UNCW’s Coordinated Compliance, Policy, and Ethics Program

Annual Update
July 2016 – April 2017

Jim Koebel
Assistant General Counsel for Compliance
Overview

Compliance Program Pillars

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Policy</th>
<th>Ethics</th>
</tr>
</thead>
</table>

**Compliance** – Includes legal and operational obligations. Primarily encompasses legal obligations with a reporting or filing deadline, but also addresses day-to-day legal standards.

**Policy** – Addresses issues with university-wide impact, can ensure compliance with external standards, and create internal mechanisms for achieving operational goals. 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.

**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. Seeks to ensure: (i) reporting processes are available and made known, (ii) subject-specific policies contain appropriate ethical standards, and (iii) accountability exists.
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.
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. 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 and Research Compliance, and the Office of e-Learning.

▶ University Committee Service
In-Progress Projects

- **IT Policy Approval Process**
  Clarify state-level procedures for approving university IT policies.

- **Athletics Investigations**
  Review investigatory procedures for compliance and best practices.

- **State Authorization – Internship Tracking**
  Review university-wide procedures for tracking out-of-state student internships to ensure compliance with SARA (State Authorization Reciprocity Agreement).
Completed Reviews

- **02.200 Harassment Prevention / 02.210 Harassment Resolution**
  Combined and replaced with new Policy 02.205, Unlawful Discrimination, Harassment, and Sexual Misconduct, which 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.

- **02.230 Equal Opportunity and Affirmative Action**
  Provides a roadmap of complaint procedures based on student/staff status and type of misconduct.

- **04.150 Student Records (FERPA)**
  Revised to reflect students’ rights to request outcomes related to certain misconduct proceedings, as required by Program Participation Agreement.

- **04.130 Student Gender-Based/Sexual Misconduct**
  Annual review for compliance and best practices.

- **Various Human Resources recruitment, employment, and leave policies**
  Review for compliance, current processes, and best practices.
New Policies

- **05.360 Service Animals, Emotional Support Animals, and Pets**
  
  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**
  
  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 Procedures** ("Policy on Policies")
  
  Separate the *procedural* aspect of creating policies from the Policy. 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.

- **03.380 Institutional Review Board Policy**
  
  Revise to ensure compliance with recently updated regulations, and create “standard operating procedure” documents.

- **04.190 Disability Accommodations for Students**
  
  Review existing processes and grievance procedures.

- **02.220 Improper Relationships Between Students and Employees**
  
  Review for compliance and clarify university stance.

- **08.540 Workplace Violence Policy and Protocol**
  
  Review for compliance and update per revised State policy.

- **02.340 Freedom of Expression by Non-University Individuals or Groups**
  
  Review for compliance and best practices.
Policy

Planned Policies

- 0___.___ Disability Accommodations for Staff
  Address accommodation request procedures, standards, and grievance processes.

- 0___.___ Unmanned Aerial Vehicles (Drones)
  Address parameters for obtaining and flying UAVs; address use of drones by various constituencies (e.g., faculty, student organizations, third parties); develop processes for risk management (e.g., insurance requirements, liability waivers).
Ethics

Reported Issues

- No issues reported within the Compliance Program.

Conflict of Interest

- Reviewing need to update conflict of interest policy (03.230) and procedures.
Website Development

- Compliance website is approaching ‘go-live’ date
- Contains description of the program and contains related resources, such as compliance calendars, policy development information, and ethics reporting methods

Regulatory Changes / Deregulation

- Anticipating regulatory action
- Potential for additional unenforced federal guidance

Subject Matter Trainings

- Plan to focus attention on assessing departmental trainings and any unmet needs

Other Legal Issues