little c vs. BIG C Compliance

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Office of Compliance Services
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What?

compliance
noun | com-pli-ance | (kom-pli-ons)

Full Definition of COMPLIANCE

1 a: the act or process of complying to a desire, demand, proposal, or regimen or to coercion
b: conformity in fulfilling official requirements
c: a disposition to yield to others
d: the ability of an object to yield elastically when a force is applied: FLEXIBILITY

Integrity is doing the right thing even when nobody is watching.
C.S. Lewis
little c vs. BIG C compliance

little c Compliance

BIG C Compliance

Operations

**RED RULE:**
FERPA

**BLUE RULE:**
Don’t share your password

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**Affirmative Action/Equal Employment Opportunity**
- Lilly Ledbetter Fair Pay Act of 2009
- Regulation & Electronic Fund Transfers

**Occupational Safety and Health Act of 1970 (OSHA)**
- Tuition Payment Credit Reporting Requirements

**Higher Education Act**
- Title IV of the Higher Education Act of 1965
- Bankruptcy Abuse Prevention & Consumer Protection Act of 2005
- The Family and Medical Leave Act of 1993
- Byrd Amendment (Lobbying)
- Equal Employment of Veterans
- Equity in Athletics Disclosure Act
- Fair Credit Reporting Act (FCRA)
- Export Controls
- Federal Unemployment Tax Act
- Emergency Planning and Community Right to Know Act (EPCRA)
- Affordable Care Act
- Technology Education and Copyright Harmonization Act (TEACH ACT) of 2002
- Immigration and Nationality Act
- Sherman Antitrust Act of 1890
- Genetic Information Nondiscrimination Act of 2008
- Americans with Disabilities Act
- Sarbanes-Oxley Act of 2002 (SOX)

**Title IX of the Education Amendment of 1972**
- Drug Free Schools and Communities Act
- Clery Act
- Unrelated Business Income Tax
- Title VI of the Civil Rights Act of 1964
- Family Educational Rights and Privacy Act (FERPA)
- Equal Pay Act of 1963
- Digital Millennium Copyright Act (DMCA)
- Campus Sex Crimes Prevention Act
- Trading with the Enemy Act

**Higher Education Opportunity Act**
- Uniform Guidance
- E-Verify
- Federal Insurance Contributions Act (FICA)
- Truth in Lending Act
- NCAA
- HIPAA
- Byrd Amendment (Lobbying)
- Copyright Term Extension Act
- Social Security Act
- Clayton Antitrust Act of 1914
- Small Webcaster Settlement Act of 2002
- Age Discrimination in Employment Act of 1965
- Anti-Kickback Act of 1986
- Sarbanes-Oxley Act of 2002 (SOX)

**Section 504 of The Rehabilitation Act of 1973**
What It Means

• little c and BIG C compliance both impact how we do our jobs.
  • Submitting research data
  • Disclosing conflicts of interest/commitment
  • Handling hazardous materials
  • Securing controlled substances
  • Following lab safety procedures
  • Processing student financial aid
  • Protecting civil rights

• Compliance Burden & Cost of Compliance
• Regulations, Enforcement and Funding
How We Do It...

Your Compliance Program
1.877.310.0413

Help Line
Ethics and Compliance Reporting and Help Line
877-310-0413

Non-Retaliation
Anonymous
Tessa Lucey
Director of Compliance
Office of Audit & Compliance Services
6-0847
1-877-310-0413
WHAT WE DO:
We work closely with members of the University community to promote an institutional culture of compliance. Among other things, a culture of compliance allows us to prevent and effectively address violations of law, regulations and University policy and protocols.

SERVICES WE PROVIDE:
- Consultations
- Post-Incident Follow-Up
- Training
- Regulatory Updates
- Table-Top Exercises/Mock Inspections
- HelpLine Monitoring
- Policy Development, Review, Consultation
- Process Review/Compliance Tools
When To Call Us:

- When you’re having difficulty with or have questions about the process for complying with a regulatory requirement or policy.
- When you suspect “wrongdoing”. Examples of wrongdoing include, but are not limited to, breaking the law, not following University policy, committing fraud, behaving unethically or dishonestly and that behavior results in violations to the law or University policy.
- When you reported wrongdoing to a manager or supervisor and your reports are being ignored.
- When you suspect wrongdoing but fear retaliation if you report it.
- When you have faced retaliation after you reported suspected wrongdoing.
- When you want to make an anonymous report.
- When you have reason to believe wrongdoing is occurring but feel you have nowhere else to go.
- When you’re not sure if an activity is considered wrongdoing or not.

EXAMPLES:

CONSULTATIONS: “I heard that _______ regulation just changed. Do we need to change our process or do any additional training?” OR “How will this affect us?”

TABLE-TOP EXERCISES/MOCK INSPECTIONS: “What would it be like if the Department of Education came in to look at our process for _________?”

POST-INCIDENT FOLLOW-UP: “As part of its routine review, the Environmental Protection Agency came in and they identified three findings. Can you review our response and help us develop our corrective action plan?”

HELPLINE MONITORING: “I’m not sure if we’re violating a regulation or anything but _________ seems a little fishy. Can you look into this for me?” OR “I suspect that we’re violating the _________ Act and would like someone to look into this further.”

TRAINING: “We just learned that our professional licensing organization requires that we provide training to our staff. Can you help us develop something that will satisfy the regulatory requirement?”

POLICY DEVELOPMENT, REVIEW, CONSULTATION: “I was just at a conference and one of the presenters said that we’d be crazy not to have a policy addressing _________. I’m not sure if we actually need it. Can you help?” OR “These regulatory requirements are getting out of control. Just tell me what I have to do.”

PROCESS REVIEW: “There are a lot of steps to this process. Is all of this really required or can we just do it differently?” OR “I need some help. Can you provide some tools and resources to make compliance easier?”
WHAT IS A CULTURE OF COMPLIANCE?

An environment that supports adherence to the law and institutional policies and procedures. It is a culture that puts doing the right thing ahead of everything else. It sets the tone for expectations and it encourages and rewards ethical behavior.

Why Do We Need It?

November, 2015
University of Florida fined $19,875,000 for HHS grant overcharges.

November, 2015
A Duke researcher engaged in misconduct and in a settlement agreement, he received: a 5-year exclusion from federally funded research, retracted papers and other sanctions.

August, 2015
Northeastern fined $2,700,000 for NSF grant overcharges.

2008, John Roth
University of Tennessee sentenced to 8 years in prison for Export Control violations.

In 2016, 200+
Universities under investigation by DOE OCR for Title IX compliance related to campus sexual assaults.
What Are Some Of The Benefits?

An effective compliance program encourages collaboration and communication. It recognizes that we are all in this together and our actions (or inactions) can impact others.

In the event of a violation, an effective compliance program is one of the few things that can reduce and even prevent fines, penalties and criminal prosecution.

Your program provides a reporting HelpLine. The HelpLine allows you to report or to get additional information without the fear of retaliation. It also allows you to report anonymously.

How Do We Get There?
The “Seven Steps” of An Effective Compliance Program

I. Written Standards and Procedures  
II. Designate a Compliance Officer and Committee  
III. Avoid Delegation of Authority to Unethical Individuals  
IV. Education & Training

V. Reporting, Auditing & Monitoring  
VI. Enforcement & Discipline  
VII. Response & Prevention

Contact the Compliance Office at 656-3086 or email compliance@uvm.edu

THREE OPTIONS FOR REPORTING COMPLIANCE CONCERNS

OPTION I: Report using your existing supervisory structure.

OPTION II: Check the policy. Report the issue using the guidelines specified in the policy.

OPTION III: Report to the Office of Compliance Services

HELPLINE REPORTING

What can you expect after you make a report to us??

There are five different ways to report under this option.

1) CALL US: Direct call to Compliance at 6-3086, 6-0847, or 6-1398
2) COME VISIT US: Stop by at B159, Billings Library Lower Level
3) SEND US AN EMAIL: To the department mailbox at compliance@uvm.edu
4) WRITE TO US: Send regular or interoffice mail to: Audit & Compliance Services, P159, 48 University Place, Burlington, VT 05405
5) USE THE HELPLINE: 877-310-0413

Using the Helpline is easy and confidential.

The HelpLine is available 24 hours a day, 365 days a year. It is monitored by an outside company and you have the option to report anonymously or to identify yourself.

Call Toll-Free: 877-310-0413

Report Online at:
https://secure.ethicspoint.com/domain/media/en/gui/24544/

The circumstances of each report will determine how the investigation proceeds. While each report is handled on a case-by-case basis, you can expect:

Each report is treated as CONFIDENTIAL
Individuals reporting in good faith are afforded PROTECTION FROM RETALIATION
All compliance reports get some level of INVESTIGATION
All individuals reporting receive some level of COMMUNICATION & FEEDBACK (it is your responsibility to safeguard your PIN and to periodically check back for updates)

All reports that have been substantiated will have a CORRECTIVE ACTION PLAN which will be determined based on the findings.

FOR MORE INFORMATION
Ethics and Compliance Reporting & Helpline FAQs: http://www.uvm.edu/~complian/?Page=helplineFAQ.html