



compliance counts

a publication from the office of compliance services



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What is compliance anyway?

Sometimes the best way to explain "compliance" is to describe what it isn't. Compliance is not *"something that we have to do"*. Compliance is a *"way we do things"*. It is not the what... rather, it is the how. It is a culture. It is the collective "we" doing things the right way all of the time.

Your Code of Conduct ("Code") is the backbone of your compliance program. It is one tool that you can use to help when you're in a difficult situation or you're faced with a difficult decision. It provides you with a mechanism to report suspected wrongdoing without the fear of retaliation or retribution. Through the Code, you can report anonymously. And, by having the Ethics and Compliance Reporting and Help Line monitored by an outside company, the highest possible level of confidentiality is achieved. While the Office of Compliance Services is responsible for the day-to-day oversight of the compliance program, the compliance program as a whole is what you make of it.

Compliance allows the University and everyone affiliated with the University to address risk areas proactively (before a violation occurs) rather than reactively (after it's already happened).

In other words, we don't have to be spending all of our time stomping out forest fires. With an effective compliance program, you instead blow out the match.



New Staff Stories Contest!!!

See page 6 for details – winners eligible for a prize!!



Meet Tessa Lucey

University of Vermont's new Director of Compliance Services

I am originally from western Massachusetts and lived in the Boston area from 1996 until June of this year. When I think about my career in compliance, it's really not that surprising that I ended up doing what I do. I was always the kid who got anxious when others were doing things they shouldn't be doing. And, being the only girl with three older brothers, there was a LOT of rule breaking going on. My brothers gave me early experience in compliance.

I played a lot of sports growing up. I was also the "class clown" and loved to make people laugh. Little did I know how important sports and comedy would be in my career. I played basketball in college and beyond. I performed improv comedy in Boston

for several years. It may seem somewhat contradictory for a compliance officer to do comedy; however, for me, it worked. The combination of sports and improv really ingrained in me the relevance of teamwork, the notion that "we're all in this together", and the importance of saying "yes and".

Certain attributes of an effective compliance office are that (i) the office has to work closely with others, (ii) it can't be the "office of no" — otherwise, nobody would ask us anything — and, (iii) we have to have just the right level of cautiousness to always be on the lookout for risks and where we can improve. I'm quite lucky that there's actually such a thing as a compliance officer and even luckier that I found

this career... or, should I say, it found me.

I got into compliance either by accident or by default. In 1998 the COO of the company I was working for approached me and said the "feds" just came out with compliance guidance for healthcare providers. This guidance talked about a "compliance officer" and he thought I should give it a shot. He said, "This compliance officer thing... I think you'd be good at it." Or maybe he couldn't find anyone else who wanted it?? Whatever the reason, that was the beginning of me as a compliance officer.

I held a few compliance officer positions and when HIPAA came out, I

"This compliance officer thing... I think you'd be good at it."

also became a privacy officer. I started my own consulting company and did that for a few years. When my wife and I started thinking about starting a family, we decided that the 24/7 requirements of owning your own business did not fit into our life plans. I, then, went back to work as a compliance officer.

So, how did I end up at UVM?? Plain and simple... it's about family and quality of life. We have two sons ages 6 and 3. We have three nephews in

Burlington and they're 10, 7 and almost 2. My in-laws also live close by. I had grown up close to my cousins and grandparents... I wanted that for my kids. Not for nothing... it's also gorgeous up here. We spent enough time visiting here that we knew it was someplace we could live. So, I started keeping my eyes open for job opportunities. Then, the stars aligned and I saw this job posting. We moved to Burlington in June and we couldn't be happier. I am looking forward to



advancing UVM's compliance program and to doing my part to support and enhance Our Common Ground. Thanks for having me!!

policy spotlight

In policy spotlight, we focus on relevant and timely policies. It is everyone's responsibility to read and understand the policies that pertain to their job. If you don't understand them or have questions, let your manager or supervisor know. You can always contact the office of compliance services for help with anything policy-related.



UOP: Undergraduate Student Employment and Federal Work Study

Back to school means back to work for many of our undergraduate students. Departments across campus welcome student employees whose employment helps not only short-staffed departments, but also provides positive work experiences to undergrads and graduate students to prepare them for their future careers.

This year the Student Employment Office (SEO) completed a University Operating Procedure outlining departmental responsibilities for employing undergraduate student employees. This procedure addresses both work study (Federal Work Study, or FWS, employees) and non-work study student employees.

The procedure describes departmental responsibilities for:

- Recruitment and Selection
- Onboarding, Orientation, and Work Expectations
- Entering and Approving Time Worked
- Performance Management
- Termination or Transition

For the full UOP see: [Undergraduate](#)

[Student Employment and Federal Work-Study](#)

Visit the SEO website and the Student Employment Handbook for more information on hiring students.

Hiring departments should also be familiar with these additional policies and procedures when working with student employees:

- [Student Alcohol and Other Drug](#)
- [Amorous Relationships with Students](#)
- [Campus Security Authority \(CSA\) – Designating and Reporting by](#)
- [Disability Certification, Accommodation and Support – Students](#)
- [Sexual Harassment and Misconduct](#)

There are many reasons why this UOP is important. In addition to the multitude of labor laws that the University is responsible for complying with, the University is responsible for complying with additional requirements specifically related to our FWS employees. Failure to comply with these rules puts our eligibility to participate in this program at risk. In addition to putting our FWS participation in jeopardy, if we fail to follow the

procedures outlined in this UOP, the University could also face fines and penalties.

If you have any questions about this policy or if you have suggestions on improving the process, contact Mary Anne McClements, Director of Student Employment Office at student.employment@uvm.edu. You can always contact the office of compliance services with questions or concerns related to any University activity.



The office of compliance services is responsible for maintaining the policy website. The responsible official, typically a University Vice President, is responsible for policy content.

Reporting and Non-Retaliation

An element of your compliance program is a robust reporting system that allows confidential reporting and provides protection against retaliation for making a report.

Retaliation basically means revenge. Retaliation would be if someone filed a report and, because of the report, that person was harassed, ridiculed, treated unfairly, poorly or otherwise disciplined. Your compliance program protects you against this. In addition, there are whistleblower laws that also protect people from retaliation. Any form of retaliation will not be tolerated. We take this very seriously.

There are many ways that you can report non-compliance or suspected non-compliance. You can use existing chains of command. You can contact a member of senior management. You can call the Office of Compliance Services directly. Or, you can use the confidential Ethics and Compliance Reporting and Help Line by calling (877) 310-0413 or by visiting:

<https://secure.ethicspoint.com/domain/media/en/gui/24544/index.html>

The Help Line accepts anonymous reports and is monitored by an outside company in order to maintain the highest level of confidentiality. If you say “anonymous”, nobody at UVM gets any of your contact information. While the reporting

mechanisms are most often used for actual reports, not all “reports” come in the form of, “Johnny Q. Public is breaking the law.” In fact, the compliance office often fields questions regarding the appropriateness or feasibility of a particular action or process. The reporting mechanisms are also used for reporting retaliation.

The bottom line is that if you see something, hear something or just think that something may not be right, let us know. If you don’t understand a policy or procedure or you’re not sure one exists, let us know. Use any of the reporting mechanisms... whatever you’re comfortable with. But, don’t bury your head in the sand and think it’s going to go away. Tell someone.

HelpLine: (877) 310-0413

chatter

In this section, we will go into a little more detail about a variety of selected topics designed to get people thinking about situations a little differently. If there is a black & white answer, we’ll give it. If not, we’ll try to explain the gray. Whenever possible, we will give real life examples. If you have a topic you’d like to see included, let us know. As always, individual identifying information will never be published without permission.

Recently, a question came into our office relating to UVM’s [Fire Safety policy](#). More specifically, a staff member was wondering how to handle a situation where the policy says that an action is prohibited but it seems as if people are turning a blind eye to it. The staff member asked, “What are we supposed to do?”

This is a perfect example of the type of situation our [Statement of Commitment and Expectations in the Workplace](#) is designed to address and what is enforced by [Our Common Ground](#). We are all in this together... and, we all must recognize that policies and procedures are in place for a reason. Even if “it’s always been done” that way or you hear “what’s the big deal”, there is a reason and it could be a big deal. Here’s why...

For this specific example, our Fire Safety

policy states the following:

“Exterior fire escapes are designed for egress only and must remain free of obstruction. For this reason, exterior fire escapes shall not be used for building entry, recreation, photography, academic demonstrations or other non-emergency related functions. The University’s Fire Marshal may grant exceptions to this for official University functions.”

That is UVM’s policy. Fire escapes are not to be used for any other reason than to get out of the building in an emergency or if UVM’s Fire Marshal grants an exception for official UVM functions. But that is it. Those are the only times that fire escapes should be used.

Google “falling from fire escape” and you’ll find stories upon stories of people getting injured (even fatally) falling from

fire escapes. We have an obligation to minimize that risk. Put yourself in the shoes of someone who gets the call that their loved one fell off the fire escape. What if you saw that person climbing up there and you didn’t say anything? Or, you didn’t notify Campus Police?

There may be a multitude of reasons why someone would “want” to climb a fire escape. But, the policy is there because we need to make our campus as safe as possible for everyone.

Through UVM policy and values, we ask that you say something... either to the person climbing the fire escape or to Campus Police. Can these violations be reduced to zero? Probably not. But, you should understand why UVM has this policy and what the risks are if it’s violated.

Mistakes



We all make them. But, it's what we do AFTER we discover our mistakes that defines us. If that little voice tells you that something "may not be right" or if you KNOW something isn't right, don't keep it to yourself. Tell someone. Use existing chains of command, contact the Office of Compliance Services or use the Ethics and Compliance Reporting and Help Line at either 877-310-0413 or at <https://secure.ethicspoint.com/do-main/media/en/gui/24544/index.html>

You've got resources!!!!



Hear No Evil, See No Evil, Speak No Evil doesn't fit with a culture of compliance

We would rather hear something 100 times from 100 different people than to hear it once from a regulator, government agency or law enforcement. If it doesn't sit right with you, tell us.

Bringing It Back To Basics...

According to the Federal Sentencing Guidelines, an effective compliance program will contain seven basic elements. And, while the elements are listed as seven different items, when put together and operated effectively, a compliance program can run like a well-oiled machine. Leave one element out and the compliance program won't work like it's supposed to. So, what are these seven elements and how are these covered in our compliance program?

1. Standards and Procedures.

UVM's Code of Conduct can be found [here](#). We also have written policies and procedures – focusing on specific areas. Policies and University Operating Procedures (UOPs) can be found by clicking [here](#).

2. Education and Training.

Training on UVM's Code of Conduct is given during new employee orientation. In addition, areas with higher regulatory requirements perform training with applicable staff throughout the year. Recently, a member of the Office of Compliance Services began attending the Culture and Community segment of new employee orientation to present on the Code and the Compliance Program.

3. Oversight.

An effective compliance program will have a high-level individual assigned with the day-to-day responsibility for the compliance program. There should be operational independence for this position. At UVM, Tessa Lucey is the Director of Compliance Services. Administratively, Tessa reports to Bill Harrison, Chief Internal Auditor who reports directly to the Board of Trustees, giving the position the independence from operations that is critical to a compliance program. In addition, the Audit Committee of the Board of Trustees has authority and responsibility for the compliance program and its effectiveness. The day-to-day responsibility is delegated to Tessa.

4. Monitoring and Auditing.

Compliance monitoring is not to be confused with Internal Audit, which is a separate function at UVM. While this

description is admittedly oversimplified, Internal Audit looks at whether you're doing it the way you say you're doing it or the way you should be doing it. Compliance focuses on doing the right thing at all times and, if you've done something wrong, compliance will help fix it and reduce the risk of a repeat of the same mistake. Internal Audit will help make sure we're following our policies while Compliance will help make sure that we have the right policies and processes in place. Yes, there is cross-over and the two offices work together on identified issues; however, the functions of these two offices are very different. Click [here](#) for a more detailed explanation.

5. Reporting.

UVM has different reporting mechanisms in place to give employees options. Employees are encouraged to report using existing chains of command. When that is not possible (for whatever reason), employees can report to any member of leadership or can report to the Office of Compliance Services directly. And, employees also have the option of reporting through the Ethics and Compliance Reporting Help Line. Using the Help Line, employees have the ability to report anonymously. See "Reporting and Non-Retaliation" on page 4 for details.

6. Enforcement and Discipline.

Most UVM policies contain language relating to discipline for violations. An individual, or group of individuals, acting in bad faith or otherwise intentionally violating a law, regulation, policy, etc. can face disciplinary action.

7. Response and Prevention.

If it's determined that a regulation was violated or that a requirement was missed, we pull together a group of responsible individuals and fix it. In situations that rise to a certain level, we will work with the Office of General Counsel to self-disclose to the government. The compliance office works with key departments to make sure that we put policies, procedures and/or processes in place to reduce the risk of reoccurrence.



headlines

In this section, we will highlight pertinent news articles related to higher education, if applicable and timely, and we will provide additional information related to the content of this newsletter.

NBC News: [Busted! University of Michigan To Tell Parents of Alcohol Violations](#)

Boston Globe: [6 Ways Social Media Can Ruin Your Life](#)

Justice.gov: [Federal Grant Fraud Claims Settled with Wheeling Jesuit University](#)

Detroit Free Press: [Feds: MSU Mishandled Sexual Assault Cases](#)



Every day, people are faced with challenges and difficult situations. And, every day you and those you work with do things to uphold the values of UVM. This is your chance to tell those stories. All eligible submissions are entered into a drawing for a chance to win a prize.

Do you have a story about someone who acted in such a way that they inspired you? Or do you have a story about someone who exemplifies Our Common Ground?

Winners will be announced in the next newsletter*.

**Given the confidentiality of some matters relating to compliance and taking into consideration individual preference, stories will only be shared with permission and confidential or protected information will be removed.*

Send your story to compliance@uvm.edu for your chance to win a prize!!

Office of Compliance Services

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