



# You're Not a Unicorn: Managing Compliance without a Juris Doctor



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Caltech

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Columbia University

SCCE Higher Education Compliance Conference  
Phoenix, Arizona  
June 13, 2023

# About Us



The University of Vermont

**Tessa L. Lucey, MHC, CHC, CHPC**  
Director of Compliance Services & Chief  
Privacy Officer  
University of Vermont


Office of  
Compliance & Privacy  
Services


**Caltech**  
California Institute of Technology



**Tye Welch,**  
Director, Compliance  
Caltech

Audit Services and  
Institute Compliance



 **COLUMBIA UNIVERSITY**  
IN THE CITY OF NEW YORK

**Stephanie Barber,**  
MBA, MA, CCEP, PHR  
Interim University  
Compliance Officer  
Columbia University

Office of  
University Compliance



## Views Expressed Disclaimer

The opinions expressed within the content are solely the presenters and does not reflect the opinions and beliefs of our affiliated institutions.

# Agenda

- Different career paths and different models of compliance within higher education
- What's important: skills & effectiveness
- Leverage your skills, expertise and relationship building
- When to engage legal partners
- Suggestions on continued development

# Polling Question



**Do you have a Juris Doctor (JD) Degree?**

- a) Yes
- b) No



# Different Career Paths & Different Models of Compliance Within Higher Education

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# About Us: Different Paths



**Tessa Lucey**  
MHA, CHC,  
CHPC

Chief Operating  
Officer

Healthcare  
7 Years

VP Administration  
Compliance  
/Corporate  
Compliance Officer

Healthcare  
3 Years

VP Compliance  
Chief Privacy  
Officer

Healthcare  
2.5 Years

VP Compliance  
Chief Privacy  
Officer

Healthcare  
7 Years

Compliance  
Consulting

Healthcare  
5 Years

Director  
Compliance  
Chief Privacy  
Officer

Healthcare  
4 Years

Chief  
Compliance  
Chief Privacy  
Officer

Healthcare  
4 Years

Compliance  
Officer  
Chief Privacy  
Officer

Higher Education  
7 Years



**Tye Welch**  
MEOH,  
MBA,  
CPEA,  
CEMS

Environmental  
Health Scientist

Industry  
2 Years

Environmental,  
Health and Safety  
Specialist

Consulting  
3 Years

Inaugural EHS  
Audit Office

Aerospace  
3 Years

Audit Supervisor  
Military Aircraft,  
Missiles and  
Space,  
Electronics

Aerospace  
5 Years

Audit and  
Compliance  
Manager

Higher Education  
7 Years

Associate  
Director of  
Compliance

Higher Education  
7 Years

Director of  
Compliance

Higher Education  
8 Years



**Stephanie Barber**  
MBA, MA,  
CCEP, PHR

Asst. Manager  
Organizational &  
People  
Effectiveness  
Telecom &  
Technology Svcs.  
1 Year

Manager  
Workforce  
Planning, HR  
Program Mgt.  
Telecom &  
Technology Svcs.  
1 Year

Manager  
Business Learning  
Services  
Telecom &  
Technology Svcs.  
1 Year

District Manager  
Corporate  
Training  
Telecom &  
Technology Svcs.  
3 Years

Subcontractor  
Huron Consulting  
Group  
Higher Education  
1 Year

Compliance  
Project Manager  
Higher Education  
5 Years

Director,  
University  
Compliance  
Officer  
Higher Education  
10 Years

Interim  
University  
Compliance  
Officer  
Higher Education  
11 Months

**This is what 75 Years of compliance experience looks like...**





# Different Models

- Public v. Private
- Universities v. Colleges
  - Academic Medical Centers
- Research
- Athletics
- Geography
- Size



# Polling Question

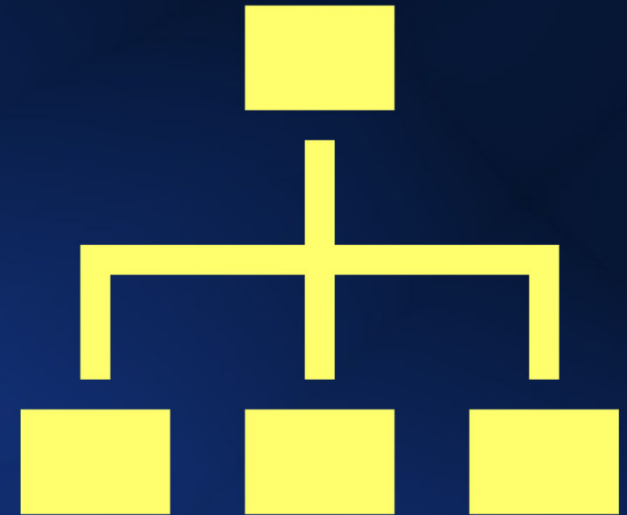


## Who does the Chief Compliance Officer report to?

- a) Board of Trustees and/or Audit and Risk Committee
- b) President / Chancellor
- c) Senior Executive Vice President or Chief Operating Officer
- d) Chief Financial Officer
- e) Audit and/or Risk Management
- f) General Counsel
- g) Provost
- h) University Secretary
- i) Other

# Different Compliance Structures

Who does the Chief Compliance Officer report to at your Institution?



# Different Compliance Backgrounds and Paths



- Athletics
- Campus Safety
- Conflicts of Interest
- Copyright and Fair Use
- Data Security
- Disabilities and Accommodations
- Discrimination and Affirmative Action
- Donors and Gifts
- Environmental Health and Safety
- Enterprise Risk Management
- Export Controls
- Financial Aid
- Grants Management
- HEA Compliance Obligations
- Internal Audit
- Health Care and Insurance
- International Students and Employees
- Information Technology
- Intellectual Property and Technology Transfer
- International Activities and Programs
- Lobbying and Political Activities
- Privacy / Student Records
- Program Integrity Rules
- Research
- Regulatory Relations
- Sexual Misconduct
- Title IX
- Quality Management

# Evolution of Compliance



OSHA, EPA (1970)  
FCPA (1977)



USSC (1984)



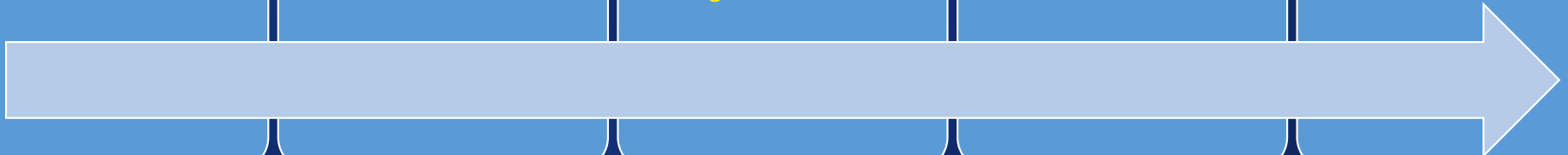
FSG (1991)  
Caremark (1996)  
DHHS OIG (1998)  
Compliance Officer  
"Profession" (1990's)  
First Programs in  
Higher Education



FSG Updates (2004)  
Addition of  
Compliance- Related  
Functions



DOJ Evaluation  
Guidance (2017,  
2019, 2020, 2023)  
Increasing # of  
Higher Education  
Compliance Offices,  
Officers



# Polling Question



**Prior to becoming a compliance professional, what was your background? Select all that apply.**

- a) Finance
- b) Legal
- c) Internal Audit
- d) Human Resources
- e) Risk Management
- f) Consulting
- g) Operations
- h) Training and Learning
- i) Regulatory Relations
- j) Quality Management
- k) Specialized Compliance Area
- l) Other



# What's Important: Skills & Effectiveness

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# Essential Elements of an Effective Compliance and Ethics Program

*Exercise Due Diligence to Prevent and Detect Criminal Conduct AND Promote an Ethical and Compliant Culture*

1. Standards, Policies, and Procedures
2. Organizational Leadership, Oversight, and Authority
3. Reasonable Efforts to Exclude Prohibited Persons
4. Periodic Communication and Training



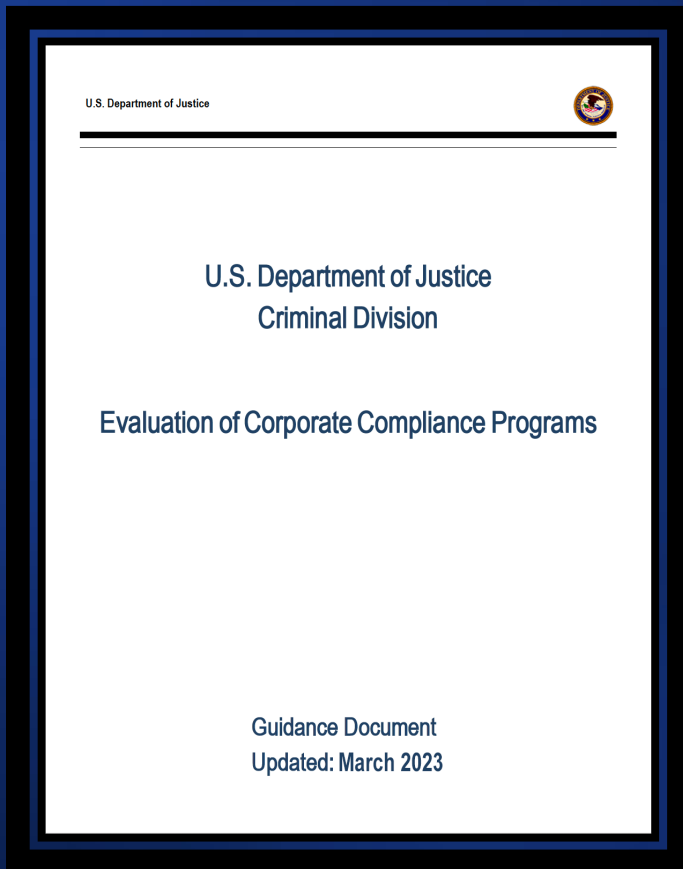
# Essential Elements of an Effective Compliance and Ethics Program

*Exercise Due Diligence to Prevent and Detect Criminal Conduct AND Promote an Ethical and Compliant Culture*

5. Monitoring and Auditing Program that Includes:
  - a) Periodic Program Evaluation for Effectiveness
  - b) Independent Reporting Mechanism
6. Enforcement and Disciplinary Actions
7. Response and Prevention

*In Implementing the 7 Elements, Assess Risk Periodically*

# U.S. Department Of Justice Guidance Document Update



Three fundamental questions:

1. “Is the corporation’s compliance program well-designed?”
2. “Is the program being applied earnestly and in good faith?” In other words, is the program being implemented effectively?
3. “Does the corporation’s compliance program work in practice?”



# Leverage Your Skills, Expertise, and Relationship Building

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# Recent Postings

## Chief Compliance Officers and Qualifications

### Start Date: Jan. 2023 Chief Compliance Officer

- Candidates should have held increasingly responsible roles in compliance and/or related control functions, such as legal, audit, regulatory relations, or quality management.
- An advanced degree and higher education experience is preferred.

### Start Date: Feb. 2023 Global Chief Compliance Officer

- A Juris Doctor degree (J.D.) or Master of Laws degree (“LL.M”) from an American Bar Association accredited law school is strongly preferred
- Other preferred certifications are:
  - Certification in Fraud Examination (“CFE” designation) by the Association of Certified Fraud Examiners and
  - Certification in Information Privacy (“CIPP-US” designation from the International Association of Privacy Professionals (“IAPP”)

### Pending: 2023 Global Chief Compliance Officer

- Advanced degree (e.g., MBA, JD)
- Preferred professional certifications (e.g., CFE )
- Minimum of 7 years’ experience in leadership positions within the compliance, ethics, or internal auditing profession
- Higher Education experience highly preferred.

### Pending: Mar. 2023 Ethics, Integrity, and Compliance Officer

- A bachelor’s degree and at least ten years of compliance or related experience are required.
- An advanced degree and significant experience in higher education, particularly at public research institutions with an academic medical center and large collegiate sports program, are preferred.

# Recent Postings

## Additional Qualifications

### Start Date: Jan. 2023 Chief Compliance Officer

- Development and implementation of an institutional compliance program in a highly regulated environment such as higher education, healthcare, or financial services.
- Managing change in a large, complex, and decentralized environment with a wide array of committed and insightful stakeholders.
- Appreciation for higher education practices, regulations, and compliance issues.
- Demonstrated creativity in implementing state-of-the-art compliance practices with clarity, efficiency, and alignment with other mission areas.

### Pending: 2023 Global Chief Compliance Officer

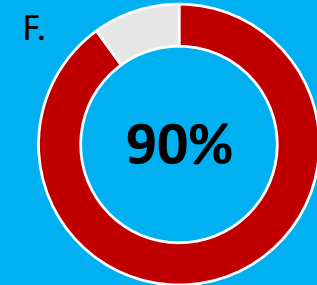
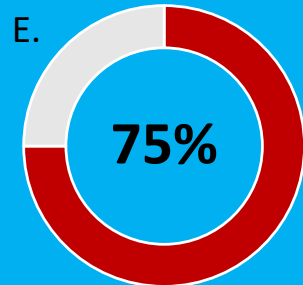
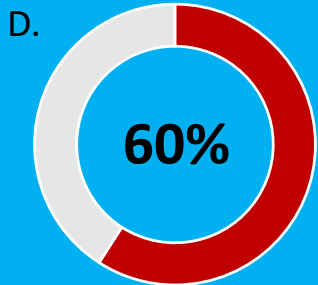
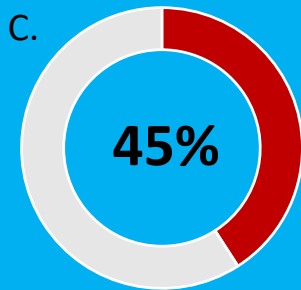
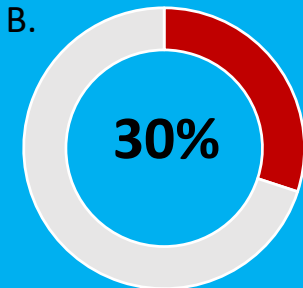
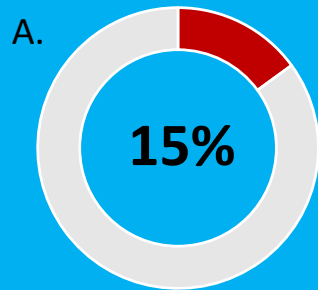
- Innovative leader with the ability to build, mentor, and manage efficient, high-performing teams.
- Possesses a strong moral compass, high integrity, and deeply ethical standards.
- Exceptional organizational, leadership, and problem-solving skills.
- Outstanding verbal, written and interpersonal communication.
- Deadline focused and adept at time-management.
- Demonstrates strong knowledge of industry protocols and applicable laws and regulations; ability to develop and interpret complex regulatory requirements.
- Excellent analytical skills and ability to accurately interpret complex documents and policies.

### Pending: Mar. 2023 Ethics, Integrity, & Compliance Officer

- Possess a deep understanding of challenges and opportunities for ethics, integrity, and compliance at large, complex institutions
- Demonstrated success in building relationships and generating trust with key stakeholders
- Demonstrated ability to manage and prioritize multiple, complex, time-sensitive efforts simultaneously with a high degree of organization and effectiveness.
- Demonstrated ability to listen and communicate effectively orally and in writing.
- Adept at navigating and responding to sensitive situations with tact and diplomacy.
- Good judgment and creative, practical problem-solving skills.
- Strong interpersonal skills and experience working with a diverse range of partners.
- Integrity and a strong moral and ethical compass.
- A deep and abiding commitment to the mission of higher education

# Polling Question

In a recent study of compliance professionals across all industries, what percentage do you think indicated that they do *not* have a JD?

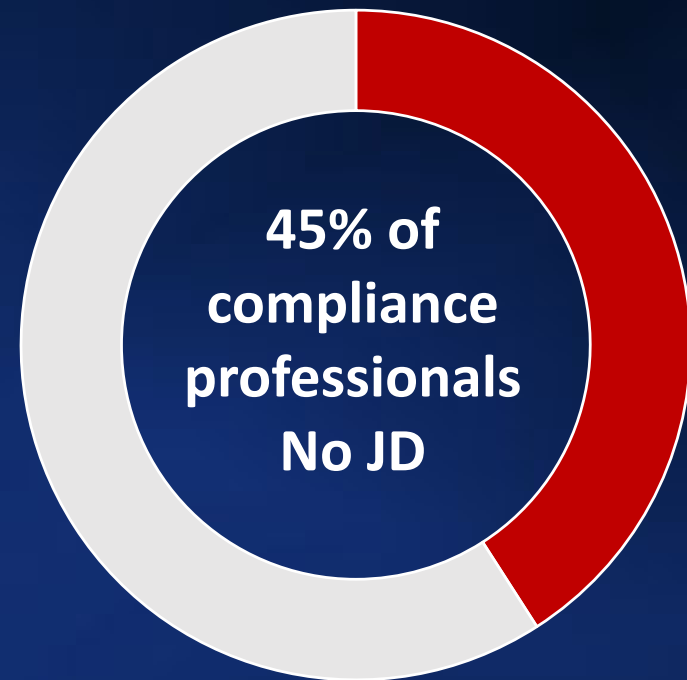


# You are Not Alone

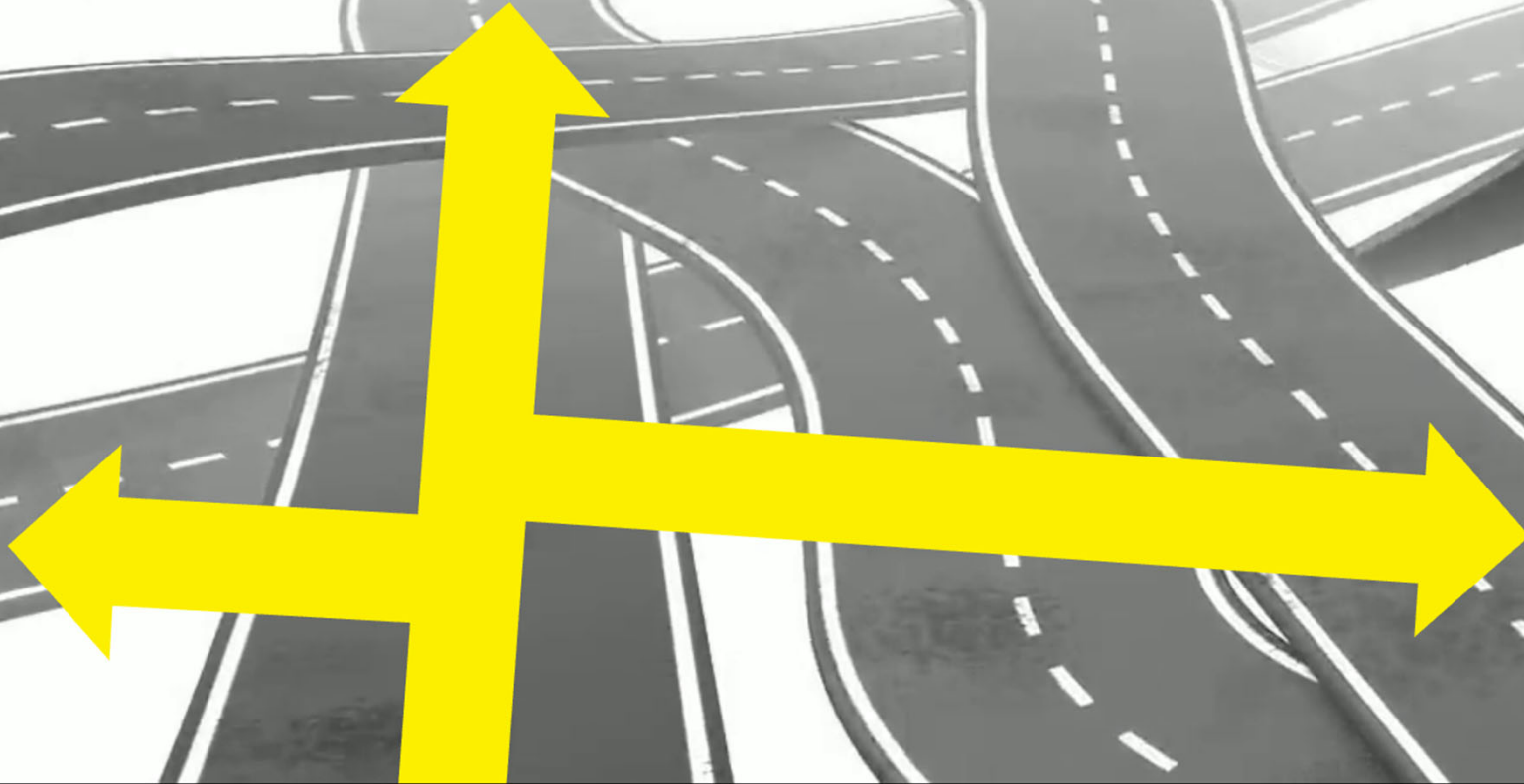


Of the 520 compliance professionals who responded to the BarkerGilmore survey:

45% of compliance officers or compliance professionals have indicated that **they do not have a JD.**



**You are Not Alone – Different Paths**



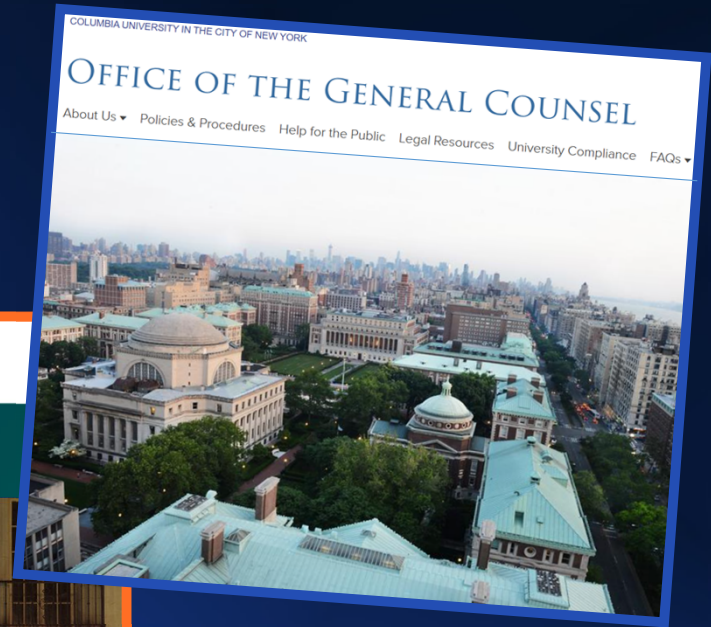
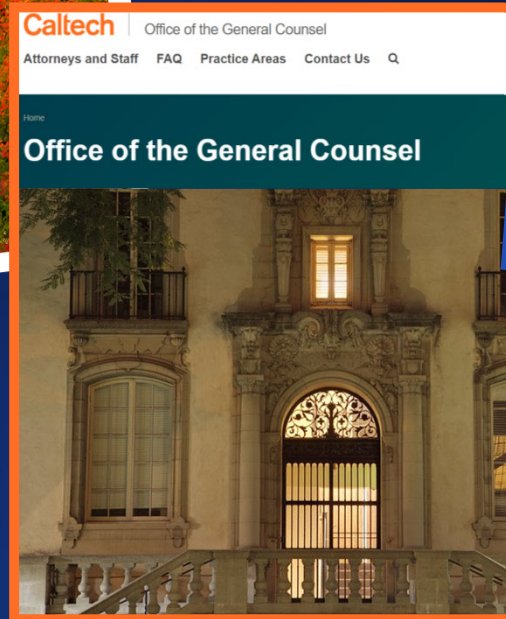




# When to Engage Legal Partners

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# Importance of Legal Partners



# Engaging Legal Partners

- Importance of Close Partnership and Open Communication
- Compliance Assessments, Investigations, and Government Reviews
- Risk Assessment and Governance Processes
- Regulatory Interpretation and Impact / Regulatory Changes
- Policies and Procedures
- Compliance Committees and Working Groups
- Training and Outreach



# Suggestions on Continued Development

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# Suggestions On Continued Development

- Embrace Opportunities to Learn Campus Operations
- Education is a Priority for Risk Mitigation
  - Join Working Groups, Gap Analysis Exercises, and Training Forums
  - Learn from Other Compliance Conferences, if Possible:
    - SCCE, HCCA, NACUA, NCURA, NACUBO, CSHEMA

# Suggestions On Continued Development

- Professional Certifications
  - CCEP, CHC, CHCP, CPEA, CEMS, COHC
- Deployment of Online Tools and Data Science
- Develop Relationships with Other College and University Compliance Professionals
  - Learn from your Peers!



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## Questions??

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