



UT Tyler Main Campus Compliance Program

Executive Summary – Strategic Approach and Operational Tactics

UT Tyler Office of Compliance

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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 and the UT Systemwide Compliance Charter. 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. Examples include 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.

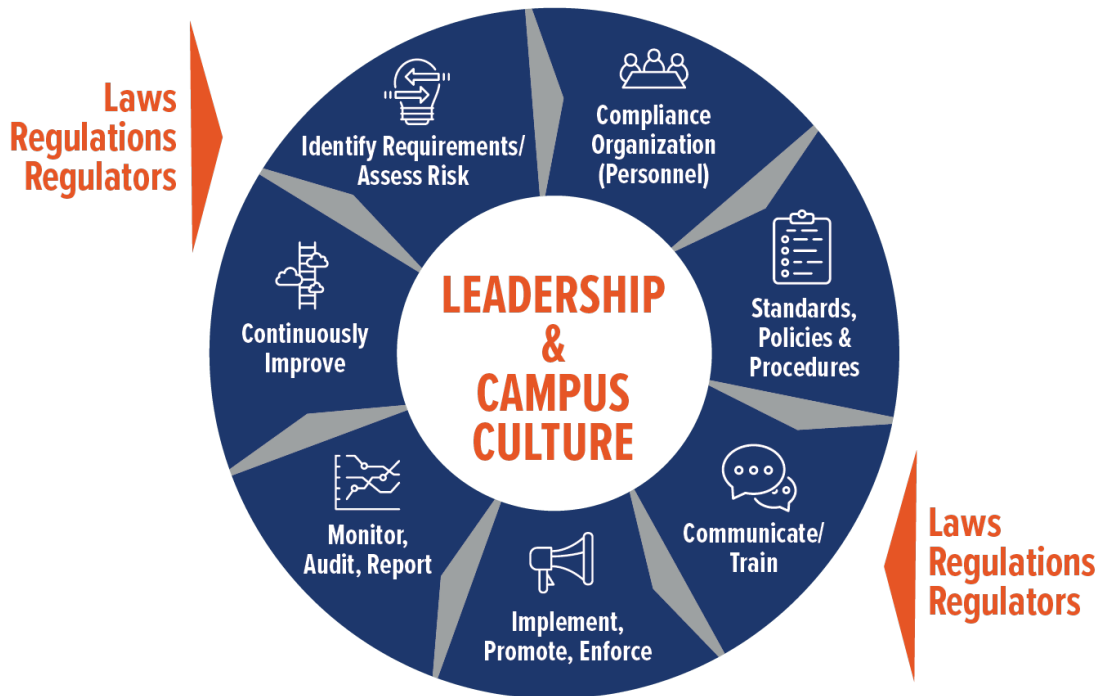


Figure 1: UT Tyler Compliance and Ethics Program Model ¹

¹ Adapted from Deena King, *Compliance in One Page, 2nd Edition* (Garland, TX: Author, 2020), 5. Used with Permission. All Rights Reserved.

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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

Strategic Activity	Operational Project/Task	Frequency
<i>Identify Requirements/ Assess Risk</i>	<i>IR:</i> Federal – Utilize the Higher Education Compliance Alliance (HECA) Matrix as a source for what is required at UT Tyler at the federal level. <ul style="list-style-type: none"> • 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. 	Annually (usually; timing is based on HECA)
	<i>IR:</i> State - Utilize the matrix recently compiled by the UT System; update Texas tables and reports in the Compliance Database, and review with compliance leaders.	Annually
	<i>IR:</i> Local – Rely on expertise of compliance leaders.	
	<i>AR:</i> Partner with Chief Audit Executive in conducting an annual compliance risk assessment using input from compliance leaders, the Executive Compliance Committee (ECC), and the Compliance Leadership Group (CLG). Document in the Compliance Database.	Annually
	<i>AR:</i> Review compliance risks with the ECC and the CLG regularly as part of the quarterly meeting. Update Compliance Database accordingly.	Quarterly
<i>Establish/Modify Compliance Organization</i>	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.	As needed
	Support the ECC and lead the CLG (see p. 13 of University Committees).	Quarterly
	Review current compliance organization and recommend changes as needs occur. This includes: <ul style="list-style-type: none"> • Compliance leaders, • All compliance-related committees, and • Other compliance-related divisions/departments. Update Compliance Database accordingly.	Annually
<i>Document Standards, Policies, and Procedures</i>	Provide support to various (max. 3-4) subject-specific compliance programs throughout the year including creating/updating standards, policies, and procedures (see p. 9).	Ongoing
	<i>Basic Compliance Plan Program:</i> Ensure all primary compliance leaders have at least a basic compliance program documented and in place. Review annually.	Annually
	“Document” is a line-item on each compliance partner’s basic compliance plan.	Annually
	Work with the HOP committee on policy improvements, as needed.	Ongoing

Strategic Activity	Operational Project/Task	Frequency
<i>Communicate Standards, Policies, and Procedures</i>	Compliance Website with information and resources	Ongoing
	Annual Compliance Conference – Late Summer/Early Fall	Annually
	Compliance Week Activities – November	Annually
	Compliance and Ethics Training and New Employee Orientation	At Hire - Ongoing
	Ethics and Compliance Hotline Posters all over campus	Bi-annually
	Email campaigns; campaigns in The Patriot	As needed
	Create efficiencies in compliance training and tracking	Ongoing
	Compliance workshops, brown bags, road shows, etc.	As needed
	Present to cabinet, university counsel, deans, etc.	Annually/As Needed
	“Communicate” is a line-item on each compliance partner’s basic compliance plan	Annually
<i>Implement, Promote, and Enforce</i>	<i>Implement:</i> Annual Work Plan	Annually
	<i>Implement:</i> Regular reporting on the status of the annual work plan	[Weekly]
	<i>Implement:</i> Create and maintain a compliance data management db.	Ongoing
	<i>Promote:</i> Compliance Week Activities	Annually
	<i>Promote:</i> Emails, speeches, awards, and other means that include promotion of compliance and ethics at UT Tyler	Ongoing
	<i>Promote:</i> UT Tyler Compliance Champion Awards	Annually
	<i>Enforce:</i> Enforcement built-in to all standards and policies	As needed
<i>Monitor, Audit, and Report</i>	Monitor the high-risk compliance-related risk management plans to include working with CAE as needed	As needed
	Detailed “are we in compliance?” self-audit reviews with compliance validation; rotating partner in groups	Every 3 years
	<i>Hotline Case Management and Reporting:</i> 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 ECC and CLG (quarterly).	Daily/Weekly/ Quarterly
	<i>Outside Activity Monitoring and Reporting:</i> Annual reporting period and monthly monitoring.	Monthly/ Annually
	Assist the defense of an Office of Civil Rights (OCR) or other regulatory complaint.	As needed
	UT Tyler Compliance and Ethics Program Evaluation (UT System)	Every 3-5 years
<i>Continuous Improvement</i>	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.	Ongoing
<i>Leadership/Corporate Culture</i>	Report to ECC (and Audit Committee as needed)	Quarterly
	Evidence that leadership is supporting compliance and ethics such as speeches, emails, pictures, budgets, etc.	Ongoing
	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.	Ongoing

Implementing Compliance Part 2: Subject-Specific Initiatives

For a decentralized compliance function to work, subject-specific compliance leaders over high risk areas must be empowered to use the above *UT Tyler Compliance and Ethics Program Model* in their areas of responsibility. The Office of Compliance, at the direction of the Executive Compliance Committee, can assist in this task. Due to limited resources, this assistance is usually based on risk. In general, the Office can take on 3-4 initiatives each year on top of managing the foundational program.

Table 2: Overview of Higher Education High Risk Areas
(in alphabetical order)

Compliance Area	Description
<i>ADA – Physical and Web Accessibility</i>	Programs are in place to ensure faculty, staff, students, and visitors have reasonable access to campus facilities and online offerings.
<i>Athletics</i>	This is a higher priority at Division I schools but needs to have adequate compliance programming even at the Division II level.
<i>Clery Act Compliance*</i>	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.
<i>Code of Conduct, including Background Check Policy and Ethics Training Program</i>	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.
<i>Conflict of Interest Reporting</i>	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.
<i>Environmental Health and Safety*</i>	Almost all institutions have some type of EHS manager/leader because OSHA, EPA, and others impose significant regulations on all employers.
<i>Export Controls/Foreign Influence*</i>	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.
<i>HEA Disclosures & Title IV (Financial Aid)*</i>	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.
<i>Minor Protection Program*</i>	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.
<i>Privacy Compliance</i>	HIPAA, FERPA, GDPR and other privacy areas need to be addressed with adequate compliance programming.
<i>Research*</i>	This is a higher priority at larger research institutions but needs to have adequate compliance programming at any school that has researchers.
<i>Title IX*</i>	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.

*Part of the Compliance Risk Management Plan program

Revision History

First version (1.0b): February 26, 2020

For version 1.0c on September 18, 2020: Added the compliance risk management plan (CRMP) program to the Assess risk area.

For version 1.0d on September 24, 2020: Corrected the reference in the first monitor, audit, and report box from monitoring plan to management plan. Enhanced hotline case management and reporting line items.

For version 1.0e on March 10, 2021: Merged hotline cells and added Outside Activity monitoring and reporting to the Monitor, Audit, and Report section.

For version 1.0f on March 31, 2021: Added Foreign Influence to Export Controls on page 10 and Foreign relationships was added to the definition.

For version 2.0 on March 29, 2022: Updated fonts and logos to the new UT Tyler style; updated campus name, committee names, and made a few minor modifications throughout.

For Version 2.0a on March 31, 2022: Added the reference on page 9 to the Compliance Risk Management Plan program.