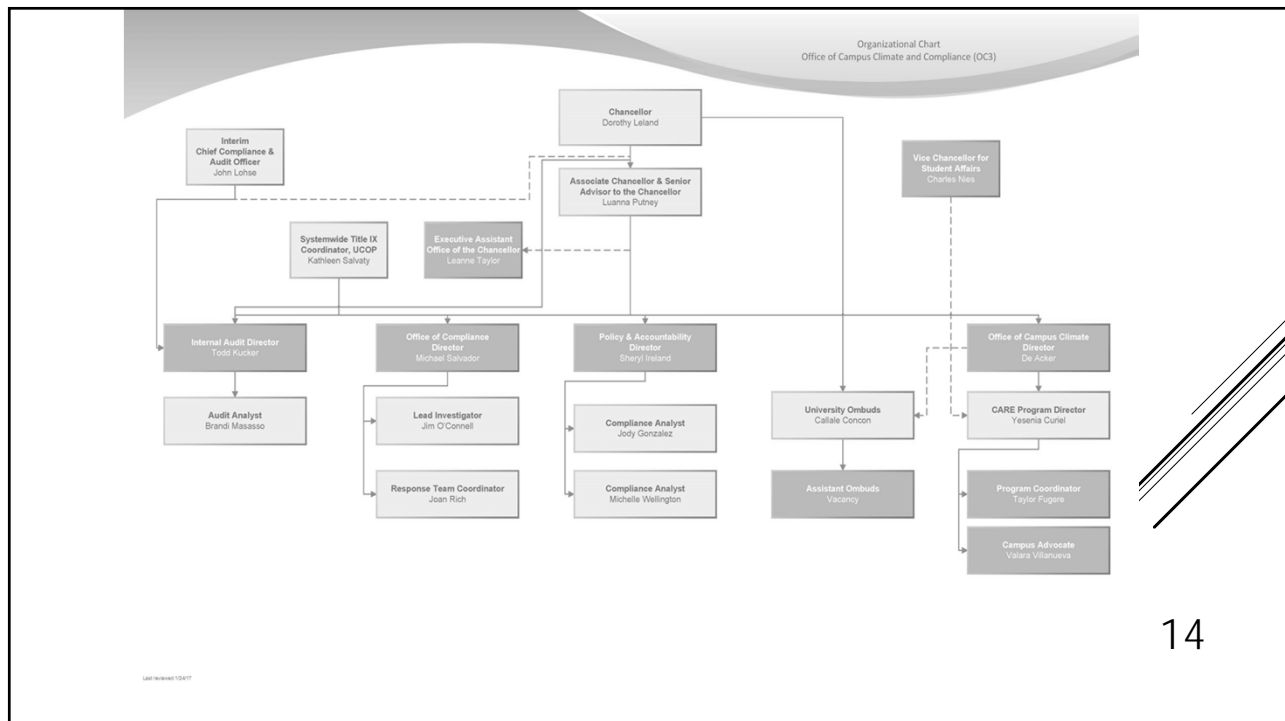
THE CAMPUS COMPLIANCE STRUCTURES

12

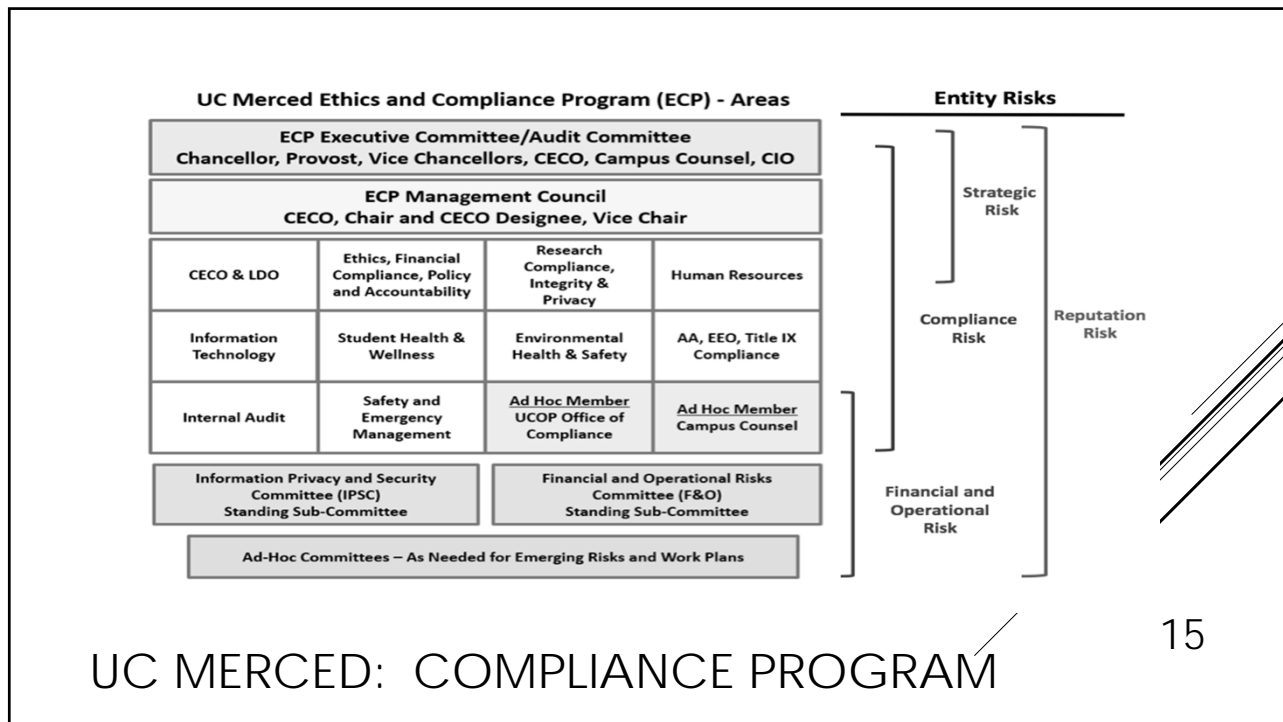
- ▶ Campus Ethics & Compliance Officer (CECO) reports directly to Chancellor
 - ▶ Wears many hats: Associate Chancellor, Campus Ethics & Compliance Officer, Locally Designated Official, Cyber Risk Executive, Chief Diversity Officer
- ▶ Office of Campus Climate and Compliance
- ▶ Executive Ethics and Compliance Program Committee serves as Internal Audit Board and Compliance Committee for decision making
 - ▶ Chaired by Chancellor
 - ▶ Meets 4X per year
- ▶ Ethics and Compliance Program Management Council serves as operational leadership group to advance annual ethics & compliance work plan
 - ▶ Chaired by CECO
 - ▶ Meets monthly

UC MERCED

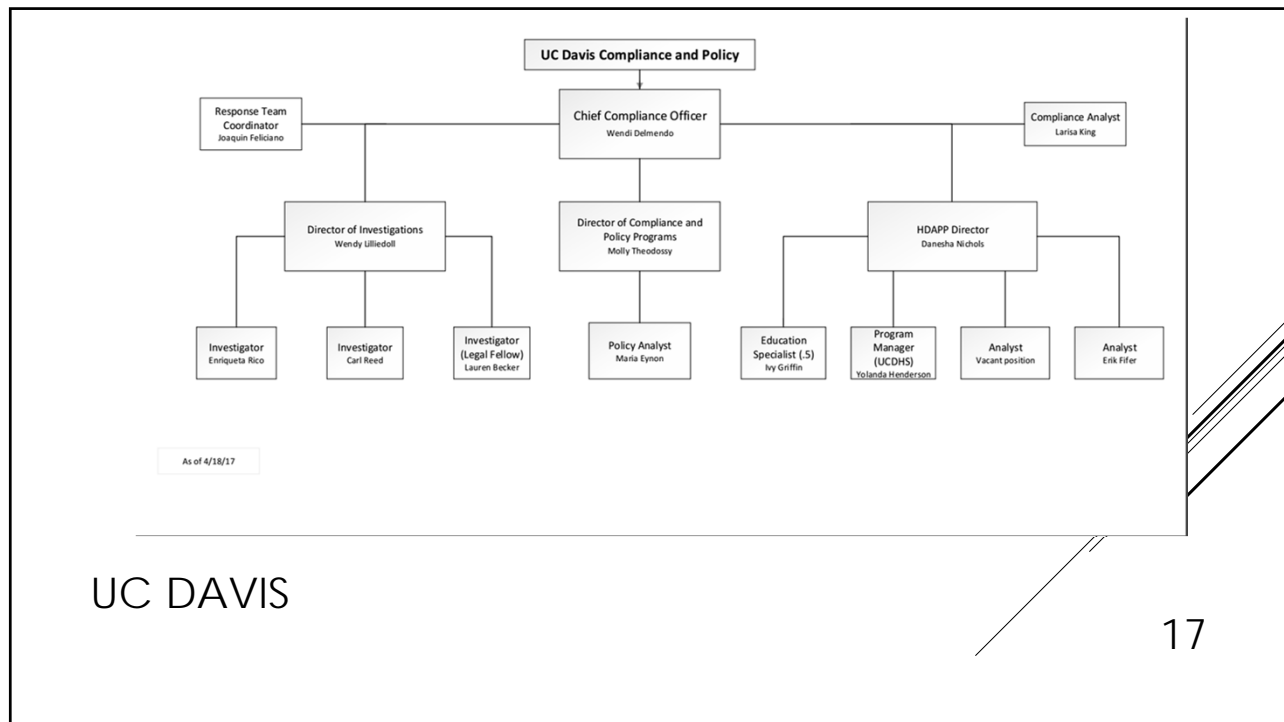
13



14



- ▶ Campus Ethics & Compliance Officer (CECO) reports directly to Provost/EVC
 - ▶ Wears many hats: Campus Ethics & Compliance Officer, Locally Designated Official, Title IX Officer, Lead Discrimination Officer, etc.
 - ▶ Ethics and Compliance Risk Committee (leadership committee)
 - ▶ Chaired by Provost
 - ▶ Meets 4 times per year
 - ▶ Compliance and Risk Council (operational/management committee)
 - ▶ Co-Chaired by CECO and Risk Manager
 - ▶ Meets monthly
 - ▶ Involvement in UCD Health Compliance governance
- UC DAVIS
- 16



UC BERKELEY

- Reporting to the Chancellor, the Chief Ethics, Risk & Compliance Officer (CERCO) is also the Local Designated Official (LDO) and has oversight of the campus compliance portfolio and directs the Office of Ethics, Risk & Compliance Services (OERCS).
- OERCS- coordinates with other units with specific compliance roles and organized in a centralized structure of 6 high risk areas:
 - Administration (2 FTE)
 - Disability Compliance Services (2 FTE)
 - Prevention of Sexual Harassment & Discrimination (9 FTE)
 - Privacy (1 FTE)
 - Risk Services (5 FTE)
 - Investigations/Whistleblower (2 FTE)
- Close coordination with Office of Legal Affairs (includes PRA's management), Equity & Inclusion, Student Affairs, HR, Audit Services, Ombuds, UCB Police and- other separate VC offices that reports to the Chancellor or Executive Vice Chancellor/Provost.

UC BERKELEY

Compliance, Accountability, Risk and Ethics (CARE) Committee

- Co- Chaired by the Executive Vice Chancellor/Provost and Chief Ethics, Risk and Compliance Officer.
- Membership consist of Vice Chancellors & Campus Counsel.
- Meets quarterly as the executive body has oversight responsibility for the Compliance and Enterprise Risk Committee (CERC).

Committee on Audit, Internal Control and Financial Accountability (CAICFA)

- Co-Chaired Executive Vice Chancellor/Provost and Campus Chief Audit Executive.
- Membership consist of Vice Chancellors, Campus Counsel, & Controller.
- Meets quarterly as the executive body to address campus-wide audit concerns and internal control issues.

Compliance & Enterprise Risk Committee (CERC)

- Chaired by Chief Ethics, Risk and Compliance Officer.
- 28 Member Committee with 6 subcommittees representing all control units and functional experts in specific risk areas including UCOP Ethics, Compliance, Audit, and Risk Liaisons.
- Quarterly meetings to share updates, approve policies, review risk/compliance planning, and unearh/discuss important risks.

19

MERGING SYSTEMWIDE INITIATIVES INTO INDIVIDUAL CAMPUS CULTURES

20

- ▶ 1. Mandated Trainings
- ▶ 2. Cybersecurity
- ▶ 3. Sexual Violence/Sexual Harassment Prevention

SYSTEMWIDE INITIATIVES

21

- ▶ Sexual Violence and Sexual Harassment Prevention
- ▶ Cybersecurity Awareness
- ▶ General Ethics/Research Ethics
- ▶ New systemwide requirement for performance evaluation and merit pay consequences for non-compliance with mandated courses

UNIVERSITY OF CALIFORNIA MANDATED TRAINING FOR ALL EMPLOYEES

22

- ▶ Sexual Harassment Prevention & Cybersecurity Awareness
- ▶ New systemwide requirement for performance evaluation and merit pay consequences for non-compliance
 - ▶ Systemwide mandate tied only to Cybersecurity Awareness, but UC Merced making it applicable to all mandatory campus training including Cybersecurity Awareness, Sexual Harassment Prevention and New Employee Orientation
 - ▶ Challenges related to implementing consistently across staff (represented and non-represented) and faculty groups
 - ▶ Holding managers accountable for ensuring supervisees take training
 - ▶ Regular training compliance reports by Chief Ethics and Compliance Officer to Cabinet members for dissemination throughout divisions and departments

UC MERCED – APPROACH TO MANDATED TRAINING

23

- ▶ Applied performance evaluation consequence to SVSH and cybersecurity training requirements for non-represented staff
- ▶ Employees in this category who have not completed training will not “fully achieve expectations” and will not receive salary increase
- ▶ Compliance used to closely track training completion
- ▶ Units now responsible for ensuring employees complete training and imposing consequence

UC DAVIS – APPROACH TO MANDATED TRAINING

24

- ▶ Changing campus culture and norms starting at the top for all mandatory training
- ▶ Improving completion results for mandatory training in FY 2017 compliance risk plan.
- ▶ Collaborating with HR to enhance functionality of learning management center reporting tools and access to a centralized portal (i.e., Blu & Wisdom Cafe) .
- ▶ Aligning SVSH & Cybersecurity compliance training with staff performance management program.
- ▶ Engaging Academic Senate on compliance incentives re. faculty merit/advancement system.
- ▶ Identifying consistent disciplinary practices for SVSH and Whistleblower policy violations.
- ▶ CERCO & Interim SVSH Sr. Faculty Advisor leading campus-wide leadership training in addition to on-line training.

UC BERKELEY--APPROACH TO MANDATED TRAININGS

25

UC CYBER RISK SECURITY -- FIVE PILLARS OF FOCUS

- ▶ **Governance**
- ▶ **Risk Management**
- ▶ **Modernizing Technology**
- ▶ **Hardening Systems**
- ▶ **Culture Change**

26

UC MERCED – CYBERSECURITY

- ▶ Chief Ethics & Compliance Officer serves as Cyber Risk Executive (CRE) and sits on systemwide Cyber Risk Governance Committee
- ▶ Threat detection solution mandated at each campus (paid for by system office)
 - ▶ Campus with few resources so selected bare bones option to mitigate greatest risk at our borders
 - ▶ Engagement of faculty, education and full transparency needed when monitoring electronic traffic of academics
- ▶ Cyber Risk Assessment mandated at each campus (paid for by campus)
 - ▶ Campus with few resources so selected the bare bones option – gap analysis
 - ▶ Assessment identifies cross-campus coordination on cyber policy development as critical need
 - ▶ Added risk in performing gap analyses when resources are not available to mitigate?

27

UC DAVIS– CYBERSECURITY

- ▶ Vice Provost of Institutional and Educational Technology (Chief Information Officer) serves as Cyber Risk Executive (CRE) and sits on systemwide Cyber Risk Governance Committee
- ▶ Cyber Risk Assessment
 - ▶ Prior to mandate, campus initiated its own assessment through external vendor
 - ▶ Assessment included interviews of individuals from across all functions and departments. Approximately 70 units interviewed as part of assessment.
 - ▶ Assessment completed in 11/15 and is guiding ongoing work/investment, including through ongoing assessment
- ▶ Threat detection solution
 - ▶ Already use a variety of tools
 - ▶ In process of converting to systemwide framework

28

UC BERKELEY- CYBERSECURITY

UCB Challenges and Opportunities:

- Shared governance consultation with faculty.
- Refusal by some faculty to take the online training.
- Need to develop a framework to balance cybersecurity policy, cloud, mobile tech, big data vs. privacy issues.
- Need to elevate visibility of Cybersecurity Risk Executive (CRE).
- Planned compliance expectation to be in performance review and noncompliance for non academic individual's merit awards FY 2018.
- On-going efforts to improve FY 2017 compliance rates compared to other UC campuses.

29

UC SEXUAL VIOLENCE/SEXUAL HARASSMENT INITIATIVE

- ▶ Response team model
- ▶ Confidential Victim Advocate
- ▶ Respondent Services
- ▶ Standard investigation, adjudication and sanctioning models
 - ▶ Hearing officer/panel model for student discipline
 - ▶ Peer Review Committee model for faculty discipline
 - ▶ Chancellor's designee to serve as reviewer for staff discipline
- ▶ Standard data collection
- ▶ Comprehensive communication strategy to educate/build awareness
- ▶ Comprehensive and consistent training and education plan
- ▶ Comprehensive system and campus websites

30

UC MERCED – SEXUAL VIOLENCE/SEXUAL HARASSMENT

- ▶ Title IX Office and CARE Office report through Campus Ethics & Compliance Officer
 - ▶ Campus Ethics & Compliance Office also serves as Chief Diversity Officer (small campus issue); potential conflict in supporting marginalized populations and serving as independent reviewer of Title IX reports
 - ▶ Campus Advocacy, Resources and Education Office for sexual harassment/violence is primarily an advocacy office for complainant, but reports up through independent (non-advocacy) Campus Ethics & Compliance Officer; potential conflict in advocacy vs. independent compliance functions
- ▶ Investigative Resources
 - ▶ Only one lead investigator to investigate all allegations of sexual harassment/violence, discrimination (all protected categories); no redundancy when conflicts arise and under time constraints to ensure investigations completed timely
- ▶ Systemwide procedures for student adjudication during hearing appeal
 - ▶ Challenges at small campus with few cases to train hearing panel members and respond within short timeframe to those who appeal findings/proposed sanctions arising from Title IX investigation
- ▶ New systemwide procedures that require peer review committee for faculty adjudication
 - ▶ Challenges at small campus to find faculty who have experience on Privilege & Tenure Committees and/or with sexual harassment/violent investigations & adjudication

31

UC DAVIS – SEXUAL VIOLENCE & SEXUAL HARASSMENT

- ▶ Reporting structure
 - ▶ Title IX and CARE both report to Provost through different paths
 - ▶ Respondent Services reports through Student Conduct, Human Resources and Academic Affairs
- ▶ Investigative Resources
 - ▶ Three full-time investigators plus Legal Fellow to investigate all allegations of sexual violence/harassment, discrimination (all protected categories), whistleblower/whistleblower retaliation complaints, complaints about police misconduct
- ▶ Adjudication model
 - ▶ Students: Engaged outside law firm to serve as single hearing officer
 - ▶ Faculty: 9 member PRC Chaired by Vice Provost, Academic Affairs and composed of faculty identified by Academic Senate and Vice Provost, Academic Affairs. Three committee members will serve as panel for each case
 - ▶ Staff: Chief Human Resources Officer will serve as Chancellor's designee

32

UC BERKELEY- SEXUAL VIOLENCE & SEXUAL HARASSMENT

SVSH Strategy & Resources

- Joint Chancellor/Senate SVSH Taskforce launched, lead by Interim SVSH Faculty advisor, April 2016 in response to high profile cases.
- \$3 Million dollar investment in Office for Prevention of Discrimination and Harassment (OPHD), Confidential CARE Advocates, University Health Services Social Services, and the Gender Equity Resource Center for complaint response, education & prevention, and survivor & respondent support services, April 2016.
- CERCO and subject matter experts in Title IX and Advocacy Offices conducted "in person" SVSH training of Chancellor's Cabinet, Deans Council, Chairs, and Chief Administrative Officers, Winter- Spring 2017.

33

UC BERKELEY- SEXUAL VIOLENCE & SEXUAL HARASSMENT

Structure, Reporting & Key Milestones

<p>Office for the Prevention of Harassment & Discrimination (Title IX) reports to the Chancellor's Office.</p> <p>FTE: 9</p>	<p>PATH to CARE Center (Survivor Services) reports to Student Affairs with a dotted line to the Chancellor's Office.</p> <p>FTE: 8</p>	<p>Center for Student Conduct (Adjudication & Respondent Services) reports to Student Affairs.</p> <p>FTE: 8</p>
--	--	--

- Student Adjudication model implemented January 2016, uses OPHD investigation report and outsources Hearing Officer for appeals.
- Joint Senate/Chancellor Taskforce SVSH Recommendations Released, February, 2017.
- Refresher SVSH Training released March, 2017.
- Peer Review Committee re. faculty cases mandated by July 1, 2017.

34

- ▶ Working within a huge system
- ▶ Applying systemwide direction to campus culture realities
- ▶ How to adapt and change but respect history and uniqueness
- ▶ Compliance Officer's role in balancing

CHALLENGES AND OPPORTUNITIES

35

- ▶ Wanda Ellison Crockett, Deputy Compliance Officer, UC Berkeley, wellisoncrockett@berkeley.edu
- ▶ Wendi Delmendo, Chief Compliance Officer, UC Davis, wjdelmendo@ucdavis.edu
- ▶ David Lane, Systemwide Deputy Compliance Officer, UC Office of the President, David.Lane@ucop.edu
- ▶ Luanna Putney, Associate Chancellor, UC, Merced, lputney@ucmerced.edu

QUESTIONS?

36