OFFICE OF COMPLIANCE SERVICES
UVM.EDU/POLICIES

UNIVERSITY OPERATING PROCEDURE

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Title: 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.

For the purpose of the UOP, Government Reviews do not include:

- accreditation visits or monitoring activities conducted by accrediting bodies – contact the Office of the President.
- regularly scheduled and routine monitoring visits or inspections conducted by industry sponsors or other non-governmental agencies – contact Research Administration and Integrity.
- peer reviews and other programmatic site visits related to sponsored agreement awards or renewals – contact Research Administration and Integrity.
- routine facilities visits by the State Health Department or any local Fire Marshal – contact the Division of Safety and Compliance.
- 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 – contact Research Administration and Integrity.
- routine communications between elected officials or their staff and the University's directors of federal, state, or community relations – contact University Relations.

Applicability of the Procedure

This Operating Procedure applies to all employees of the University of Vermont.

Definitions

None

Procedures

Subpoenas and Warrants

If you receive a subpoena for documents or testimony, or a warrant, at or regarding UVM, you must follow the procedures specified in UVM's Subpoenas, Complaints, Warrants, and other Legal Documents UOP.

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 Law Enforcement Government Agent without Advance Notice

If the government agent is from a government law enforcement agency such as Immigration and Customs Enforcement (ICE), the Federal Bureau of Investigations (FBI), the Drug Enforcement Agency (DEA), U.S. Customs and Border Protection officers (CBP), or the Vermont State Police, contact UVM Police Services Dispatch at (802) 656-3473 immediately. Refer to UVM's Subpoenas, Complaints, Warrants and Other Legal Documents Policy for more information.

Campus Visit of a Non-Law Enforcement Government Agent without Advance Notice

If a government agent from a non-law enforcement regulatory agency such as the Vermont Department of Health (VDH), the Environmental Protection Agency (EPA), or the federal or state Occupational Safety & Health Administration (OSHA or VOSHA) appears in your office or laboratory during normal business hours 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.

If the government agent appears outside of normal business hours, respectfully request that they come back during normal business hours. If this is not possible, contact UVM Police Services Dispatch at (802) 656-3473.

Non-Law Enforcement Government Agency Reviews

Compliance Services is responsible for coordinating the institutional response to Government Reviews from non-law enforcement agencies. 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 Chief Safety and Compliance Officer, the Director of Risk Management, and any other such University official(s) who have responsivity 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 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 agency representatives should be in writing or otherwise memorialized. Copies of all 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 agency representative. 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 agency representatives 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 provide a copy of the report 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 Chief Safety and Compliance Officer 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 Chief Safety and Compliance Officer.

Contacts

Questions concerning the daily operational interpretation of this UOP should be directed to the following:	
Title(s)/Department(s):	**Contact Information:**
Office of Compliance Services	(802) 656-3086

Forms/Flowcharts/Diagrams

- None

Related Documents/Policies

- Records and Documents Requests Policy
- Records Management and Retention Policy
- Subpoenas, Complaints, Warrants, and other Legal Documents Policy

Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

About This Procedure

Responsible Official:	Chief Safety and Compliance Officer	**Approval Authority:**	Chief Safety and Compliance Officer
Affiliated Policy Number(s):	None	**Effective Date:**	July 5, 2016
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