



University Operating Procedure

Government Reviews

Overview

It is the practice of the University of Vermont to cooperate with all lawful inquiries, inspections, audits, and investigations conducted by federal, state, or local government regulators (Government Reviews). This Operating Procedure outlines the steps that must be taken by University personnel when they are notified of the initiation of a Government Review.

Note: Government Reviews do not include:

- accreditation visits or monitoring activities conducted by accrediting bodies
- regularly scheduled and routine monitoring visits or inspections conducted by industry sponsors or other non-governmental agencies
- peer reviews and other programmatic site visits related to sponsored agreement awards or renewals
- routine facilities visits by the State Health Department or any local Fire Marshal
- routine communications between a government agency and the University received in the course of regular business activities, performance of a sponsored project, or a collaborative or cooperative effort
- routine communications between elected officials or their staff and the University's directors of federal, state, or community relations

Procedures

Subpoenas and Warrants

If you receive a subpoena for documents or testimony, or a warrant, at or regarding UVM, you must follow these procedures:

A *subpoena* for documents or testimony must be relayed immediately to the Office of the General Counsel.

If a *search warrant* is served, you must contact the Office of the General Counsel immediately. Arrest warrants fall within the jurisdiction of UVM Police Services.

In the event that a search warrant or subpoena is presented, refer to the policy on Subpoenas, Complaints, Warrants and other Legal Documents for more information.

Agency Written Notice of Initiation of an Inspection, Audit or Investigation

If you receive written notice from a government agency of its initiation of an inspection, audit or investigation, you must contact the Office of Compliance Services (“Compliance Services”) immediately.

Campus Visit of a Government Agent without Advance Notice

If someone appears in your office or laboratory announcing the initiation of an inspection, audit or investigation, follow these steps:

1. Request identification from the individual and a copy of any document stating the purpose of the visit.
2. Ask the individual to wait in a comfortable (and preferably non-public) space while you secure a Compliance Services official to assist the agent. If someone is not immediately available from Compliance Services, contact the Office of the General Counsel.
3. Do not produce any documents to the agent or allow a site inspection pending the arrival of a Compliance Services official or a General Counsel Office attorney.

Government Reviews

Compliance Services is responsible for coordinating the institutional response to Government Reviews. As an aspect of its coordination responsibilities, Compliance Services communicates on an ongoing basis about the status of a government review with the Office of the General Counsel, the Office of Audit Services, the Vice President for Executive Operations, the Director of Risk Management & Safety, and any other such University official(s) who have responsibility for the area/subject matter under review. In consultation with those offices, for each Government Review Compliance Services designates a Contact Person. The Contact Person will most often be the University Official responsible for regulatory compliance at the operational level or their designee.

Compliance Services is responsible for reporting periodically to the Audit Committee of the Board of Trustees on the status of Government Reviews that meet the threshold of a reportable review as determined by the Audit Committee.

Most government reviews will follow a standard format which includes (i) an “entrance conference”, (ii) the actual audit, review or inspection, (iii) an exit conference and, (iv) the issuance of a findings report.

1. Entrance Conference

In the event that an entrance conference is not automatically scheduled, the Contact Person should seek to schedule an “entrance conference” with the agency representative(s). The purpose of the conference is for the University to ascertain the purpose of the inquiry, its scope, timetable and the like. The Contact Person should invite Compliance Services and the Office of General Counsel to attend the entrance conference.

2. Audit/Review/Inspection

This step in the process is generally where the agency representative will review documents and data, inspect physical space(s) and conduct interviews with personnel. The Contact Person is principally responsible for managing and overseeing this process. It is common for agency representatives to provide immediate feedback during the course of the review. The Contact Person must immediately notify Compliance Services and the designated attorney representing the Office of the General Counsel of any preliminary substantive findings or comments generated by the regulatory agency.

a. DOCUMENT REVIEW:

All requests from regulators should be in writing or otherwise memorialized. Copies of all regulatory requests for information should be provided promptly to Compliance Services and the assigned attorney from the Office of the General Counsel. Both offices will review the proposed University response before the information is provided to the government agency. The Contact Person should maintain copies of any documents or data and an inventory of information provided during the course of the review.

b. INTERVIEWS:

The Contact Person must notify Compliance Services regarding the scheduling of any interviews requested by the agency. The University may require that a representative from the Office of the General Counsel or Compliance Services attend any visits, interviews, or meetings.

c. WALKTHROUGHS AND PHYSICAL SPACE:

The Contact Person or designee is responsible for accompanying the regulators on any walk-throughs in University facilities. The Contact Person is also responsible for arranging that agents have adequate, secure, office space in which to work on campus.

3. Exit Conference

Upon notification of the completion of the audit/review/inspection, the Contact Person should schedule an “exit conference” with agency representative(s) and appropriate University personnel. The Contact Person should invite Compliance Services and the Office of General Counsel to attend the entrance conference.

4. Final Report; Sanctions

If a final report is issued by the agency, the Contact Person must immediately convey a copy to Compliance Services and the Office of the General Counsel. If sanctions will be imposed, the University's response to the findings and sanctions, as well as any plans for remediation of non-compliance, will be developed by the senior official responsible for the administrative or academic unit in which non-compliance occurred, in consultation with Compliance Services and the Office of the General Counsel.

Communications & Documentation

The Vice President for Executive Operations is responsible for coordinating with UVM Communications any communications regarding the Government Review or its outcome.

Compliance Services shall maintain summary data related to open and closed Government Reviews. It will make this information available upon request to the General Counsel, Chief Internal Auditor, or the Vice President for Executive Operations.

Contacts/Responsible Official

Questions related to the daily operational interpretation of this procedure should be directed to:

Office of Compliance Services
(802) 656-3086

The Vice President for Executive Operations is the official responsible for the interpretation and administration of this procedure.

Forms

None

Related Documents/Policies

Records and Documents Requests

http://www.uvm.edu/policies/general_html/records_request.pdf

Records Management and Retention

http://www.uvm.edu/policies/general_html/recordretention.pdf

Subpoenas, Complaints, Warrants, and other Legal Documents

http://www.uvm.edu/policies/general_html/subpoenas.pdf

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