

Thinking Outside the Box:

Compliance Collaborative for Multiple Private Colleges and Universities



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Training Objectives

- ▶ Learn how the Georgia Independent College Association developed, launched, and sustained a Compliance Collaborative Program for multiple private colleges and universities.
- ▶ Explore how the Compliance Collaborative Program expanded from hiring a Compliance Director to initially focus on Title IX, ADA, and VAWA to presently addressing a wide variety of compliance issues encountered on the campuses.
- ▶ With the Compliance Collaborative Program in its third year, discuss the lessons learned and best practices for how you could develop a compliance collaborative with similarly situated campuses.

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Agenda

- ▶ Introduction
 - ▶ Georgia Independent College Association
- ▶ Overview
 - ▶ Why a Compliance Initiative?
 - ▶ Why a Compliance Collaborative Program?
 - ▶ Why a Compliance Collaborative Program with members of the Georgia Independent College Association?
- ▶ Timeline
- ▶ Lessons Learned...in Hindsight
- ▶ Lessons Learned...Best Practices
- ▶ Final Thoughts

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Overview- Georgia Independent College Association

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Georgia Independent College Association (GICA)

- ▶ The Georgia Independent College Association (GICA) is an association of Georgia's private (independent), not-for-profit colleges and universities.
- ▶ Through partnerships with institutions, businesses, and community leaders, GICA supports private higher education in Georgia in the areas of public policy, research, fundraising for student financial aid, and collaborative programs.
- ▶ GICA counts among its members 23 four-year institutions and 1 two-year institution across the state of Georgia.
- ▶ These institutions serve over 70,000 students.



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Overview- Why a Compliance Initiative?

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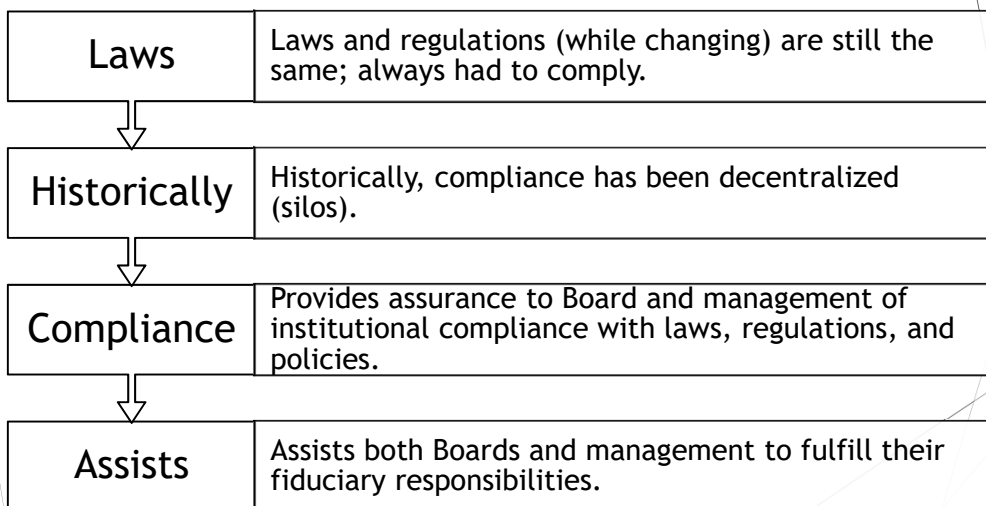
Compliance Programs ...

To have an effective compliance program, an organization must establish and maintain an organizational culture that “encourages ethical conduct and a commitment to compliance with the law.”

U.S. Federal Sentencing Guidelines
§8B2.1(a)(2)

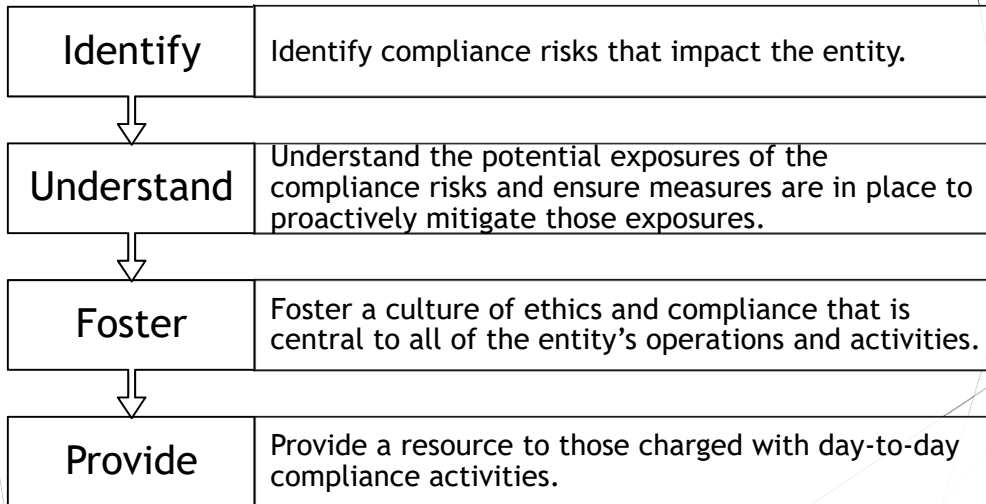
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Why a Compliance Initiative?



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Purpose of Compliance Initiative

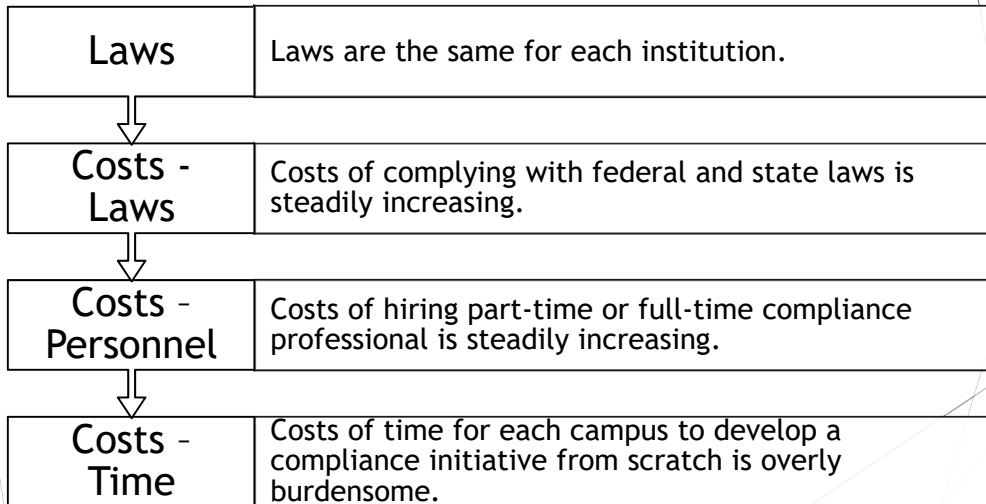


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Overview- Why a Compliance Collaborative Program?

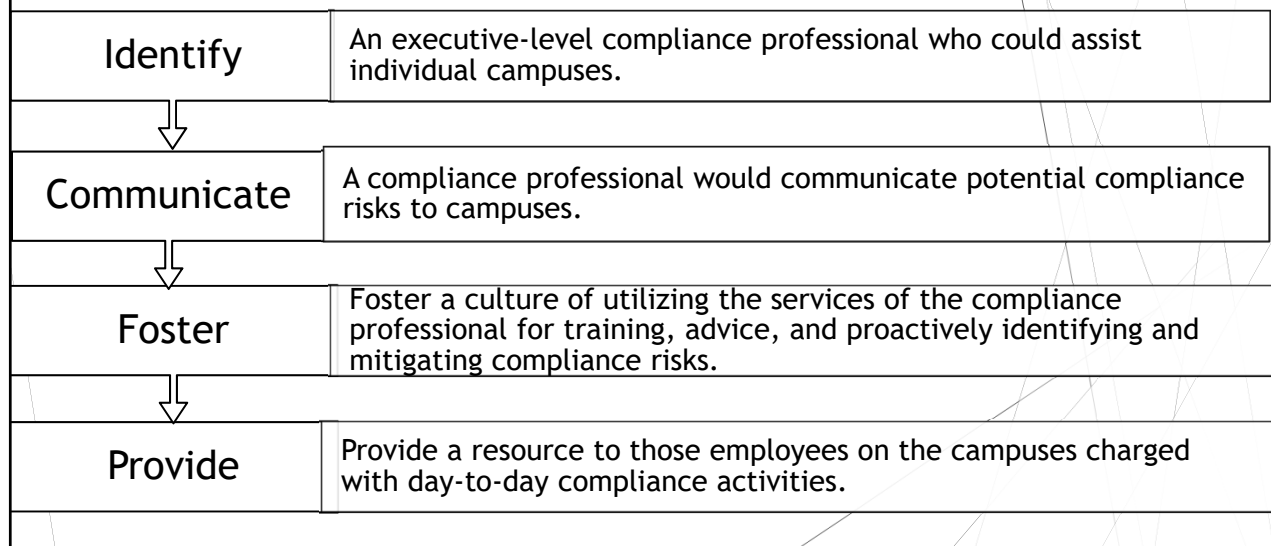
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Why a Compliance Collaborative Program?



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Purpose of Compliance Collaborative Program



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Overview-

Why a Compliance Collaborative with Members of the Georgia Independent College Association?

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Purpose of GICA Compliance Collaborative Program	
Laws	Laws apply to all member institutions.
↓	
Mindset	GICA members have collaborated on other projects.
↓	
Recognition	Recognition of the growing need for compliance with realization that the cost of a full-time compliance professional is not within most institutional budgets.
↓	
GICA Structure	GICA structure was sufficient to begin the conversation about a Compliance Collaborative Program.

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Timeline

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2012

- ▶ Initial idea of a compliance collaborative project was suggested by a member institution's CFO.
- ▶ GICA staff supportive of idea; but insufficient staffing at that time forced a delay in pursuing the concept.

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Early 2013

- ▶ Concept of a compliance collaborative project discussed during CFO Annual Meeting.
- ▶ General support by CFO and GICA staff.

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Late 2013

- ▶ CFOs presented to GICA staff different types of collaborative projects.
- ▶ CFOs were surveyed to identify which of the different types of collaborative projects should be prioritized.

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2014

- ▶ Working Group formed.
 - ▶ Consisted of:
 - ▶ 3 GICA member CFOs
 - ▶ 1 GICA staff member

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2014

- ▶ Working Group's outcomes:
 - ▶ Acknowledge need for assistance across multiple areas on their campuses.
 - ▶ Identified Human Resources and Student Affairs as the most in need of assistance (at that time) and most likely to attend training.
 - ▶ Initial focus on assistance was Title IX, Campus SaVE Act, and Clery Act.
 - ▶ Training was identified as highest immediate need.
- ▶ Working Group's recommendations:
 - ▶ Goal of hiring a shared compliance director with multiple campuses sharing the budget dollars.

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Fall 2014 - Fall 2015

- ▶ GICA staff coordinated:
 - ▶ Multiple compliance trainings held for GICA members.
 - ▶ Compliance and legal updates built into agendas of all GICA Affinity Group meetings.
 - ▶ Trainings:
 - ▶ In-person
 - ▶ 2-day Title IX conference with nationally known speakers
 - ▶ Webinars
 - ▶ Topics included environmental, health and safety training, copyright compliance, EDGAR compliance, Clery Act, Fair Labor Standards Act, VAWA, and ADA

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June 2015

- ▶ GICA Executive Committee approved the formation of the Compliance Collaborative Program and authorized the hiring of a Compliance Collaborative Program Director.
- ▶ 13 GICA members committed to form a Compliance Collaborative Steering Committee (CCSC) (included 1 GICA staff member).
- ▶ CCSC requested to add ADA to the areas of compliance initially addressed.
- ▶ CCSC approved initial job description, scope of work, operating budget, and participated in a search for a Compliance Collaborative Program Director.
- ▶ Outside attorney was consulted in setting a salary range, writing the job description, and interviewing candidates.

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June 2015 -
September
2015

- ▶ Budgetary Considerations
 - ▶ Salary (plus benefits)
 - ▶ Administrative overhead
 - ▶ Professional development
 - ▶ Travel
 - ▶ Outside speakers
- ▶ Institutional Costs

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September
2015 -
February 2016

- ▶ Initiated search for Compliance Collaborative Program Director.
 - ▶ First search:
 - ▶ Failed - no candidate with desired experience and skill set identified.
 - ▶ Second search:
 - ▶ Successful - Compliance Collaborative Program Director to begin work on February 2016.
- ▶ Initial term for Compliance Collaborative Program with campuses was for 2 years.

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February 2016
- October 2017

- ▶ Compliance Collaborative Program Director
 - ▶ Primary goal initially was to learn the culture of the schools and build relationships.
 - ▶ Assisted in securing federal OWH Grant to offset Compliance Collaborative Program costs.
 - ▶ Reviewed policies and reports as requested by campuses:
 - ▶ Title IX
 - ▶ ADA
 - ▶ Annual Security Reports

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February 2016
- October 2017

- ▶ Provided multiple trainings:
 - ▶ Webinars
 - ▶ Responsible Employee (customizable webinar)
 - ▶ Campus Security Authority (customizable webinar)
 - ▶ Transgender Guidance
 - ▶ ADA
 - ▶ In-person
 - ▶ Title IX Basic Investigator
 - ▶ Title IX Advanced Investigator
 - ▶ Title IX Hearing and Appeals
 - ▶ ADA
 - ▶ Institution-specific trainings

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February 2016 - October 2017

- ▶ Provided consulting services
- ▶ Primary focus on:
 - ▶ Title IX
 - ▶ ADA
 - ▶ Clery Act

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September 2017

- ▶ Compliance Collaborative Steering Committee conducted a strategic planning session to identify growth areas and to plan for future direction of the Compliance Collaborative Program.
- ▶ Outcome of planning session:
 - ▶ Modify the governance of the Compliance Collaborative Program to allow the Compliance Collaborative Program Director to move more swiftly to make changes and/or to respond to campus requests.
 - ▶ Expand the scope of the Compliance Collaborative Program to other compliance areas as the campuses noted new compliance concerns.

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Late 2017 - Early 2018

- ▶ Compliance Collaborative Program Director resigned.
- ▶ Campuses renewed Compliance Collaborative Program agreement for another two-year term.
- ▶ Search for Compliance Collaborative Program Director launched and completed.
- ▶ Compliance Collaborative Program Consultant secured.

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March 2018 - December 2018

- ▶ Compliance Collaborative Program Consultant
 - ▶ Continue to learn the culture of the schools and build relationships.
 - ▶ Assist in working on federal OWH Grant.
 - ▶ Proactively asked campuses for policies and reports to review:
 - ▶ Title IX
 - ▶ ADA, Service Animals and ESAs
 - ▶ Annual Security Report
 - ▶ Received other policies and reports to review:
 - ▶ Social Media
 - ▶ Intellectual Property
 - ▶ Various other policies

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March 2018 - December 2018

- ▶ 10 Webinars
 - ▶ Clery Act
 - ▶ ADA Series (Food Allergies, Reasonable Accommodations, Service Animals and ESAs)
 - ▶ Building a SART
 - ▶ Budget for Comprehensive Prevention Plan
 - ▶ Compliance 101 Series (Basics, Compliance Structure, How to Identify Risk)
- ▶ 13 In-person
 - ▶ 4 Title IX Basic Investigator Trainings
 - ▶ 3 Title IX Advanced Investigator Trainings
 - ▶ 2 Institution-specific trainings
 - ▶ 4 GICA sponsored meetings
- ▶ 9 GICA Compliance Corner
 - ▶ Summer camps, Textbook Law, Missing Student Policy, Constitution Day, etc.

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2019 - May 2020

- ▶ 20 Webinars
 - ▶ Compliance 101 Webinar Series (Reporting Policy, Create Compliance Risk Survey, Compliance Matrix, etc.)
 - ▶ ADA Webinar Series (Assistive Technology, Website Accessibility)
 - ▶ Crisis Communication
 - ▶ HIPPA
 - ▶ Policy Management
 - ▶ Record Retention
 - ▶ Free Speech
- ▶ 23 In-person
 - ▶ 5 Title IX Basic Investigator Trainings
 - ▶ 7 Title IX Hearing Panel Member Trainings
 - ▶ 13 Institution-specific trainings
- ▶ 17 GICA Compliance Corner
 - ▶ Pregnancy and Title IX, TCPA, SGA Elections, Vaccinations, etc.

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**March 2018 -
May 2020**

- ▶ Provided consulting services
- ▶ Focus on variety of compliance issues:
 - ▶ Title IX
 - ▶ ADA
 - ▶ Clery Act
 - ▶ HR, Student Affairs, Campus Security, etc.

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**Lessons Learned...
in Hindsight**

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Lessons Learned...in Hindsight

- ▶ Consider adopting a marketing strategy that stresses long-term preparation of a campus for the next major area of compliance rather than addressing current “hot topic” compliance needs on campus.
- ▶ This long-range approach could have resulted in increased initial presidential buy-in to initiating the Compliance Collaborative Program.

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Lessons Learned...in Hindsight

- ▶ Require all campuses to submit policies for review to the Compliance Program Director at the beginning of the Compliance Collaborative Program.

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Lessons Learned...in Hindsight

- ▶ Would still address the current compliance risk topics with campus staff.
 - ▶ Utilize heat map to identify current compliance risk hot topics as top training priorities.

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Lessons Learned...in Hindsight

- ▶ GICA staffing made prioritization of the Compliance Collaborative Program difficult.

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Lessons Learned...in Hindsight

- ▶ Consider hiring a full-time compliance professional earlier in the process to develop the goals of the Compliance Collaborative Program.
 - ▶ Might have brought more initial credibility to the Compliance Collaborative Program.
 - ▶ Might have encouraged more institutions to become Compliance Collaborative Program members.

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Lessons Learned...in Hindsight

- ▶ To promote campus readiness for compliance assistance, increase the amount of education and training given to the campuses prior to an administrator requesting funds to join the Compliance Collaborative Program.

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Lessons Learned...in Hindsight

- ▶ It would be wise to strategize whether to focus on four or five areas of initial compliance compared to embarking on a complete compliance initiative from the beginning.
- ▶ It may be possible to launch a broad-based compliance effort on all the Compliance Collaborative Program member campuses if:
 - ▶ Campuses were all at a point of readiness for such an initiative.

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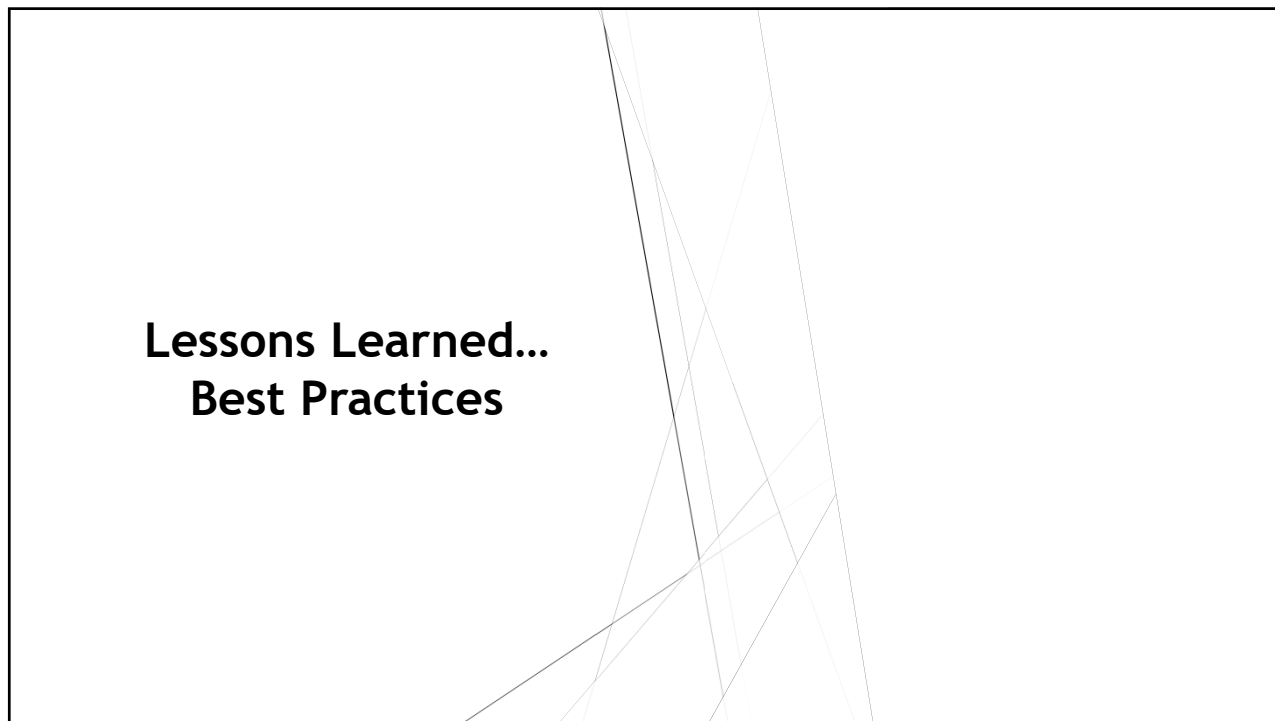
Lessons Learned...in Hindsight

- ▶ Use peer review or external audit process rather than self-audit process to determine status of compliance on a campus.
 - ▶ People more willing to believe an external resource.
 - ▶ Use this method if working with a state system or a group of private colleges.
 - ▶ “Audit” process needs to be as non-threatening as possible.
 - ▶ Even if using an external source, it is imperative to avoid the “gotcha” mentality in order for employees to be honest about their compliance risks.

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Campus A: 2018 Participation in Trainings, Webinars, and Policies Reviewed			
In-Person Trainings	Employee who Attended	Position	Value
Basic Title IX Training (Regional)	XX, XX, XX, XX, XX	Deputy Title IX Coordinator and Assistant Director of Compliance, Assistant Human Resources Director, VP Student Life, Assistant Athletic Director, Assistant Director of Residence Life	\$ 5,000
Advanced Title IX Training (Statewide)	XX, XX, XX	Title IX Coordinator, Athletic Director, Director of Residence Life	\$ 3,000
Title IX Hearing Panel Training (Regional)	XX, XX, XX, XX, XX	Human Resources Director, Assistant Vice President for Student Life, Director of Residence Life, Assistant Athletic Director, Assistant Director of Residence Life	\$ 3,000
Webinars	Employee who Attended	Position	Value
ADA - Food Allergies	XX, XX	Director of Disability Services, Director of Dining Services	\$ 400
ADA - Students with Disabilities	XX, XX, XX	Director of Disability Services, Associate VP for Academic Affairs, Dean of College of Nursing	\$ 600
ADA - Working with Faculty	XX, XX	Director of Disability Services, Vice President for Academic Affairs	\$ 400
ADA - Service Animals and ESA	XX, XX, XX	Director of Disability Services, Director of Residence Life, Assistant Director of Residence Life	\$ 600
Clery Act	XX	Residence Life Coordinator, Director of Student Conduct, Director of Disability Services	\$ 600
Building a Sexual Assault Response Team	XX	Director of Disability Services, Director of Counseling	\$ 200
Trauma Informed Response	XX, XX, XX, XX	Director of Disability Services, Director of Student Conduct, Assistant Director of Counseling, Director of Counseling	\$ 400
Compliance 101	XX	Human Resources Director	\$ 200
Policies Reviewed	Employee Worked With		
Title IX - Sexual Misconduct Policy	XX and XX	22.5 total hours of consultation, policy review, and campus visits (does not include regional or state-wide trainings or webinars)	\$ 6,600
ESA/Service Animals	XX and XX		
Disability Services Policies	XX		
ADA Accommodation Policy	XX and XX		
FLSA/RA pay	XX		
		Total Value of CCP Membership to Campus A:	\$21,000
		Total Paid for CCP Membership by Campus A:	\$8,418
Newsletter Distribution:			
Vice President for Student Life, Chief Financial Officer, Director of Athletics, Assistant Director of Athletics, Chief of Police, Director of Counseling, Assistant Director of Counseling, Director of Student Engagement, Director of Disability Services, Financial Aid Director, Director of Residence Life, Assistant Director of Residence Life, Director of Recreation and Fitness Center, Human Resources Director, Assistant Human Resources Director, Director of Student Conduct			

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Lessons Learned...Best Practices

- ▶ Using a dedicated shared Compliance Collaborative Program Director/Consultant (compared to using a variety of lawyers from different firms) allows the person to be seen as neutral by campus staff and faculty.
 - ▶ Compliance Collaborative Program Director/Consultant has the ability to develop a deeper understanding of each campus's unique culture, staffing patterns, and policies.
 - ▶ Compliance Collaborative Program Director/Consultant has the ability to develop relationships of trust with the campus staff and faculty.

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Lessons Learned...Best Practices

- ▶ State willingness of Compliance Collaborative Program Director/Consultant to assist campuses with specific compliance issues.
- ▶ State willingness of Compliance Collaborative Program Director/Consultant to assist campuses with developing a comprehensive compliance initiative.
- ▶ Develop “worry free” zone to encourage communication with the Compliance Collaborative Program Director/Consultant on issues before noncompliance occurs.

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Lessons Learned...Best Practices

- ▶ Shared Compliance Collaborative Program Director/Consultant should visit each of the campuses.
- ▶ Establishing a one-on-one working relationship with key campus personnel allows for better communication.
- ▶ Ensure that the Compliance Collaborative Program Director/Consultant meets the President and other members of the executive administration.
 - ▶ Creating and maintaining buy-in from the top is an essential element to ensure stability and longevity of the Compliance Collaborative Program initiative.

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Lessons Learned...Best Practices

- ▶ Develop a long-term training calendar that is flexible and responds to a variety of institutional requests for training.
- ▶ Some trainings will only appeal to certain campuses; some trainings will appeal to all campuses.
- ▶ Training should be a mixture of in-person and webinar.
- ▶ In-person training should be scheduled in convenient multiple locations to respect campus travel budgets.

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Lessons Learned...Best Practices

- ▶ Use the Higher Education Alliance Compliance Matrix, developed through NACUA, as the basis for the compliance risk assessment initiative.
- ▶ Having a pre-determined universe of risk provides recognized credibility to your efforts.
- ▶ While many Presidents and executive administrators have deep understanding of compliance needs in their own area, they are not typically knowledgeable about how many laws and regulations exist, how these laws interact with other areas of campus, and how to assess compliance with the laws and regulations.

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Final Thoughts

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Final Thoughts

- ▶ Campuses are more aware of compliance issues.
- ▶ Campuses are more willing to ask questions of the Compliance Collaborative Program Director/Consultant.
- ▶ Campuses are more confident now in their ability to address complex compliance issues.
- ▶ Campuses now understand the benefits from being in a compliance collaborative.
- ▶ Campuses are more likely to rely on and communicate with other campuses for brainstorming and sharing policies and procedures.

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Final Thoughts

- ▶ Campuses are appreciative of the Compliance Collaborative Program.
- ▶ The Compliance Collaborative Program model has demonstrated its success.
- ▶ The Compliance Collaborative Program can successfully address multiple compliance areas across a variety of campus cultures in a time-efficient and cost-effective manner.
- ▶ Encourage other institutions to adopt this Compliance Collaborative Program model.

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Resources

- ▶ Hartwick Compliance Study
(https://www.naicu.edu/docLib/20130315_Compliance-HartwickColl-12-12.pdf)
- ▶ Vanderbilt Compliance Study
(<https://news.vanderbilt.edu/2015/10/19/regulatory-compliance/>)
- ▶ Higher Education Compliance Alliance and Compliance Matrix
(<https://www.higheredcompliance.org/compliance-matrix/>)
- ▶ Higher Education Compliance: Blueprint for Success
(Available on Amazon)

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Questions or Comments?

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