Big compliance, small program

Susan Freccia
Director of Compliance
Office of Audit, Risk and Compliance
Oregon State University

SCCE Higher Ed conference

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- Explore various approaches to building and sustaining a strong program with a big reach

- Understand how all the work gets done, by whom, and how we can be sure

- Learn strategies for coordinated compliance that benefit even large centralized programs

Higher education compliance areas

Financial	Research	Health & safety	Civil rights and employment	Information
• Collecting tuition	• Human subjects	• Employee health	• Disability access and accommodation	• Public records
• Capital projects	• Animal subjects	• Student health	• Worker's compensation	• Privacy of data
• Procurement	• Export controls	• Violence and suicide prevention	• Labor relations	• Security of data
• Tax	• Research integrity	• Construction safety	• Wage and hour	• Copyright and trademark
• Investments	• Conflict of interest	• Emergency management	• Family and medical leave	• Intellectual property
• Financial aid	• Hazardous materials	• Safety of minors	• Recruitment and hiring	• Information technology
• Debt management	• Radiation safety	• Public safety	• Equal opportunity and affirmative action	• Internet of Things (IoT)
• Cost allowance	• Biosafety	• Environmental contamination	• Sexual misconduct	
• Internal controls	• Chemical safety	• Building / grounds maintenance	• Non-discrimination	
• Grant and contract accounting	• Industrial safety	• Housing and food	• Cultural resources	
• Cash management	• Scientific diving and small boat safety			
• Payroll and benefits				
• Insurance				
• Gifts and contracts				
• Ethics				

Athletics

International

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Who owns compliance?

- Centralized or coordinated model

- Chief Compliance Officer or Director of Compliance

- Roles of audit, risk, legal and compliance

- Board of Trustees/Regents

- Departments, colleges, units, individuals

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Research

- Human subjects
- Animal subjects
- Export controls
- Research integrity
- Conflict of interest
- Hazardous materials
- Radiation safety
- Biosafety
- Chemical safety
- Industrial safety
- Scientific diving and small boat safety

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(Shipping) Hazardous materials

- Printing and Mailing: University Relations and Marketing

- Hazardous materials: Environmental Health and Safety

- Export controls: Research

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When you are not the subject matter expert

- Consulting and thought partnership
- Facilitation and coordination
- Major projects
- Greenhousing
- Escalation and executive level awareness

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Health and safety

- Employee health
- Student health
- Violence and suicide prevention
- Construction safety
- Emergency management
- Safety of minors
- Public safety
- Environmental contamination
- Building / grounds maintenance
- Housing and food

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Safety of minors

- State law on reporting suspected child abuse
- Purpose and connection of youth activities to mission
- Criminal history checks
- Best practices for youth safety

The foundation of a program

- Crisis response
- Grassroots through compliance aficionados
- Top-down formal governance
- Regulation-based risk assessment
- Relationship and collaboration-focused

Compliance and ethics at Oregon State University

Director of Compliance role

- Provide consultation, guidance and thought partnership for compliance partners' projects and work.

- Provide structure and support for major projects.

- Compliance Executive Committee (CEC) leadership, Board reports and presentations.

- Ethics consultations, trainings and outreach

- Support for policy review and development

- Participation on compliance and risk committees.

Compliance program goals

- Create a compliance community of practice to share best practices and work together on common goals.

- Increase collaboration and encourage continuous improvement of operational processes to reduce administrative burden of compliance obligations.

- Strengthen compliance leadership and oversight, which includes encouraging appropriate ownership and decision-making, and identifying and elevating items that require CEC/senior leaders' awareness and involvement.

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Compliance partners

- Deep subject matter expertise

- Various reporting lines

- Some roles are 100% compliance and some aren't

- Many are islands

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Annual planning / risk assessment

- Are there new, changing or emerging regulations that need attention?
- What are other higher ed institutions and membership organizations noting as top concerns or trends?
  - What are our strategic goals and mission that we could better align with to support?
  - Operationally, where are the pain points – in your daily work, for your customers and partners?
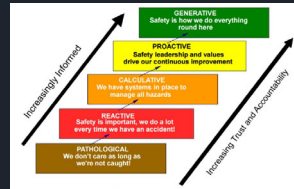 - What are you already doing well that doesn't need additional attention right now?

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University-wide projects

- ADA31 Task Force
- Maturity models
- Investigation offices
- Conflict of interest policy and disclosure

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Maturity models

Level 5   **Optimized** – Stable – Flexible – Transformative - Optimizing

Level 4   **Managed** – Integrated – Controlled – Enterprise – Managing

Level 3   **Defined** – Proactive – Standards - Adapting

Level 2   **Informal** - Repeatable – Managed – Developing –Defining

Level 1   **Initial** – Chaotic – Ad hoc – Reactive – Unpredictable – Unreliable

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Investigation offices

- Accountability and Integrity Hotline
- Discrimination and harassment, incl. Title IX
- Research misconduct
- Lab and workplace safety
- Student conduct and community standards
- Human resources/faculty affairs
- Information security

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Conflicts of interest

- State ethics law
- Procurement and contracts
- Research (fCOI federal grants and undue foreign influence)
- Conflicts of commitment

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Other recent work

- Oregon OSHA rules: extreme heat and wildfire smoke safety
- Workplace safety culture task force
- Required notifications: Drug-free schools, voter registration, Clery Act
- Interpersonal violence and Title IX
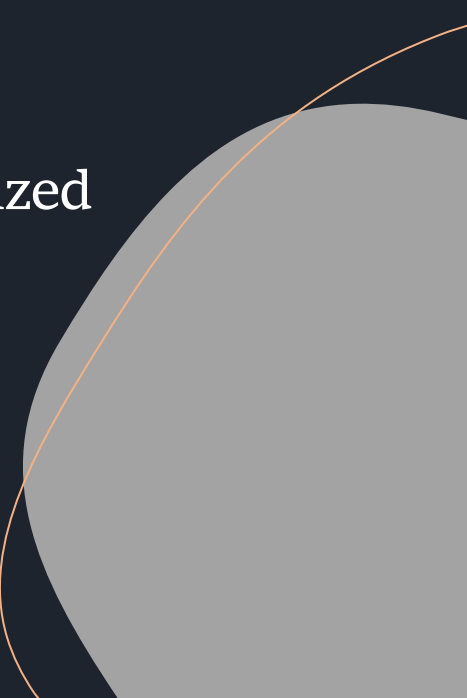- Ethics consultations
- Critical trainings

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Awareness and assurance

- When and what to escalate
- Compliance Executive Committee
- Board of Trustees
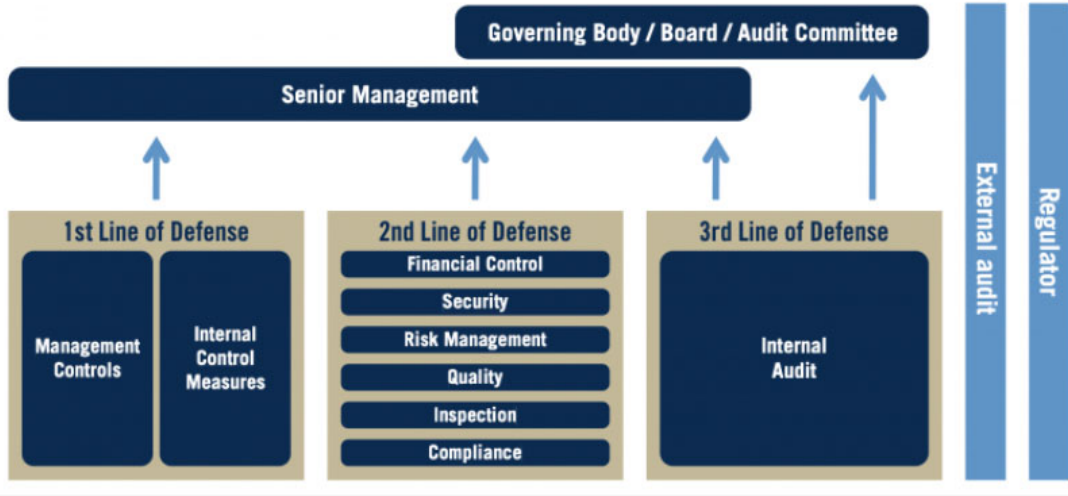- Annual planning and reporting

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Coordinated versus centralized

- 3 lines of defense
- Role of audit, legal and risk
- Consultative, advisory
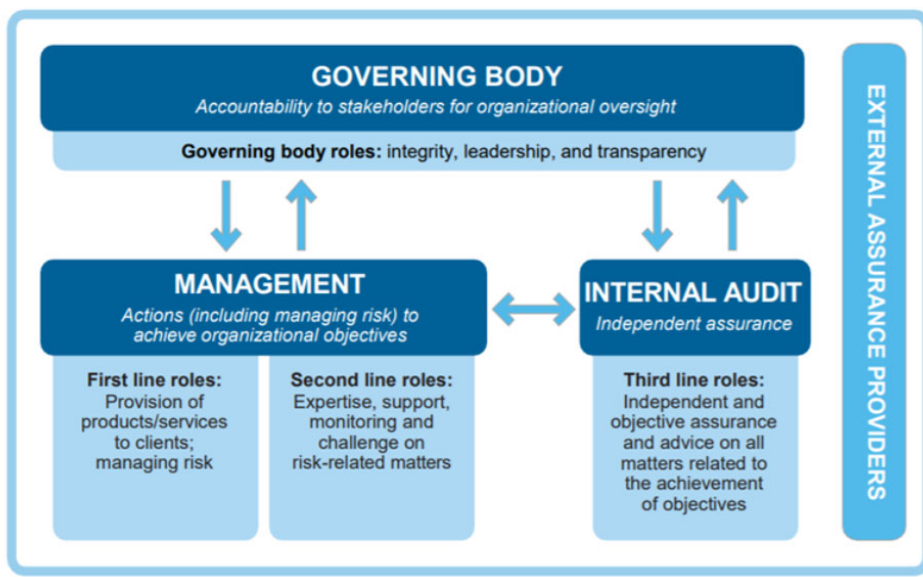- Headroom to escalate

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Elements of an effective compliance and ethics program

7. Response and Prevention. Episodes of misconduct and violations of laws, regulations and policies are responded to appropriately. Systemic issues are identified, root causes determined, and solutions implemented to prevent recurrence.

6. Accountability, Incentives and Corrective Action. Community members are encouraged to behave ethically and responsibly. Appropriate, fair and consistent actions are taken in cases of wrongdoing.

5. Receiving Reports and Investigating. Clear avenues exist to seek guidance or report violations of policy and relevant laws/regulations. Investigations follow appropriate processes and emphasize non-retaliation.

1. Leadership and Oversight. Effective leadership and functional committee structures are in place, with regular reporting to the Board of Trustees.

2. Policies and Procedures. Clear expectations and practical guidance regarding behavior and decision-making are available and accessible.

3. Education and Outreach. Reasonable steps are taken to provide appropriate, relevant, and comprehensive education and outreach about compliance requirements.

4. Monitoring and Auditing. Program adherence to compliance requirements is monitored. Emerging and changing laws are tracked.

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Resources

Higher Education Compliance Alliance (HECA) Matrix
https://www.higheredcompliance.org/compliance-matrix/

Federal Sentencing Guidelines, Effective Compliance and Ethics Program
https://guidelines.ussc.gov/gl/%C2%A78B2.1

U.S. Department of Justice Criminal Division, Evaluation of Corporate Compliance Programs
https://www.justice.gov/criminal-fraud/page/file/937501/download

Institute of Internal Auditors, Three Lines of Defense
https://www.theiia.org/globalassets/site/about-us/advocacy/three-lines-model-updated.pdf

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Contact

Susan Freccia
Director of Compliance
Oregon State University

susan.freccia@oregonstate.edu

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