Coordinated Compliance, Policy, and Ethics Program

Annual update July 2016 – April 2017

University of North Carolina Wilmington
Office of General Counsel
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Executive Summary
This report summarizes compliance-related activities conducted since the formal approval of UNCW’s Coordinated Compliance, Policy, and Ethics Program in July 2016.

Compliance Activities and Initiatives
Completed Projects
- Creation of contract addenda to ensure data privacy and security with external vendors
- Review and modification of ADA policies and practices in Kenan Auditorium

Ongoing Projects
- Compliance calendars
- Quarterly meetings of Compliance Committee
- Committee service

In-Progress Projects
- IT policy approval requirements
- Athletics investigations
- SARA internship compliance

Policy Review and Creation
Completed Reviews
- Harassment Prevention & Resolution; EO/AA
- Student Records (FERPA)
- Student Gender-Based/Sexual Misconduct
- Human Resources: various

New Policies
- Service Animals, Emotional Support Animals, and Pets
- Unlawful Discrimination, Harassment, and Sexual Misconduct

In-Progress Reviews
- Protocol for Establishing Policies and Procedure
- Institutional Review Board (IRB)
- Disability Accommodations for Students
- Improper Relationships
- Workplace Violence
- Freedom of Expression & Solicitation

Planned Policies
- Disability Accommodations for Staff
- Unmanned Aerial Vehicles (Drones)

Ethics
- Review of Conflict of Interest policy and procedures underway

Other
- Compliance website development
- Anticipating regulatory change & deregulation
- Campus trainings
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Compliance Program Pillars

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**Compliance**

“Compliance” includes myriad legal and operational obligations. The compliance function of the Program primarily encompasses legal obligations with a reporting or filing deadline, but also addresses day-to-day legal standards.

**Completed Projects**

- **Cloud computing addendum**
  
  In conjunction with ITS, developed a contract addendum containing essential terms for use with vendors hosting UNCW data in the cloud.

- **Student & staff identifier addendum**
  
  In conjunction with ITS, developed a contract addendum containing essential terms for use with vendors receiving identifying information regarding UNCW staff and students.

- **ADA policies and practices in Kenan Auditorium**
  
  In conjunction with Safety and Accessibility Specialist, review and modify vendor contract template and ticketing, seating, and accommodation policies and practices for ADA compliance.

**Ongoing Projects & Initiatives**

- **Compliance calendars**
  
  Housed on the compliance website, unit-specific compliance calendars will list filing and reporting deadlines as well as programmatic compliance owners (for example, the Director of Title IX and Clery Compliance is responsible for posting the Annual Security Report by October 1). The calendars are intended to ensure transparency and clarity with respect to various compliance obligations. The centralized maintenance of an up-to-date compliance inventory will facilitate the University’s encouragement of legal compliance. Data has been gathered from several departments and will be added to the compliance website on an on-going basis.

- **Compliance Committee**
  
  The Committee has begun its quarterly meetings. Current membership includes representatives from Human Resources, Information Technology Services, Athletics, Environmental Health & Safety, Office of Title IX & Clery Compliance, Sponsored Programs...
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and Research Compliance, and the Office of e-Learning. Specific compliance
goals/projects with Committee members may originate during meetings.

❖ University committee service

• ADA Coordination Workgroup
• Athletics Title IX Review Board
• Clery Committee
• Drone Committee
• Employee Engagement/Cultural Competency Workgroup
• Health Insurance Portability and Accountability Act (HIPAA) Committee
• Information Technology Advisory Council (ITAC)
• Institutional Research Board (IRB)
• Institutional Animal Care and Use Committee (IACUC)
• IRM – Regulatory Compliance Workgroup Chair
• IRM – IT Workgroup
• IRM – Campus Climate Workgroup
• Title IX Advisory Committee

In-Progress Projects

❖ IT policy approval process

In conjunction with ITS, clarify state-level procedures for approving university IT policies.

❖ Athletics investigations

In conjunction with Athletics, review investigatory procedures for compliance and best
practices.

❖ State authorization – internship tracking

In conjunction with Office of e-Learning, review university-wide procedures for tracking
out-of-state student internships to ensure compliance with SARA (State Authorization
Reciprocity Agreement).

Policy

Policies address issues with university-wide impact, can ensure compliance with external
standards, and create internal mechanisms for achieving operational goals. The policy function
of the Program focuses on the ongoing review and updating of existing policies, as well as the
creation of policies to respond to new legal requirements and/or emerging higher education
issues.
Completed Reviews

- 02.200 Harassment Prevention
- 02.210 Harassment Resolution
- 02.230 Equal Opportunity and Affirmative Action

In conjunction with the Interim Associate Vice Chancellor for Human Resources, existing harassment and misconduct policies were reviewed and updated. Ultimately, a new policy was created to combine and replace two existing policies—Harassment Prevention Policy (02.200) and Harassment Resolution Procedures (02.210). New policy 02.205 clarifies types of prohibited misconduct, complaint, and appeal procedures for all university constituents. Misconduct definitions and processes reflect recent legal developments and are consistent with other related university policies.

Revised Policy 02.230 provides a roadmap of complaint procedures based on student/staff status and type of misconduct, for example, complaints of discrimination based upon a protected class. This Policy may serve as a clear, comprehensive reference for university constituents as to how to report various policy violations.

- 04.150 Student Records (FERPA)

Minor revisions to reflect students’ rights to request outcomes related to certain misconduct proceedings, as required by institution Program Participation Agreement.

- 04.130 Student Gender-Based/Sexual Misconduct

Annual review for compliance and best practices.

- Human Resources: Recruitment and Employment
  - 08.110 Recruitment and Selection
  - 08.120 Secondary Employment
  - 08.130 Employment of Temporary SHRA Employees
  - 08.135 Supplemental Payments for UNCW Employees
  - 08.140 Reduction in Force
  - 08.150 Verification of Academic Credentials
  - 08.151 Background Checks
  - 08.160 Employment of Students
  - 08.180 Voluntary Service on Campus
  - 08.190 Anti-Nepotism

  Periodic review for compliance and best practices.

- Human Resources: Leave
  - 08.220 Voluntary Shared Leave
  - 08.210 Time Keeping
  - 08.211 Compensatory Time (Overtime)
• 08.215 Holidays
• 08.220 Voluntary Shared Leave
• 08.226 Family Illness Leave
• 08.216 Other Leave

Periodic review for compliance and best practices.

New Policies

❖ 05.360 Service Animals, Emotional Support Animals, and Pets

In conjunction with the Associate Vice Chancellor for Student Affairs and the Director of the Disability Resource Center, this policy was created to address the growing number of requests for animals on campus and in campus housing and establish a legally compliant stance in light of recent federal guidance and litigation under the Americans with Disabilities Act and Fair Housing Act.

❖ 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct

Combines and replaces two existing policies—Harassment Prevention Policy (02.200) and Harassment Resolution Procedures (02.210). New policy 02.205 clarifies types of prohibited misconduct, complaint, and appeal procedures for all university constituents. Misconduct definitions and processes reflect recent legal developments and are consistent with other related university policies.

In-Progress Reviews/Revisions

❖ 02.100 Protocol for Establishing Policies and Procedure

Planned revision of Policy 02.100, Protocol for Establishing Policies and Procedures. The separation of the procedural aspect of policy creation from Policy 02.100 will allow the University to incorporate revisions and best practices more readily into a procedure document without having to make further changes to the Policy. The University will continue to utilize this method in future policies to ensure that policies are not rendered out-of-date by mere changes in business processes. A pre-determined timeline, tracking method, and identification of stakeholders from whom feedback is required will help to ensure the timely administration of the policy process. Newly issued and revised policies will carry a three-year expiration to ensure regular review.

❖ 03.380 Institutional Review Board Policy

In conjunction with the Research Compliance Manager, revise Policy 03.380 to ensure compliance with recently updated regulations, and to create “standard operating procedure” documents.
04.190 Disability Accommodations for Students

In conjunction with Director of Disability Resource Center, review existing processes and grievance procedures.

02.220 Improper Relationships Between Students and Employees

In conjunction with HR, review for compliance and clarify university stance.

08.540 Workplace Violence Policy and Protocol

In conjunction with HR, review for compliance and update per revised State policy.

02.340 Freedom of Expression by Non-University Individuals or Groups

In conjunction with Office of the Dean of Students, review for compliance and best practices.

Planned Policies

0_._._. Disability Accommodations for Staff

In conjunction with Human Resources Staff, create new policy to address accommodation request procedures, standards, and grievance processes.

0_._._. Unmanned Aerial Vehicles (Drones)

In conjunction with SPARC, create new policy to address parameters for obtaining and flying UAVs; develop processes for risk management (e.g., insurance requirements, liability waivers); address use of drones by various constituencies (e.g., faculty, student organizations, third parties).

Ethics

UNCW’s existing commitment to an ethical workplace culture is embodied in Policy 02.310, Ethics. Ethical conduct includes legal compliance in addition to abiding by professional standards and codes of conduct, and applies to all members of the university community in all of its academic and administrative operations. The ethics function of the Program seeks to ensure: (i) reporting processes are available and made known, (ii) subject-specific policies contain appropriate ethical standards, and (iii) accountability exists.

No ethics-related issues have been reported within the Compliance program from July 2016 – to March 2017.

In conjunction with the Chief Audit Executive, General Counsel, and Research Compliance Manager, the need for updating UNCW’s conflict of interest policy (03.230) and procedures is currently being reviewed.
Other

- Website development

A compliance website, housed within the Office of General Counsel site, is under development and nearing completion. The website describes each of the Program’s pillars (compliance, policies, and ethics) and contains compliance-related resources, such as compliance calendars, information on policy development, and how to report ethical concerns.

- Anticipating federal regulatory changes / deregulation

I continue to monitor developments at the federal level that may signal regulatory changes or deregulation impacting the university’s compliance obligations. One method of effective deregulation used by the Trump administration is to cease enforcement of significant agency guidance (i.e., Department of Education guidance on public school bathrooms). This method creates room for states to develop their own policies.

The expected confirmation of Labor Secretary Acosta may lead to additional regulatory action on Fair Labor Standards Act overtime requirements.

- Trainings

As the compliance website nears completion, I plan to devote time to assessing existing departmental trainings and any unmet needs.