



VCU

VIRGINIA COMMONWEALTH UNIVERSITY

Integrity and Compliance

Annual Report

2015



VCU

VIRGINIA COMMONWEALTH UNIVERSITY



VCU

VIRGINIA COMMONWEALTH UNIVERSITY

VCU

VCU

Table of Contents

Executive Summary.....	1
Ethics and Compliance Program Overview and Effectiveness Statement.....	7
FY 2015 Reported Concerns Analysis.....	16
Reported Concerns Overview.....	17
Report Intake Method	19
Reporter Type and Anonymity	21
Allegation Type	22
Report Outcome	24
Compliance Partner Updates	26
Office of Environmental Health and Safety	27
Office of the Ombudsperson	30
The Clery Act and the Violence Against Women Act	32
Title IX Program	34
Integrity and Compliance Office	37
Conflict of Interest Act	38
Culture Survey Highlights	40
Government Reviews	42
Policy Management	43
Risk Assessment Activities	45
Training and Education.....	46
Integrity and Compliance Office Effort Highlights	49
FY 2016 Compliance Initiatives Highlights.....	52
Acknowledgements	54
Appendix A—Culture Survey.....	56
Appendix B—FY 2016 Ethics and Compliance Program Initiatives	73

EXECUTIVE SUMMARY

Welcome to the Annual Report of VCU's Integrity and Compliance Efforts for fiscal year (FY) 2015. Since the creation of this Annual Report in 2012, the goal has been to enhance the content of the report each year; building on a solid foundation for an ethics and compliance program, modeled and supported by various regulatory drivers, industry best practices, and rooted in the Federal Sentencing Guidelines (FSG). This report now goes well beyond basic misconduct reporting statistics by providing a substantive report on universitywide integrity and compliance activities. Accordingly, this report will continue to be enhanced and presented to the Board of Visitors' Audit, Integrity, and Compliance Committee, the President and Cabinet, the Compliance Advisory Committee, and other audiences throughout the university community. All feedback and inquiries on the content and suggestions for future reports is welcome.

The purpose of this report is two-fold. One, to support the Board in fulfilling its obligation as the university's governing authority by providing the information needed on aspects of the university's integrity and compliance activities. This charge comes directly from the Federal Sentencing Guidelines and is addressed with the following language, "[The] Governing authority shall be knowledgeable of and exercise reasonable oversight with respect to the implementation and effectiveness of the ethics and compliance program" as well as from widely accepted governance practices. And, two, to assist with awareness and transparency throughout the university as related to ethics and compliance matters.

We hope you find that this report provides awareness of VCU's integrity and compliance activities, events, and resources. It is intended as a supplement to the established quarterly Board reporting and will permit more discussion time during scheduled meetings for highlights of timely activities and events throughout the year as is also expected by the FSG, "The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the ethics and compliance program, to the individuals referred to in a subparagraph (B) [the governing authority] by conducting effective training programs and otherwise disseminating information appropriate to such individuals' respective roles and responsibilities."

Current Landscape and Industry Trends

Ethics and compliance activities are intensifying in importance throughout all facets of industry. Institutions of higher education are not immune to the increased pressure to comply with regulations and maintain an ethical culture. Given its scope and complexity, ethics and compliance pressures on VCU remain great. Legal and regulatory requirements affecting the university are constantly changing, and the commitment to reliable and consistent processes in place for identifying and complying with all expectations is paramount.

Specifically, ethics and compliance programs in higher education are challenged because of increasing governmental scrutiny, requirements, and regulations. The Foreign Corrupt Practices Act (FCPA) is heightening focus on international research activities; the national spotlight on sexual misconduct is generating regulations from state and federal policymakers; the new omnibus rule in research is causing significant operational changes; and the Affordable Care Act is increasing emphasis on compliance in medical centers. Moreover, social media, online education, conflict of interest and needed improvements in governance and accountability, all remain a high priority for any organization dependent on the public's trust. VCU continues to focus on doing not only what is legally required, but also on doing the right thing. This same focus guides the ethics and compliance program and supports all themes from the Quest for Distinction strategic plan. Compliance partners throughout VCU are dedicated to continuing their compliance and ethics education, monitoring activities ensuring that the highest standards are met, and constantly work to assess and mitigate risks.

Investigations are now under the microscope and a new trend that has emerged is “The Investigation of the Investigation”, or investigations being used as a defense. Since Roth [University of Tennessee Professor and Export Controls]; the Freeh Report [Penn State and Minors on Campus]; and the national call to action regarding sexual misconduct on campuses, institutions of higher education have been contributing to setting the standards for proper due diligence in investigations. The increasing importance of effective investigations stems from observance of constitutional protections; anti-bullying trends; whistleblower protections; government expectations concerning mitigation plans as corrective actions; data privacy issues; attorney – client privilege issues; government bounties and a natural conflict between free ideals of speech and safety. VCU has paid significant attention to this trend over the last fiscal year as noted within this report. Several recent high profile investigations provide examples from which to learn and are elaborated on in the Overview and Effectiveness Section.

With regulatory drivers and high profile public examples of what not to do in mind, VCU's Ethics and Compliance Program is informed by its environment. This report provides a detailed look at selected activities closely tied to the topics of ethics and compliance. In summary, a few highlights from this year's report are as follows:

A few highlights from this year's report:

New, updated and previously reported to the Board of Visitors (BOV) sections are as follows:
New sections added this year:

- Culture Survey Highlights and Complete Survey Report in Appendix [Integrity and Compliance themed]
- Risk Assessment Activity Update

Updated sections reflecting FY 2015 activities:

- Reported Concerns Overview - Compliance Effectiveness Metrics

-
- Compliance Partners – Ombuds Services; Office of Environmental Health and Safety; The Clery Act and Violence Against Women Act
 - Title IX Program
 - Training and Education
 - Government Reviews
 - Policy Program Updates – Policy Management
 - Integrity and Compliance Office Effort Highlights

Sections previously presented to BOV Audit Integrity and Compliance Committee throughout FY 2015:

- Ethics and Compliance Program Overview
- Training and Education - Annual Employee Ethics and Compliance Education
- Culture Survey [Integrity and Compliance themed]
- FY 2016 Compliance Program Initiatives

Reported Concerns Overview

Overall, the number of reports and utilization of all dedicated trusted advisors continues the steady increase seen since 2012. The university received and managed a total of 285 reported concerns in FY 2015, an increase of 3% from 276 reported concerns in FY 2014, while the Integrity and Compliance Office experienced a 7% increase in reported concerns from last fiscal year. No patterns or practices of systemic misconduct have been identified. Noteworthy statistical changes include: a 6% increase in the overall substantiation rate for all reported concerns concluding at 39% and a significantly low substantiation rate of 10% for all reported concerns to the Equity and Access Services [EAS] Office [these reported concerns relate to harassment and discrimination based on protected class categories]. The allegations made to EAS represent the largest category of all reported concerns at 43%. This is a strong indication that additional training to the university community is needed to clarify standards and expectations of all individuals.

It is also notable that, while only 11% of reports mentioned perceived retaliation, or fear of retaliation overall, 27% of reports made directly to the ICO or through the Helpline cited this concern. This is not unexpected given that the ICO hosts the only internal anonymous reporting method—the VCU Helpline—and individuals concerned with retaliation are generally less likely to be comfortable with revealing identify. This conclusion is further supported by VCU's *2015 Integrity and Compliance Culture Survey* which revealed that survey respondents felt most confident that they would be protected from retaliation by reporting through the VCU Helpline at 79% in comparison to a supervisor or other central office.

Lastly, there is a positive downward trend in allegations related to an extremely unprofessional/uncomfortable working environment [i.e., including but not limited to bullying]. Six percent of all reported concerns contain elements of behaviors and encounters related to extremely unprofessional/uncomfortable working environment [compared to 9% in FY 2014 and 11% in FY 2013].

Title IX Program

Currently, more than 120 institutions across the country are under federal investigation by the U.S. Department of Education's Office for Civil Rights [OCR] for possible violations in the handling of sexual harassment and violence complaints.

VCU has put forth immense efforts throughout FY15 to bolster effectiveness and efficiency in responding to Title IX-related matters. Most notably the Equity and Access Services Office has a new Director and Title IX Coordinator and several additional staff members have been added to the workforce to support this work, especially to appropriately respond to all reported concerns and provide education and training to the VCU community. Additionally, the Equity and Access Services function has been moved to report directly to the Office of the President to assist with avoiding any potential conflict during investigation and reiterate the tone from the top as to the seriousness of this function.

The VCU Title IX Steering Committee has been established and assists with setting policy and educational awareness. Additionally, state law now requires the response team to meet twice a week to discuss reported concerns and ensure cases are appropriately progressing.

Fulfilling required compliance under the current Resolution Agreement between VCU and the Office for Civil Rights continues to create additional pressures on current staff and causes major shifts in priorities. The university continues to progress toward fulfilling compliance with the Resolution Agreement and both the Integrity and Compliance Office and the Office of University Counsel continue to monitor this progression.

All of these on-going activities place the university in a position of strength to respond appropriately to Title IX-related matters. There are no known issues or obstacles to maintaining full compliance with Title IX-related requirements. Additional detailed updates related to staffing; training; policy; and response teams are located in the Title IX Program section of the report.

Policy Management

This past year, the Integrity and Compliance Office's (ICO) Policy Program worked with policy owners to facilitate progress on 59 policy documents to ensure universitywide policies were timely updated (triennial review requirement) and appropriately transferred into the approved policy template. Since January 2012 (the inception of a central policy program for VCU), 99 policies have been updated within the established process and over 180 policies are in need of revision. Information on policy status has been shared over the last two years and management continues to balance priorities and limited resources to address this issue. It is acknowledged that retention issues, specifically redistribution of workload, contribute greatly to this issue.

The ICO has also developed a user-friendly, accessible website to ensure transparent policy availability and ease in locating current versions. The updated website includes user friendly tools such as searchable text for key words, FAQs, information on recently updated policies, drafting tips, and contact information for the ICO. This website received over 17,500 hits in FY2015. See www.policy.vcu.edu .

Significant Policy Work:

Recent regulatory changes from the recent reauthorization of the Violence Against Women Act; guidance from the Office for Civil Rights of the Department of Education; and the Resolution Agreement signed with OCR in April 2014, have necessitated revision of the university's institutional policy and practice. Significant efforts went into creating this new policy announced by President Rao on August 3. The interim policy on *Sexual Misconduct/ Violence and Sex/Gender Discrimination* is now in effect and will be posted for public comment later this Fall. It reiterates the VCU community commitment to fostering an environment of mutual trust and respect and expressly states that VCU does not tolerate sexual assault, sexual exploitation, partner or relationship violence, sex/gender discrimination, sexual harassment, complicity or retaliation. All faculty, staff and incoming students must complete online training related to Title IX and this new policy.

Additionally, *Compliance with U.S. Export Controls Laws* policy addressing research and technologies, both domestic and foreign, is now in effect and is being operationalized by a new FTE compliance focused position [Director of Export Controls] within the Research Enterprise, as well as an *Institutional Conflicts of Interest in Research* policy enacted in interim status to maintain current Association of Accreditation of Human Research Protection Program accreditation status. Lastly, an *Exposure and Breach of Information* policy has resulted from diligent discussions devoted to prevention and response and is now being operationalized by Technology Services.

Overall Note and Effectiveness

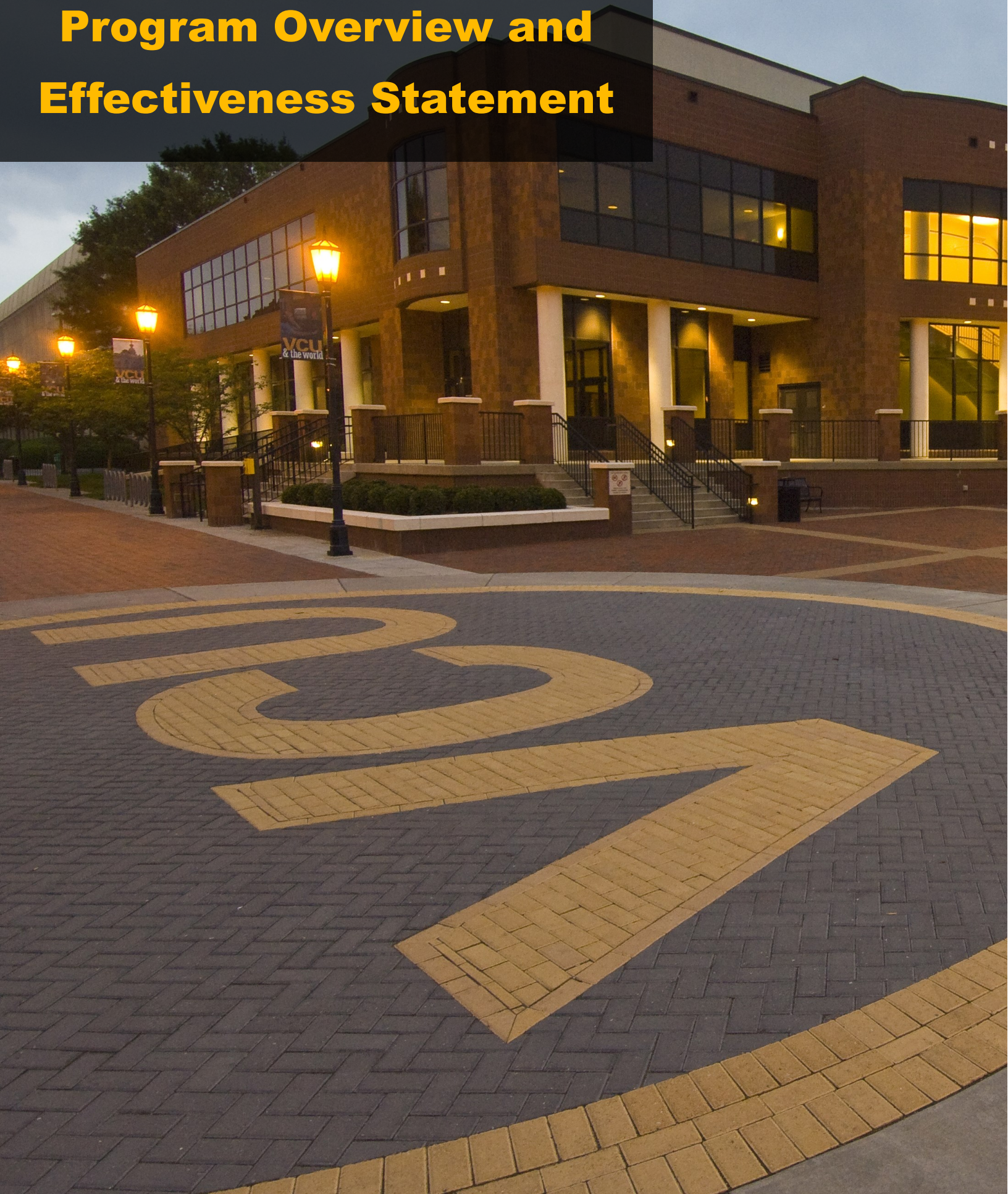
No patterns or practices of systemic misconduct have been identified, apart from the challenges all organizations of similar scope and complexity experience; which relate to communication and documentation. Overall, the Ethics and Compliance Program continues to operate from a position of strength in supplying reporting mechanisms to identify perceived or actual misconduct and resources are dedicated to assist with appropriate responses to misconduct with an aim to prevent recurrence when identified. Additionally, the network of trusted advisors, known as compliance partners, and the continued commitment by Compliance Advisory Committee members adds to the strength of VCU's capacity for ethics and compliance effectiveness. It is noteworthy that, both retention and recruitment continue to significantly impact daily operations and often prevent progression on projects whether due to loss of employees, duration to fill vacancies, or the workload added to existing employees when vacancies are created.

Industry benchmarks for higher education continue to identify that, with increasing regulatory

and public demands, an effective program with solid foundational elements will continue to require attention to new efforts and the agility to respond to changing demands whether from industry, regulation or specific to the needs of VCU.

The ICO continually reviews its operations to ensure the program is evolving to meet the needs of VCU while promoting an ethical culture, navigating our complex legal and regulatory environment, and providing efficient systems to detect and prevent instances of misconduct. These efforts ultimately combine to increase value to VCU as it strives to meet its mission of excellence and in upholding the public's trust.

Ethics and Compliance Program Overview and Effectiveness Statement



PROGRAM OVERVIEW AND EFFECTIVENESS STATEMENT

Maintaining an effective ethics and compliance program in an ever changing regulatory landscape, while facing competing interests in the current economy, are major concerns for organizations, including Virginia Commonwealth University. Developing and supporting an approach based in regulatory and industry best practice that permits dedicated resources to systematically translate obligations and expectations into appropriate actions by responsible institutional departments requires sustained commitment at the highest levels.

The following questions and answers will provide the Board of Visitors an overview of the university's commitment to the ethics and compliance program and the chart below demonstrates the collection of regulations and industry best practices for programs.

What is the Board of Visitors' responsibility for an effective ethics and compliance program?

The Board should be knowledgeable about the content and operation of the ethics and compliance program and should exercise reasonable oversight with respect to implementation and effectiveness of the program along with all duties incumbent upon Board members.

Board members should, at a minimum, ask these questions focused on effectiveness:

- ◇ Is the organization's program well designed?
- ◇ Is the program being applied earnestly and in good faith (i.e.; is it more than a paper program)?
- ◇ Does the compliance program work?

What are the goals of the ethics and compliance program?

1. Promote a culture of integrity and accountability; specifically enhancing a culture that promotes prevention, detection and resolution of instances of misconduct; defined as non-compliance with federal and state laws, regulations, and the university's own policies and ethical standards.
2. Provide oversight and facilitation in development of best practices supported through diligent research and evidenced based information for education, policies, processes and investigations related to workplace misconduct.
3. Provide preventative, detective and deterrent resources to assist with risk mitigation. Reduce reputational and goodwill damage resulting from misconduct, lack of management controls, or ineffective management systems. These resources help to reduce damage and assist management in mitigating risk.
4. Promote awareness of management of compliance and ethics risks with the Board of Visitors (Audit, Integrity and Compliance Committee); the President; cabinet members; and senior leadership.

-
5. Provide effective reporting mechanisms for allegations of non-compliance or improper governmental activities that are free of retaliation and allow for anonymity.

How does culture impact organizational ethics and compliance?

An organizational culture that encourages ethical conduct and a commitment to compliance with not only “the letter of the law,” but also “the spirit of the law” is mission critical and significantly enhanced by engaged stakeholders. Board members and senior management taking an active role in the implementation of the ethics and compliance program set the tone that an organization’s expectations are an individual responsibility and management’s accountability. Understanding the importance and benefit of maintaining an effective program promotes that this endeavor is a journey and not a destination that is incumbent upon every individual.



What are the benefits of maintaining a compliance program?

The reward for establishing and maintaining an effective ethics and compliance program provides several benefits to the university.

- ◇ Furthers the university culture that does not permit or promote illegal or actionable behavior and prompts university employees to consider the potentially adverse legal consequences of misconduct.
- ◇ Enhances the institutional communication and reporting by educating employees about their responsibility for compliance and the resources available.
- ◇ Increases the likelihood of early detection if potentially illegal or actionable conduct does occur, thus creating the opportunity to correct or self-report as required.
- ◇ Serves as a basis to persuade governmental authorities to decline prosecution or initiation of a civil or regulatory action.
- ◇ Potentially reduces penalties or fines assessed and avoids the imposition of a government-mandated Corporate Integrity Agreement if misconduct does occur.

Ethics and compliance programs, rooted in the Federal Sentencing Guidelines and driven by other federal regulation and industry best practices, continue to gain prominence and attention not only because they make good business sense, but also because they are proving to be beneficial when penalties or prosecution decisions are considered by federal agencies. The Internal Revenue Service, Federal Bureau of Investigation, and Department of Justice (DOJ),

to name a few, acknowledge the value of these programs, if effective.

What are the elements and benchmarks of an effective program?

To demonstrate effectiveness, organizations should, at a minimum, aim to meet the requirements from the seven elements, and the additional requirement of assessing risk, from §8B2.1(a)(2) of the U.S. Federal Sentencing Guidelines. These basic elements are provided in summary in the graphic to the right and a chart showcasing additional benchmarks that inform program design and focus is on page 13. Universitywide efforts that demonstrate effectiveness through available reporting mechanisms and ongoing risk assessment are contained in the Reported Concerns Overview – Effectiveness Metrics Section of this report. It is expected that an ethics and compliance program be **reasonably designed, implemented, and enforced so that the program is generally effective in preventing and detecting patterns or practices of misconduct.**

How would VCU's ethics and compliance program be viewed for effectiveness?

No patterns or practices of systemic misconduct have been identified, apart from the challenges all organizations of similar scope and complexity experience; which relate to communication and documentation. Plans are underway to address both of these challenges. Overall, the Ethics and Compliance Program continues to operate from a position of strength in supplying reporting mechanisms to identify perceived or actual misconduct and resources are dedicated to assist with appropriate responses to misconduct with an aim to prevent recurrence when identified. Additionally, the network of trusted advisors, known as compliance partners, and the continued commitment by Compliance Advisory Committee members adds to the strength of VCU's capacity for ethics and compliance effectiveness. Both retention and recruitment continue to impact daily operations and often prevent progression on projects whether due to loss of employees, duration to fill vacancies, or the workload added to existing employees when vacancies are created.

Industry benchmarks for higher education continue to identify that, with increasing regulatory and public demands, an effective program with solid foundational elements will continue to



require attention to new efforts and the agility to respond to changing demands whether from industry, regulation, or specific to the needs of VCU.

The ICO continually reviews its operations to ensure the program is evolving to meet the needs of VCU while promoting an ethical culture, navigating a complex legal and regulatory environment, and providing efficient systems to detect and prevent instances of misconduct. These efforts ultimately combine to increase value to VCU as it strives to meet its mission of excellence and in upholding the public's trust.

What seminal events and benchmarks impact ethics and compliance programs?

In 2010, Chapter 8 of the Federal Sentencing Guidelines was amended to specifically provide for 1.) the encouragement of positive incentives for ethical and compliant behavior; and 2.) the addition of continually assessing risk as requirements of a program, although not officially recognized as "required elements".

In 2013, the Principles of Federal Prosecution of Business Organizations were widely discussed in public forums and revealed language related to showing leniency to organizations with effective compliance programs:

§9-28.800 Principles of Federal Prosecution of Business Organizations –
Where compliance programs exist and are designed to detect particular types of misconduct in a particular organization's line of business, prosecutors should consult with state and federal agencies with the expertise to evaluate the adequacy of a program's design and implementation.

Since the 2011 Dear Colleague Letter, which reinvigorated national attention around sexual misconduct, hundreds of Title IX-related investigations have been conducted and are ongoing by the U.S. Department of Education's Office for Civil Rights. This work has significantly expanded guidance documents from the federal government over the last two years and continues to set the stage for appropriate ethics and compliance standards.

More specifically, significant events impacting ethics and compliance programs are as follows:

The University of Tennessee and Professor Roth. After an export controls violation situation was discovered by the FBI, an external government investigation [by a joint FBI and DOJ effort] at the University of Tennessee was conducted by and revealed that the professor was at fault for non-compliance and therefore held liable as an individual. This finding shifted all liability from the university to the individual because the university's ethics and compliance program was deemed "effective" and specifically noted as the reason for shifting the liability and preventing penalties that otherwise would have been imposed on the university. Today Professor Roth remains in prison.

The 267 page Special Investigation Report by Freeh, Sporkin, and Sullivan, LLC [The Freeh

Report], from July 2012, resulting from the Gerald Sandusky Minors on Campus Scandal at Penn State University, where the liability of silos and the antithesis of a speak-up workplace culture in a predominantly college town prevented misconduct from being appropriately reported and addressed. This detailed report offers over 100 recommendations that inform higher education ethics and compliance programs as to best practices and points of focus for such programs. The Freeh Report has caused several institutions nationwide to create or expand their Ethics and Compliance Programs.

Additionally, the following reports all reveal misconduct being discovered when it was everyone's responsibility to address and remediate known problems yet no one took the responsibility to see a corrective action plan through to completion:

- the 94 page NCAA Syracuse University Public Infractions Decision Report, from March 2015;
- the Athletics and Academics Fraud [Wainstein Report] and NCAA [ongoing] investigations from 2014 and 2015 plaguing University of North Carolina – Chapel Hill; and
- the 276 page, Anton Valukas of Jenner & Block, General Motors Ignition Switch Recall Report to the Board of Directors [revealing an irresponsible subculture consisting of faulty responses to known issues], from May 2014, offering 15 sections of recommendations including but not limited to GM's culture, structure, leadership, and commitment to safety.

In all three of these examples, the misconduct presented seemed to be exacerbated by the existence of silos and lack of clarity, specifically misclassification, term use, and applicable standards to situations.

In summary, often the root cause in any event that has an impact on ethics and compliance programs is a lack of awareness of requirements and of whistleblower protections. The solution is generally to transform the organization's culture with corrective actions that set out clear standards and procedures, ensure awareness, and hold individuals accountable to the same standards by firmly focusing on stated values and ethical expectations. The result should be effective prevention and response to future incidents of misconduct.

Additional industry regulatory standards and guidance informing ethics and compliance programs are listed as benchmarks from the respective originating agency or report in the chart below.

Ethics and Compliance Program Key Elements of Regulation and Industry Best Practice Chart

The federal government, when funding programs, requires that an organization have an "effective compliance program" in place. Through guidance and regulations, national and international organizations are defining the key elements or benchmarks required to demonstrate that a compliance program is effective. The following six organizations and reports provide key ethics and compliance program benchmarks:

Benchmark		Originating Agency/Report*
1	Written Standards of Conduct (including policies & procedures)	FSG, OIG/HHS, MOJ/UK Bribery Act, DOJ/SEC
2	Designation of Chief Compliance Officer	FSG, OIG/HHS, OECD, LRN 2014, DOJ/SEC
3	Education & Training	FSG, OIG/HHS, MOJ/UK Bribery Act, OECD, LRN 2014, DOJ/SEC
4	Whistleblower Hotline & Whistleblower Protections	FSG, OIG/HHS, OECD, LRN 2014, DOJ/SEC
5	Response & Enforcement	FSG, OIG/HHS, OECD
6	Auditing & Monitoring	FSG, OIG/HHS, MOJ/UK Bribery Act, OECD, LRN 2014
7	Investigation/Remediation of Systemic Problems & Screening of Sanctioned Individuals	FSG, OIG/HHS
8	Defining Roles/Responsibilities & Assigning Oversight Responsibility	FSG, OIG/HHS, MOJ/UK Bribery Act, OECD, LRN 2014, DOJ/SEC
9	Due Diligence to Prevent & Detect 3rd Party Criminal Conduct	FSG, OIG/HHS, MOJ/UK Bribery Act, OECD, LRN 2014, DOJ/SEC
10	Periodic Evaluation of Compliance Program Effectiveness	FSG, OECD, LRN 2014, DOJ/SEC
11	Promote Compliance Program throughout Organization through Incentives for Ethical Conduct & Penalties for Non-Compliance	FSG, OECD, LRN 2014, DOJ/SEC
12	Periodic Assessment of Risk of Criminal Conduct	FSG, MOJ/UK Bribery Act
13	Policy Prohibiting Foreign Bribery	OECD
14	Compliance is Duty of Employees at All Levels of Organization	OECD
15	Risk-based Due Diligence in Hiring and Oversight of Business Partners	OECD
16	Measures to Ensure Effective Control Over Areas such as Gifts, Travel, Hospitality, etc.	OECD
17	Adequate Budget: \$99,763 per 1,000 employees	LRN 2014, DOJ/SEC

*Sources:

- FSG: Federal Sentencing Guidelines §8B2.1 (a-c): Effective Compliance & Ethics Program
- OIG: Office of Inspector General/Health & Human Services: Guidelines for Effective Compliance Programs
- MOJ/UK Bribery Act: Ministry of Justice – United Kingdom: Bribery Act of 2010
- OECD: Organization for Economic Cooperation and Development: Good Practice Guidance on Internal Controls, Ethics & Compliance, 2010
- LRN 2013: The 2014 Ethics & Compliance Program Effectiveness Report
- DOJ/SEC: Department of Justice/Securities & Exchange Commission, 2012: Hallmarks of an Effective Compliance Program (specifically aimed at FCPA enforcement)

**A special acknowledgement of appreciation to the University of California, the original creator, for the permission to use this chart.

Demonstrated Effectiveness

Preventing and Detecting Misconduct – Avoiding Patterns and Practices

Oversight [USSG §8B2.1(b)(2)]

- Direct reporting relationship to the Board of Visitors' Audit, Integrity and Compliance Committee
- President and Senior Management
- Centralized University Integrity and Compliance Office gathers and reports information necessary to demonstrate effective compliance program

Standards and Procedures [USSG §8B2.1(b)(1)]

- Unified Code of Conduct focusing on clear expectations supportive of a civil, professional, and ethical teaching, working, and learning environment - in progress
- Policy Program
 - Centralized Policy Library - www.policy.vcu.edu
 - Dedicated resource for policy assessment and development
 - Policy updates communicated by policy owners and in various newsletters (HR, Research, ICO); *Policy Points* Communication Notification

Education and Training [USSG §8B2.1(b)(4)]

- *The Compass* e-Newsletter
- Educational and Training Resources page - web-based resources for employee development
- Point of Hire Compliance and Ethics Education for Classified Staff at New Employee Orientation - Human Resources and at New Faculty Orientation
- Annual Training for Department Chairs - Office of the Provost
- Welcome Letter to new Faculty at Orientation - Office of the Provost
- Annual Employee Compliance Education
- VCU Sponsored Projects Administration Certification Program
- Job duties and professional development trainings available through training.vcu.edu

Monitoring [USSG §8B2.1(b)(5)(a)]

- Compliance Advisory Committee - tracking non-compliance issues and government reviews
- Compliance Responsibility Matrix
- Compliance Calendar populated with responsible parties
- Federal Regulatory Responsibility Grid populated with operationally responsible parties
- Conflicts of Interest - reporting, disclosure analysis, and management plans
- Research: Office of Sponsored Programs and Grants and Contracts
- Athletics Department - NCAA Compliance Efforts - Eligibility and Self Reporting Violations
- University Audit and Management Services – routine audits and special projects as necessary

Demonstrated Effectiveness

Preventing and Detecting Misconduct – Avoiding Patterns and Practices

Reporting [USSG §8B2.1(b)(5)(c)]

- VCU Helpline
- *Duty to Report* Policy
- Annual Report to the Board of Visitors' Audit, Integrity and Compliance Committee
- Compliance Partners - identified trusted advisors
- Central Offices – Human Resources; Office of Research Integrity and Ethics; Integrity and Compliance Office; Office of the Ombudsperson; Equity and Access Services
- Prohibition of retaliation for reporting concerns

Enforcement and Discipline [USSG §8B2.1(b)(6)]

- Partnerships for consistent application
 - President and Senior Management
 - Human Resources
 - Office of the Provost
 - Office of University Counsel

Response and Prevention [USSG §8B2.1(b)(7)]

- All reported issues shared with management to prevent recurrence
- Workplace Investigation Reports to Senior Leadership for mitigations and prevention of recurrence
- Incentivize ethical behavior with Employee Recognition Awards - Human Resources

Assessing Risk [USSG §8B2.1(c)]

- University Compliance Risk Assessment - Regulatory Reporting Calendar and Regulatory Grid populated with responsible parties
- Enterprise Risk Management Program
- Internal Audit Annual Workplan Risk Assessment
- Information Technology Audit Annual Workplan and Risk Assessment
- Agency Risk Management and Internal Control Standards - state requirement

FY 2015 Reported Concerns Analysis



REPORTED CONCERNS OVERVIEW

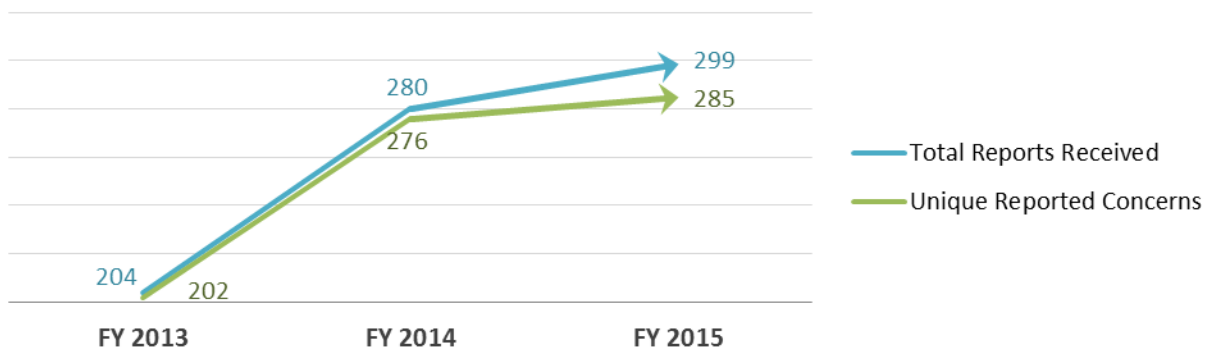
The Integrity and Compliance Office (ICO) maintains reporting mechanisms available to all university employees, including third-party affiliates. Additionally, several compliance partners are identified throughout the university as able to receive and address reports of concern.¹ The purpose of these reporting mechanisms and identification of personnel is to demonstrate VCU's commitment to promoting a culture of integrity and compliance by facilitating an environment of open communication wherein employees are encouraged to ask for clarification of expectations and to bring forth any good faith concerns. Providing and maintaining these mechanisms assists in complying with the Federal Sentencing Guidelines for effective compliance programs and upholds the integrity of the institution's expectations expressed in policy, procedure, and applicable laws and regulations. The ICO analyzes relevant data centrally to create this collaborative report and to assure effectiveness of internal response mechanisms. The reported concerns raised this year, and subsequently utilized for this report's statistics, were received and addressed from the following university areas:

- Athletics
- Division of Human Resources (Employee Relations)
- Equity and Access Services (EEO/AA Compliance)
- University Integrity and Compliance Office
- Office of the Vice President for Research and Innovation (Office of Research Integrity and Ethics)
- University Audit and Management Services

The confidential reporting mechanisms include the VCU Helpline, a telephone and web-based service administered by a third-party vendor, offering optional anonymity; a locally-hosted general email account; campus and US mail; direct reporting to Integrity and Compliance Office personnel and other designated personnel able to receive reported concerns, which include compliance partners in VCU Police, Equity and Access Services, Office of the Ombudsperson, Office of Environmental Health and Safety, Human Resources and Athletics.

Overall, the university received and managed a total of 285 reported concerns in FY 2015, an increase of 3% from 276 reported concerns in FY 2014, while the Integrity and Compliance Office experienced a 7% increase in reported concerns from last fiscal year.

Number of Reported Concerns by Fiscal Year



The topics listed below are the data metrics tracked and divided into subsections contained in this report:

- Report Intake Method
- Reporter Type and Anonymity
- Allegation Type by General Topic
- Report Outcome
- Unique Trends²

In summary, highlights from this report demonstrate that VCU employees are the most common reporter type with 74% reporting directly to the ICO or compliance partner, and thereby choosing to disclose their identity. The most reported allegation type is *Equity* related reports at 43% followed by *Human Resources* related reports at 38%. Forty-seven percent of reports had an outcome determination of *Unsubstantiated*, 39% of reports were *Substantiated* or *Partially Substantiated*, while the outcome of the remaining 14% could not be substantiated due to lack of information or other reasons (e.g., unrelated to employees or misconduct).

Note: the overall substantiation rate of reported concerns has increased 6 percentage points as compared to FY 2014, illustrating that when employees are voicing concerns they are increasingly correct that something is not quite right, or is in fact in violation of expectations.

The metrics collected and analyzed in this report will continue as a foundational building block of an effective ethics and compliance program, allowing targeted training and education for appropriate audiences throughout the university and highlighting opportunities for improvements. This report is made annually to the Board of Visitors' Audit, Integrity, and Compliance Committee. The following pages contain detailed information and conclusions.

¹Additional summaries of compliance activities for Ombuds Services, Clery Act and Violence Against Women Act Compliance, and the Office of Environmental Health and Safety are also included this year in the Compliance Partners Sections of this report.

²Unique Trends or special points of interest from specific areas are identified in footnotes throughout.

REPORT INTAKE METHOD

Overview

The university community is provided with multiple reporting mechanisms to report concerns or make inquiries related to VCU's expectations.

The VCU Helpline, available by telephone or website, is hosted by EthicsPoint, a third-party vendor specializing in a higher education client base. The phone number and web address for the Helpline is posted on every webpage of the Audit and Compliance Services website; advertised on Helpline posters, placed in employee break rooms or kitchen areas throughout VCU; included in all Integrity and Compliance employees' email signatures; communicated through new employee and welcome back coaches letters from the university integrity and compliance officer; on business cards; brochures; and also linked on ICO's *The Compass* eNewsletter and other VCU department websites. Specifically, various operations require all employees to complete content-specific compliance education modules on an annual basis, which reiterate the university's reporting expectations and increase awareness of available reporting options such as the Helpline.

While university employees are encouraged to directly contact their supervisor, other compliance partners, or Integrity and Compliance Office staff to voice concerns, a general ICO email address; U.S. Postal mail; and campus mail options are also available. Reports may also be referred to the ICO by other university departments and/or the Office of the State Inspector General (OSIG) Fraud, Waste and Abuse Hotline.

Reporting Mechanisms



Call the
VCUHelpline

Submit to the
VCUHelpline online



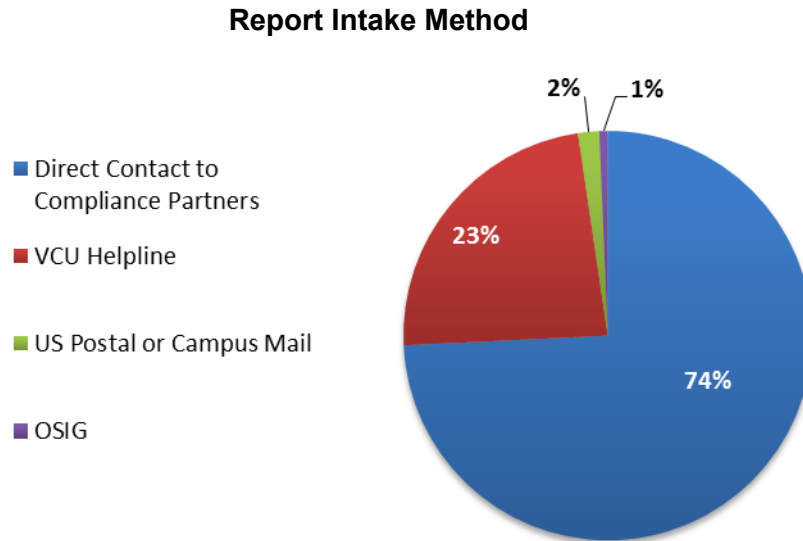
Contact ICO staff or
compliance partners
directly

Email the general
ICO email address



U.S. Postal Service
and campus mail

Below, the *Report Intake Method* metrics illustrate the utilization of every available reporting mechanism.



Conclusion

Directly reporting to an ICO employee or compliance partner was the most common intake method at 74% of reports and the VCU Helpline was the second most utilized method at 23% of reports. Being that an overwhelming majority of reporters report directly to a recognized compliance partner, anonymity is not a major concern. Often, confidentiality is requested, but notations of fear of retaliation are rare (expressed in 10% of reports) and it is concluded that a majority of reporters do not fear being identified when raising concerns. This contributes to VCU maintaining an effective ethics and compliance program.

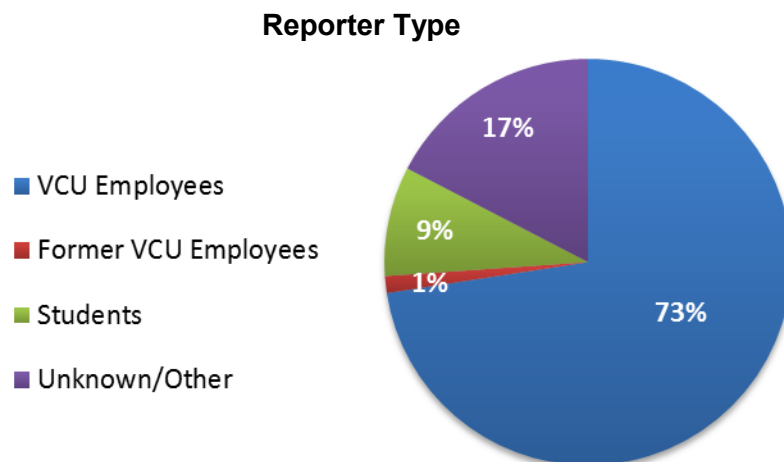
The Helpline, unlike other more traditional, anonymous reporting mechanisms, has the functionality to provide feedback to the reporter. This aids in setting out proper expectations for the reporter and often results in providing objective source materials, such as policies, as additional information.

REPORTER TYPE AND ANONYMITY

Overview

Reporting mechanisms are available to all university employees, including contractors and visitors. Reporters have the option of remaining anonymous or providing their name and contact information. In some cases, a reporter later reveals their identity to the ICO as the inquiry or investigation continues. The disclosure of identity is evidence of employee confidence in the ICO's commitment to confidentiality and the university's policy of non-retaliation for those who report concerns in good faith.

The *Reporter Type* metrics illustrate which individuals utilize available reporting mechanisms.



Conclusion

Overall, the VCU employee was the number one reporter type, which is consistent with prior years. Additionally, 20% of all reporter types chose to remain anonymous, holding relatively constant from FY 2014 at 19%. This overall percentage demonstrates a level of comfort in raising concerns of known or suspected misconduct and is also reflected in VCU's *2015 Integrity and Compliance Culture Survey*, where 77% of participating employees reported that they were comfortable reporting incidents or concerns of noncompliance to their supervisor.

It is also notable that, while only 11% of reports mentioned perceived retaliation or fear of retaliation overall, 27% of reports made directly to the ICO or through the Helpline cited this concern. This is not unexpected given that the ICO hosts the only internal anonymous reporting method—the VCU Helpline—and individuals concerned with retaliation are generally less likely to be comfortable with revealing identity. This conclusion is further supported by VCU's *2015 Integrity and Compliance Culture Survey* which revealed that survey respondents felt most confident that they would be protected from retaliation by reporting through the VCU Helpline at 79% in comparison to a supervisor or other central office.

ALLEGATION TYPE

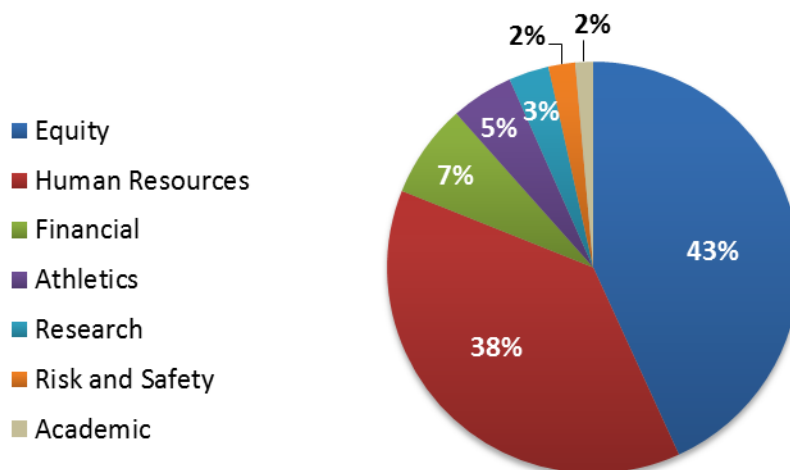
Overview

Report allegations are generalized into six major categories listed below. Examples of each are provided.³

- **Equity:** *Discrimination or Harassment based on protected class, includes sexual*
- **Human Resources:** *Failure to Report All Leave Taken; Employee Misconduct; Threat or Inappropriate Supervisor Directive; Nepotism; Bullying*
- **Financial:** *Fraud, Waste, Abuse or Misuse of Resources; Falsification of Records; Improper Disclosure of Financial Records; Conflict of Interest - Financial*
- **Research:** *Scientific Misconduct including Falsification, Fabrication and/or Plagiarism*
- **Athletics⁴:** *NCAA Violations; Improper Giving of Gifts; Misconduct in VCU Athletics*
- **Academic:** *Academic Regulations; Program and Degree Requirements; Admission, Enrollment and Transfer of Students to the University*
- **Risk and Safety:** *Unsafe Working Conditions; Environmental and Safety Matters*

The *Allegation by General Topic* metric illustrates the general nature of reported concerns.

Allegation Type by General Topic



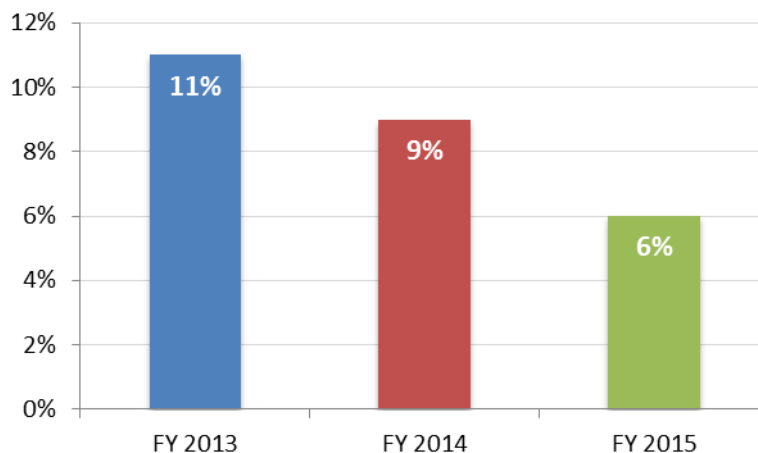
Conclusion

Overall, 81% of allegations raised are related to the two general categories of *Human Resources* and *Equity* (an increase of 8 percentage points from FY 2014) with Equity concerns being the most common report category, comprising 43% of all reports.⁵

Notably, the substantiation rate for *Equity* concerns is relatively low at 10%. It is suspected that this is likely due to an increase in awareness of reporting expectations and available resources in addition to individuals not understanding the definitions, or elements, of the terms *Discrimination* or *Harassment Based on Protected Class*. In most cases, these allegations were due to a combination of employees being disciplined for inappropriate behaviors, for performance issues, and, in some instances, lack of respect and breakdowns in communication which do violate VCU's expectations for behavior. Training plans to respond to this fact are already underway by area management.

Specifically noted is a downward trend in allegations related to an extremely unprofessional/uncomfortable working environment (i.e., bullying). Six percent of all reported concerns contain elements of behaviors and encounters related to extremely unprofessional/uncomfortable working environment (compared to 9% in FY 2014 and 11% in FY 2013).

Reports of an Extremely Unprofessional/Uncomfortable Working Environment



³Three allegations in the HR category, 12 allegations in the Equity category and 2 allegations in the Research category remain in process and have not yet reached final outcome status.

⁴Athletics statistics include nine NCAA violations that were discovered through routine monitoring activities. All 13 violations were self-reported to the NCAA as required. On average, between eight and twelve violations per year are expected by the NCAA at institutions similar in size and scope to VCU.

⁵In previous fiscal years, these categories were counted as a single category titled "Human Resources/EEO." For FY 2015, this report category was split into *Human Resources* and *Equity* to better reflect the general nature of reported concerns.

REPORT OUTCOME

Overview

All reports result in classification of *Substantiated*, *Partially Substantiated*, *Unsubstantiated*, *Other*, or *Not Enough Information*.

A report is classified as **Substantiated** when, after inquiry or investigation, violations of expectations, policy, regulation, or law are found. When this occurs, the ICO is available to consult in the development of a corrective action plan for appropriate parties.

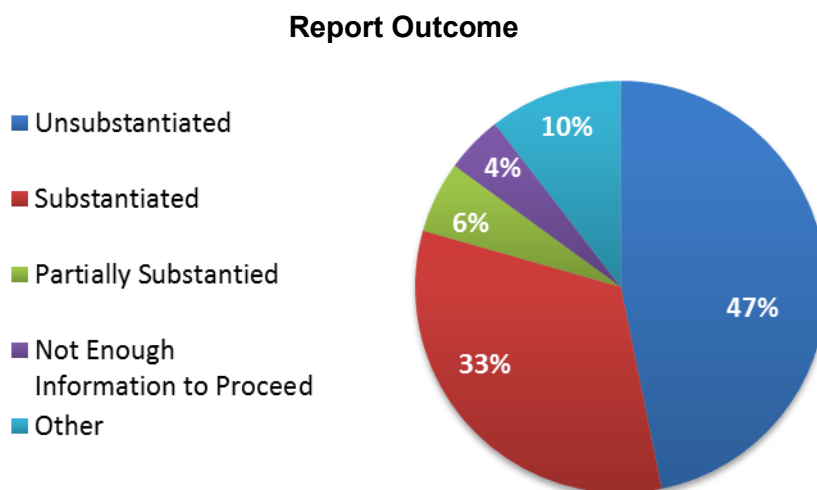
A report is classified as **Partially Substantiated** when, after inquiry or investigation, a violation of expectations, policy, regulation, or law is found but other allegations—or elements of an allegation—contained in the report were unsubstantiated. When this occurs, the ICO is available to consult in the development of a corrective action plan for appropriate parties.

A report is classified as **Unsubstantiated** when, after inquiry or investigation, no violations of expectations, policy, regulation, or law exist.

Reports that contain general questions rather than concerns or specific allegations; are not related to current VCU employees or during employment with VCU; or include allegations later withdrawn by the reporter and ICO determines that no further investigation is necessary are classified as **Other**.

Reports that contain insufficient information to proceed with additional inquiry or investigation are classified as **Not Enough Information**.

The Report Outcome metrics illustrate the validity of the allegations raised.



Conclusion

Overall, 47% of reports were classified as *Unsubstantiated*, indicating that many individuals who voice concerns are incorrect in their suspicion that misconduct exists.⁶ This indication is also supported by VCU's *2015 Integrity and Compliance Culture Survey*, which revealed a discrepancy between the reported rate of experiencing and/or observing misconduct (19%) and those reporting being directly asked to bend, break or circumvent laws, regulations or policy (5%). The implication is that perceptions of misconduct may be greater than actual occurrences.

Fourteen percent of report outcomes are closed as *Not Enough Information to Proceed* or *Other*. "Other" as an outcome indicates an inquiry or question was raised, not an allegation of misconduct, or the report is not related to current VCU employees.

Further details based on general allegation type are as follows :

- Equity - 10% substantiated
- Human Resources - 59% substantiated
- Financial - 57% substantiated
- Research - 0% substantiated
- Academic - 0% substantiated
- Athletics - 100% substantiated
- Risk and Safety - 83% substantiated

⁶At the time of data collection for this report, 17 allegations were in progress; therefore, an outcome had not yet been reached which may slightly alter the substantiation rates.

Compliance Partner Updates



OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY

Overview

The Office of Environmental Health and Safety (OEHS) is highlighted because it is one of the most heavily regulated and compliance-focused functions of the university. The primary mission of OEHS is providing the VCU and the VCUHS community with a safe and healthful environment. OEHS acts proactively through surveys, consultation and advising, training and educating, and monitoring of the environment to fulfill this mission. OEHS supports both the university's and health system's Radiation, Chemical/Biological, Fire and Occupational Safety needs. Each year, OEHS produces an Annual Report of activities (including services, investigations and emergency responses) based on the calendar year.⁷

Conclusion

The university and health system are complying with the major environmental and occupational regulations. In calendar year 2014, there were no significant findings against either the university or health system by any outside agencies.

Radiation Safety Section:

- Conducted quarterly surveys of required records, signage, equipment calibrations, contamination and exposure risks, labeling, use, and storage surveys – over 1,000 surveys in laboratories and radioisotope use areas.
- Reported annual inventory of certain sealed sources to the Nuclear Regulatory Commission.
- Reviewed over 100 research protocols for human use, non-human use, and animal use of radioactive materials and radiation-producing devices.
- Conducted six trustworthiness and reliability reviews for individuals requesting unescorted access to certain quantities of radioactive material (Cesium-137 irradiator) as required by the security plan. All six individuals were approved.
- Assisted the Global Threat Reduction Initiative (GTRI) team of the United States National Nuclear Security Administration (NNSA) during security enhancement installation surrounding the Cesium-137 Cell Irradiator. Enhancements were accepted and the area was deemed secure by the GTRI on 5/12/14. The area is monitored 24/7/365 and tested quarterly.
- Deemed compliant with no recommendation for improvement during the Commonwealth's Radioactive Materials Program Radioactive Materials License inspection on 10/7/14 – 10/9/14. All operations and regulatory compliance under

the university's broad-scope license were reviewed. A State Agreement Officer from the Nuclear Regulatory Commission also accompanied this inspection.

- Amended the Commonwealth of Virginia's radioactive material license to name new Radiation Safety Officer (RSO), effective 1/1/15. The incumbent RSO retired on 12/31/14.

Chemical and Biological Safety Section:

- Conducted 1,552 laboratory inspections – total space standing at 1,552 spaces.
- Conducted 158 vivarium inspections, in support of the Institutional Animal Care and Use Committee (IACUC) facility inspection program.
- Conducted 64 mold inspections.
- Monitored 86 asbestos abatement projects and prepared 86 removal project designs.
- Responded to 57 requests for industrial hygiene inspections.
- Conducted 938 research protocol reviews. The number of research protocol reviews continues to be elevated due to the addition of new researchers, addition of new facilities, and additional oversight requirements as a result of tighter governmental agency regulations, guidelines and credentialing activities.
- Respirator Fit Testing and Training – 51 training sessions, 1,500 employees fit-tested.
- Hazardous Communication Standard (HAZCOM), commonly known as Workers Right To Know (WRTK), enforced by the Occupational Safety and Health Administration (OSHA) – supervisors are required to maintain a copy of their employee's WRTK statement as well as send a copy to OEHS. A specific data base / repository for these records is in development.
- Provided consultation and inspection services for the new Massey Cancer Center Vivarium. Assisted the Division of Animal Resources (DAR) in finding solutions regarding safe housing of animals exposed to chemical, biological, and recombinant DNA hazards.
- Under the Federal Resource Conservation and Recovery Act (RCRA) of 1976, the university is considered a large quantity generator of hazardous waste. The Chemical Biological Safety Section (CBSS) has an established comprehensive chemical waste management plan that managed 140,000 pounds of regulated and non-regulated hazardous waste.
- Developed a hazardous chemical redistribution program called ReChem. The purpose of this program is to minimize hazardous waste by redistributing usable

chemicals to other departments. The program was piloted with the Department of Chemistry and will continue to be tested in 2015.

Fire and Occupational Safety Section:

- VCU Fire and Occupational Safety works closely with contractors and VCU Facilities Management to pre-test and pre-inspect fire systems and life safety code issues in order to expedite State Fire Marshall's Office (SFMO) approval and acceptance during construction and renovation of all VCU properties. Additionally, Fire and Occupational Safety personnel inspect university, Health System, and VCU Foundation-owned buildings at least annually for life safety issues.
- 163 annual evacuation drills were conducted.
- 54 employees received ergonomic consultations which included training and recommendations for improving work stations, proper lifting, and general ergonomic health.
- Hands-on fire extinguisher training was conducted in 7 residence halls for security staff, resident assistants, and students. A total of 205 employees and students were trained.
- Life safety inspections were conducted in a total of 2,446 residence living hall quarters.
- Fire and Occupational Safety staff contributed hundreds of personnel-hours to the 2014 Collegiate Cycling Race, held in Richmond 5/2 – 5/4, 2014. There were many pre-planning meetings and personnel on duty during the races to provide fire watch for university and Health System facilities. The event was used to prepare for the UCI World Bike Races occurring in September, 2015.
- The Siegel Center fire alarm panel is in the process of being upgraded to allow for a Positive Action Sequence, a protocol used by many large venues during events to keep from evacuating thousands of people for a false alarm. Fire and Occupational Safety worked closely with SimplexGrinnell, the State Fire Marshall Office, and the staff of the Siegel Center to ensure compliance with applicable fire codes and event staff training requirements.

⁷Efforts are underway to track future statistics in line with the universitywide effort to be on a fiscal year for consistent reporting.

OFFICE OF THE OMBUDSPERSON

Overview

Having an Ombuds Services function provides informal, confidential, impartial, and independent services that supplement, not replace, the formal administrative processes at the university.⁸ The Ombuds Services Program was created in 2008 and is run by one compliance partner, the University Ombudsperson, or “Ombuds.”⁹ Efforts are dedicated to facilitating professional communication and developing productive and positive options that address concerns. Specific services include alternative dispute resolution opportunities, mediation, coaching, and problem solving. The Ombuds focuses on the needs and skills of an individual as opposed to reported misconduct. Once misconduct is identified in a session with the Ombudsperson, encouragement is given to the individual to make a report with the University Integrity and Compliance Office, the Research Integrity Officer, Equity and Access Services, or other appropriate compliance partner.

Summary of Activities

- Reporters are comprised of 98.5% employees and 1.5% are students (specifically graduate and post-doctoral)
 - 85.5% are from the Monroe Park Campus
 - 13.2% are from the Medical Campus
 - 1.3% are from the Qatar Campus

These percentages are consistent with and show no significant deviation from FY 2014 data.

The 158 concerns addressed by the Ombudsperson are as follows:

Category	Number	Percentage
Compensation and Benefits	8	5.0%
Evaluative Relationships	105	66.5%
Peer and Colleague Relationships	20	12.6%
Career Progression and Development	15	9.5%
Safety, Health and Physical Environment	2	1.3%
Service/Administrative Issues	5	3.2%
Values, Ethics and Standards	3	1.9%
Total	158	100%

⁸Due to the nature of VCU's Ombuds Services, metrics tracked are not aligned with this report format; therefore, this information is provided as a separate section highlighting the value add and unique metrics of this program.

⁹Individuals utilizing this reporting mechanism are 100% identified and receive confidentiality as a matter of process and best practice.

THE CLERY ACT AND THE VIOLENCE AGAINST WOMEN ACT

Overview

VCU has the responsibility for implementing universitywide compliance with the Clery Act and VAWA. Operational compliance resides with the VCU Police Department.

In 1990, Congress enacted the Crime Awareness and Campus Security Act which required all higher education institutions to disclose campus crime statistics and security information.¹⁰ The act was amended several times thereafter with the 1998 amendment renaming the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It is generally referred to as The Clery Act. The goal of VCU's Clery compliance efforts is to maintain current and comprehensive records and to prepare annual reports containing information on a number of security-related protocols and policy statements.

The federal Violence Against Women Reauthorization Act of 2013¹¹ (VAWA) was originally enacted in 1994 and has been reauthorized several times and as recently as 2013 with compliance dates implemented over the last fiscal year. Updates required under VAWA include provisions to improve and expand how institutions address domestic and sexual violence. The Act also establishes the Office on Violence Against Women within the Department of Justice and allows for civil redress in cases prosecutors chose to leave unprosecuted.

Summary of Compliance Activities

As part of the university's comprehensive compliance program, Clery compliance includes awareness and monitoring of specific requirements by the Clery Compliance Workgroup. In addition, external monitoring is possible through U.S. Department of Education investigation or audit.

The Clery Compliance Monitoring Protocol implementation continues to assess compliance and VAWA obligations have now been added for FY16. This year, recommendations were made to management regarding enhancement of documentation maintenance procedures and routine and timely monitoring of the requirement to post notice of availability for the Annual Security and Fire Safety Report.

The October 1, 2014 deadline for reporting to Department of Education and publication of the report was met. The university is currently on target to meet the October 1, 2015 deadline.

There were 20 Crime Alerts sent to the university community due to events on, or near, campus classified as having potential to present serious and/or an on-going threat to the

campus community. These are timely warnings required to be sent in support of safety. This amount is equal to the number of crime alerts sent to the university community in FY14 indicating consistency both in the number reportable events and adherence to decision making procedures.

Additionally this year, reorganization of personnel duties within VCU Police Department has provided for two full-time employees dedicated to all operational compliance, inclusive of the obligations from both Clery and VAWA.

Currently, there are no known issues, challenges or obstacles to maintaining full compliance.

¹⁰See Higher Education Act §485(f), (i), and (j) – Clery Act and Related Campus Security Provisions for full details

¹¹See 34 CFR Part 668—Violence Against Women Act Final Rule for full details

TITLE IX PROGRAM

Overview

Today, more than 130 institutions across the country are under federal investigation by the U.S. Department of Education's Office for Civil Rights (OCR) for possible violations in the handling of sexual harassment and violence complaints. Needless to say, Title IX remains a high risk area for all colleges and universities. Compliance with this gender equity based regulation has become increasingly challenging due to:

- recent headlines in the news;
- a lowered standard of proof outlined in the Dear Colleague Letter of April 2011;
- expansion of interpretation and additional guidance from the Department of Education's Office of Civil Rights (OCR) released April 29, 2014; and
- an increase in reports of suspected noncompliance to the OCR from a more educated public.



Current regulatory guidance presents opportunities and challenges for all institutions, especially in higher education.

As identified in President Rao's memo issued on August 4, 2014, the Office of Institutional Equity was restructured to be recognized as a unit under the purview of the Office of the Senior Vice President for Finance and Administration for the remainder of FY15. Effective July 15, 2015, the [renamed] Office of Equity and Access Services now reports directly to the Office of the President to reiterate the tone from the top as to the seriousness of VCU's commitment to and importance of this issue and to avoid any conflict, or appearance of conflict, during investigation activities.

Summary of Compliance Activities

This past year VCU put forth immense efforts to bolster the effectiveness and efficiency of Equity and Access Services [EAS], specifically in the investigations division.

- A new Director/Title IX Coordinator has been hired to lead the work of the Title IX Program and EAS;
- Three investigator positions have been filled;
- Two support positions have been added to EAS specifically for addressing all complaints of protected class harassment and discrimination;
- Additional Deputy Title IX Coordinators have been established in Athletics and on the Medical Campus as add-on job duties for individuals; and
- Two new compliance focused full-time employee positions have been added to the Student Affairs Division for assistance with Title IX related student education, accommodations and adjudications.

The VCU Title IX Steering Committee has been established and assists with setting policy and educational awareness for the university community. Additionally, state law now requires the university's response team to meet twice a week to discuss reported concerns and ensure cases are appropriately progressing.

Throughout the year, several staff members assisted with fulfilling required compliance under the current Resolution Agreement between VCU and the Office for Civil Rights within the U.S. Department of Education. The reporting under the Resolution Agreement continues to create additional pressures on current staff and causes major shifts in priorities in order to meet these obligations. The university continues to progress toward fulfilling compliance with the Resolution Agreement and the Integrity and Compliance Office and university counsel continue to monitor this progression.

In December, a selected delegation from the Title IX Steering Committee was invited to meet with Virginia's Secretary of Education, Secretary of Public Safety, and others from the Governor's Office to discuss the opportunities and challenges related to university obligations under federal law and to provide relevant information from both administrative and criminal perspectives to assist with informing state legislation regarding campus sexual assault.

VCU continues to proactively identify possible individuals affected by sexual misconduct, including sexual violence, by way of an integrated Police Department; trained residential staffing personnel; University Title IX Coordinator and Deputy Coordinators; and collaborative working relationships with Richmond Police Department Major Crimes Division, and representatives from Commonwealth's Attorney's Office. Additionally, Maxient, the student conduct electronic system of record, houses documentation necessary to track and retain information used to enhance safety efforts on campus. Equity and Access Services addresses all intake and assesses the need for investigation of those matters falling under Title IX's purview.

This past fiscal year, in-person training sessions were held with the student advising center, university college, human resource liaisons, compliance advisory committee, university council, council of the Deans, representatives for all recognized social Greek life fraternity and sororities at their annual retreat, and several upon request sessions in higher risk areas based on past reported events. These specialty sessions reached more than 400 employees in the form of in-person, one-hour sessions conducted by both the Compliance Officer/Acting Title IX Coordinator and the Associate Vice Provost/Dean of Students and Deputy Title IX Coordinator from Student Affairs Division within the Office of the Provost. Continual communication, including training sessions to students, faculty, and staff now occurs annually with all new students, upon hire for staff, and universitywide to all employees through Annual Compliance and Ethics Training. Training continues to be enhanced moving forward for both employees and students.

Significant efforts went into creating new policy and training this year. As announced by President Rao on August 3, the interim policy on *Sexual Misconduct/Violence and Sex/Gender*

Discrimination is now in effect and will be posted for public comment later this Fall. It reiterates the VCU community commitment to fostering an environment of mutual trust and respect and expressly states that VCU does not tolerate sexual assault, sexual exploitation, partner or relationship violence, sex/gender discrimination, sexual harassment, complicity or retaliation. The new policy contains information about resources, prohibited conduct and the university's process for investigations and resolution of Title IX cases, including sexual assault and misconduct. All faculty, staff and incoming students must complete online training related to Title IX and this new policy.

Lastly, a comprehensive website devoted to addressing the needs of those affected by sexual assault, harassment, relationship violence, stalking, and other forms of gender discrimination currently exists; however, development of a streamlined, user-friendly approach of this complex topic for use by faculty, staff and students is in progress.

All of these activities place the university in a position of strength to respond appropriately to Title IX-related matters.

Integrity and Compliance Office



VCU

912
Stagg House
Department of History

Virginia Commonwealth University

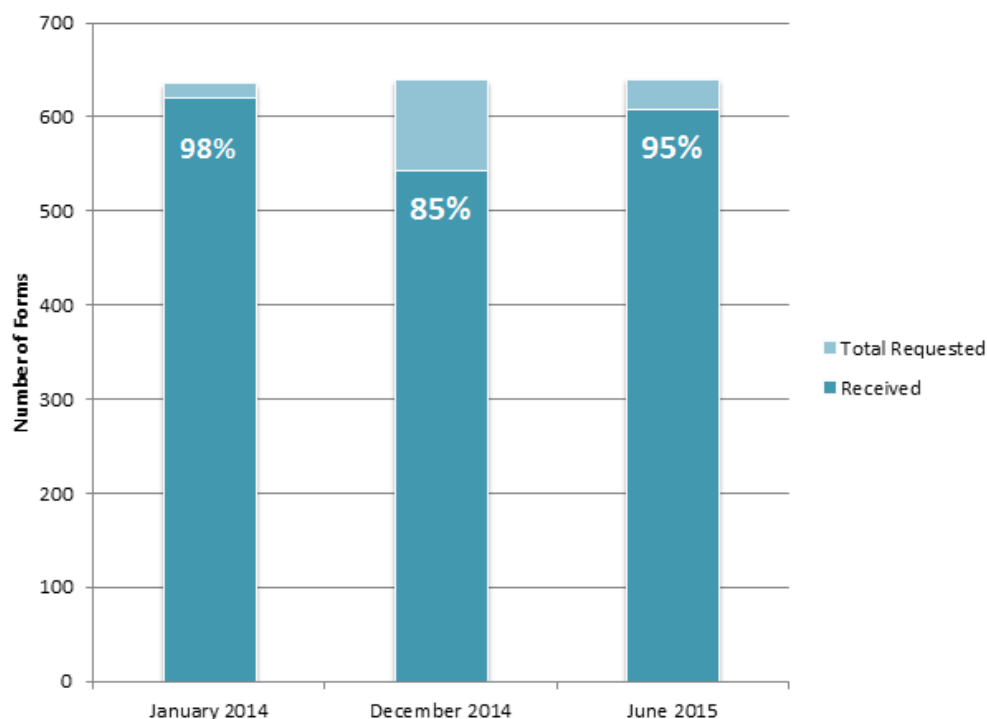
CONFLICT OF INTEREST ACT

Beginning with FY15, the Commonwealth now requires bi-annual reporting related to Conflicts of Interest. Prior to this year, reporting was required annually. As required by the Commonwealth, all Board of Visitors members complete a Financial Disclosure Form and all employees determined to be in a position of trust complete the Statement of Economic Interest Form. Agencies are left to independently define who falls into a position of trust. Human Resources, Office of Research, and the Integrity and Compliance Office assist in compiling the list of employees who hold a position of trust. The Integrity and Compliance Office assists with timely filing as the agency liaison with the Commonwealth as well as disclosure analysis in order to manage or eradicate disclosed conflicts.

All Financial Disclosure forms and Statement of Economic Interests forms for the Commonwealth's December disclosure period were due to the Commonwealth on December 15. Notifications to complete this requirement were disseminated November through January. As of February 3, 2015, VCU's overall compliance rate was 85%.

All Financial Disclosure Forms and Statement of Economic Interests Forms for the Commonwealth's June disclosure period were due to the Commonwealth on June 15. Notifications to complete this requirement were disseminated May through July. As of August 11, 2015, VCU's overall compliance rate was 95% for filing.

Interest Disclosure Forms: Completion Rates



Concurrent with the efforts to achieve our mission and strategic initiatives, as stewards of public resources, VCU must maintain oversight of external relationships and the potential for conflicts of interest. In the normal course of university business, conflicts of interest will arise. Not all conflicts of interest signify an act of wrongdoing, but all conflicts must be identified, disclosed and managed, or removed, when appropriate.

VCU has three core processes for identifying, evaluating, managing, and removing conflicts of interest. They include:

- The Commonwealth required biannual interest disclosure;
- Researcher conflict of interest reporting; and
- University regulations governing outside professional activity and employment, research, and continuing education.

Interest disclosure reporting and processes have been a continuing topic in need of enhancements, from both a Commonwealth and federal regulatory requirement perspective and a university interest in risk assessment and efficiency perspective. Endeavors initiated to date include: maintaining an electronic solution for submission of interest disclosure; determining strengthened criteria for who is in a position of trust; performing a structured analysis of data collected and management plans once conflicts are identified; analysis of university's position on this topic in relation to Southern Accreditation of Colleges and Schools (SACS) requirements; policy gap assessment and development; and annual education to new board members concerning interest disclosure at New Member Orientation.

These accomplishments have been collaborative in nature with many compliance partners. Updates will continue to be provided to the Audit, Integrity, and Compliance Committee specific to policy creation and implementation and the university's approach to identifying and managing interests.

CULTURE SURVEY HIGHLIGHTS

The Integrity and Compliance Office conducted a culture survey focused on integrity and compliance in March 2015. The purpose was to assess the university community's [specifically faculty and staff, or hereinafter, the workforce] awareness of certain resources; overall attitudes toward the concepts of integrity, compliance, and raising concerns in the workplace; and to assist with identifying opportunities to strengthen our ethics and compliance culture.

This survey is conducted biennially as one measure that permits continual assessment of the culture focusing on concepts of integrity and compliance. The survey was reported to the Board of Visitors in May 2015 and to the Compliance Advisory Committee in June 2015. The complete survey is located in Appendix A of this report and a few highlights are provided as follows:

Participation increased by 20% this year [compared to 2012] with a total of 2,522 employees responding.

Trends for familiarity of resources, demonstrating integrity and comfort with reporting potential misconduct are all on a progressively positive trajectory [considering results from surveys conducted in 2010, 2012 and 2015].

Specific increases in familiarity with critical governance resources are based on comparisons from the 2012 Survey:

- 41% increase in familiarity with the Code of Conduct
- 20% increase in familiarity with the Policy Library
- 15% increase in familiarity with the VCU Helpline, an anonymous reporting mechanism

Approximately 84% of survey respondents felt most employees at VCU demonstrate integrity and ethical behavior in performance of their job duties.

Seventy-nine percent of survey respondents reported that leadership at VCU demonstrated integrity and ethical behavior.

Nineteen percent of survey respondents reported they observed or experienced misconduct within their department within the last 12 months versus 5% reporting that they were personally asked to bend, break, or circumvent laws, regulations or policies within the last 12 months. The bottom line is that VCU employees observe or experience less misconduct than the national average [41% from the National Business Ethics Survey], and are also less likely to report it. Fifty-three percent of survey respondents reported the misconduct, compared to the national average for reporting of 63% [from the National Business Ethics Survey].

The belief that an issue would not be addressed or taken seriously was cited as the top reason employees chose not to report their concerns. Other reasons include fear of retaliation by a supervisor/management or a belief that management was already aware of the concern.

At the conclusion of the survey, respondents had the option of submitting general comments about the overall culture of compliance at VCU; 16% of survey respondents shared comments and of those:

- Twenty-two percent of feedback was exclusively positive.
- Twenty-five percent expressed concern that higher level employees do not adhere to policy and our ethical standards, and are not held accountable for their actions.
- Sixteen percent suggested implementing additional training and outreach concerning integrity and compliance topics—generally for those in a supervisory role.

GOVERNMENT REVIEWS

Monitoring external agency inquiry, review, and audit activities and facilitating a unified and appropriate response to external agency requests is always of continued importance.

This section highlights significant non-routine government reviews (investigations or inquiries) conducted; the results of the reviews; and university remediation plans to prevent recurrence of any identified issues where applicable. In the future, this report will include statistics and analysis related to external government reviews, both routine and non-routine, as improvements are made to track and collect relevant data for this purpose.



Department of Education, Office of Civil Rights (OCR):

The university remains under a resolution agreement stemming from multiple complaints occurring in 2013.

In summary, several complaints were made to the Office of Civil Rights which prompted an inquiry related to the university's Title IX compliance activities. Since the inquiry, the OCR has conducted a day long training event on campus and continues a dialogue with the university counsel related to handling current complaints. The resolution agreement covers required policy and training enhancements and expects internal coordination and timeliness of investigative work. Prior to signing the agreement, efforts were underway since January 2014 to align with the spirit of the resolution agreement which was signed by President Rao April 2014. The resolution agreement imparts significant additional administrative work on already strained dedicated resources. Even with the resources that have been added, other offices continue to provide support in order to comply with these requirements. With the additional resources and a shifting of area priorities, there are currently no known issues, challenges or obstacles to fully complying with this agreement.

Note: Although completed outside of the fiscal year parameters, the significantly reconfigured policy has been completed and training has occurred and continues this Fall in order to educate the university community on the new policy requirements. To date, all students and employees have been notified of this new policy.

POLICY MANAGEMENT

The Integrity and Compliance Office (ICO) has the responsibility for maintaining a universitywide Policy Program. The goal of this program is to maintain current and comprehensive policies and procedures conveying the expectations of VCU. The Policy Program and the centralized Policy Library are in place to meet industry best practices; contribute to a culture of ethics and compliance; and to meet Southern Association of Colleges and Schools (SACS), and state and federal requirements. In accordance with SACS requirements, policies and procedures are to be in writing, approved through appropriate university processes, published and accessible to university employees, and implemented and enforced by the university.

The Policy Program most significantly supports the elements of *Setting Standards and Procedures* and *Education and Training* for the organization, as outlined in Chapter Eight of the Federal Sentencing Commission's Guidelines (FSG) for an effective compliance program. In support of *Setting Standards and Procedures*, the ICO maintains a centralized Policy Library housing all universitywide policies. An enhanced, user-friendly Policy Library (www.policy.vcu.edu) became available in June 2015 with continued centralization and data normalization of policies.

The element of *Education and Training* is supported by communication of new and revised policies to the university community and by guiding policy owners (authors or responsible parties for content) through all stages of the creation, maintenance, and approval processes. Recent policy updates are communicated through *Policy Points*, a policy notification tool as well as Policy Corner within *The Compass*, VCU's ethics and compliance focused e-newsletter. Policy owners are provided resources to assist with obtaining a centralized, version controlled document in the expected format utilizing the policy template. Specifically, policy owners are provided a policy development tool and offered one-on-one sessions for assistance and maintenance of their policies. Discussions are ongoing concerning potential changes to the formal approval process and will be brought to the BOV for formal approval by way of edits to the policy on *Creating and Maintaining Policies and Procedures*.

During FY15, the ICO worked with universitywide policy owners to facilitate progress on 59 policy documents, ensuring policies were timely updated (triennial review requirement) and appropriately transferred into the approved policy template. The ICO has also developed a user-friendly, accessible website to ensure transparent policy availability and ease in locating current versions. The updated website includes user friendly tools such as searchable text for key words, FAQs, information on recently updated policies, drafting tips, and contact information for the ICO. This website received over 17,500 hits in FY15. See www.policy.vcu.edu.

Some policy specific highlights are as follows:

Of the 59 policies tracked and managed in FY 2015, 40 policies have completed their respective phases of approval:

- Six were newly created;
- Three had substantive revisions;
- Four were approved in interim status;
- Seven have resulted in an in-depth analysis and assistance with further development; and
- The remaining policies resulted in minor revisions during triennial review

Key policies developed this past year include:

- *Compliance with NSF and NIH Responsible Conduct of Research (RCR)*
- *Compliance with United States Export Controls Laws*
- *Conduct of Human Research Subjects*
- *Institutional Conflicts of Interest in Research - Interim*
- *Principal Investigator Eligibility*
- *Research Data Ownership*
- *Exposure and Breach of Information*
- *Employee-Student Consensual Relationships - Interim*
- *Affirmation of VCU's Equal Opportunity - Interim*

While a centralized policy management approach is a newer endeavor for VCU, a significant number of policies [more than 170] remain outdated. Some of these are past the triennial timely review requirement and others are significantly outdated well past the triennial requirement. This information has been shared over the last two years and management continues to balance priorities and limited resources to address this issue. It is acknowledged that retention issues, specifically redistribution of workload, contribute greatly to this issue.

Policy Writers' Workshops were held in August 2014 and June 2015. This was an interactive educational event detailing classification of policies; the importance of transparency, clarity and consistency in development; drafting and writing tips; and internal requirements related to policy creation, approval and maintenance. This will now be an annual event in addition to requested abbreviated sessions to smaller groups and one-on-one assistance.

Lastly, the ICO also serves as the university's regulatory policy liaison with the Commonwealth.

RISK ASSESSMENT ACTIVITIES

Increased attention to compliance by several federal and state agencies has produced the need for ongoing compliance risk assessment activities. The following measurements are considered industry-wide to assess compliance culture and are incorporated into the ethics and compliance program's risk assessment activities:

- ☐ Leadership commitment
- ☐ Mandatory training compliance
- ☐ Interactions with the Integrity and Compliance Office (ICO)
- ☐ Enforcement for non-compliance

Routine monitoring through a Federal Regulatory Reporting Calendar affirmation process has been fully implemented and in effect for the past two years. This process is made possible by communication with, and attestation by, operational Compliance Partners who ensure timely compliance with required reporting to outside agencies. Currently, compliance with external federal reporting is at 100% as there are no identified obstacles or known deficiencies to meeting these requirements.

Additionally, the development of a Federal Regulatory Responsibility Grid continues and establishes the foundation for future monitoring activities. As a preliminary step toward a more encompassing and formalized compliance risk assessment, and in continuing monitoring efforts, the Integrity and Compliance Office has recently completed a review of federal regulations applicable to institutions of higher education specifically based on the activities undertaken at VCU. This review resulted in the creation of the *Federal Regulatory Responsibility Grid* wherein identification of individuals responsible for compliance has been determined and a preliminary self-assessment conducted by operational personnel has been supplied. Specifically, this grid identifies:

- operations governed by these requirements;
- the applicable compliance partner (usually a Compliance Advisory Committee member, or the individual regularly communicated with regarding specific compliance obligations);
- the applicable cabinet member overseeing the function; and
- attestation notes related to compliance.

Specifically, compliance partners were asked to confirm and attest to the accuracy of identified individuals for these responsibilities; that no additional applicable regulations had been omitted; that there are currently no known challenges or obstacles to maintaining full compliance; and that there are no known violations, material or otherwise, for each regulation. A comprehensive list and attestations will be maintained in the ICO moving forward. Any challenges toward compliance will be shared with Senior Leadership this Fall and assist with informing operational decisions moving forward.

TRAINING AND EDUCATION

This section provides timely updates to universitywide training and education efforts and does not yet include information related to specialty training requirements such as research activity related, OSHA related, operating internal systems, or information security training excepting specific Title IX and Sexual Harassment and Discrimination Training sessions that were conducted, see details below in Need Based section.

Required Annually:

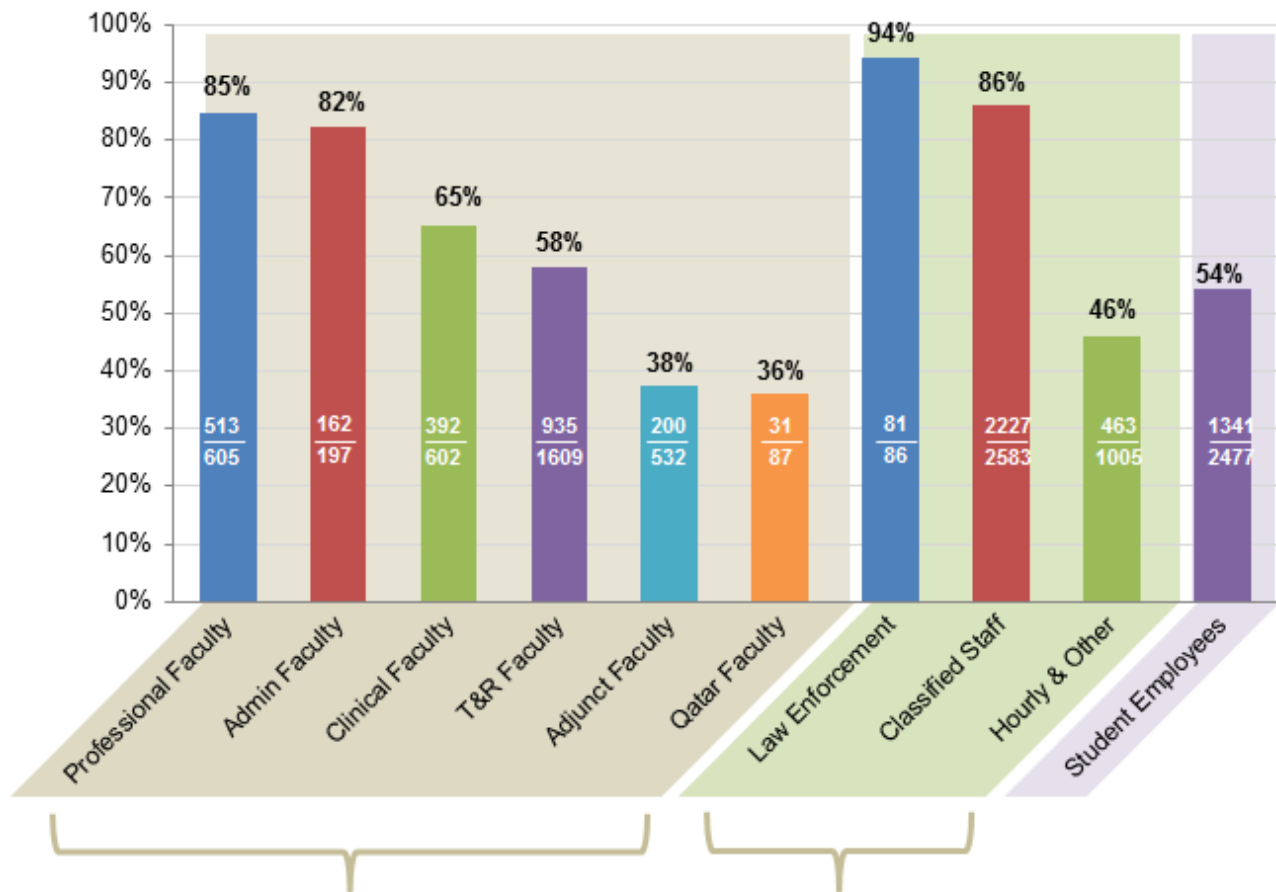
In support of fostering and promoting an ethical and compliant environment, the Ethics and Compliance Program makes efforts toward influencing and impacting human behavior. The unveiling of the Code of Conduct in April 2013 provided the needed basis and framework for Annual Compliance and Ethics Education for all employees. The intent of this required annual education is to convey annual reminders to all employees that compliance and ethics are at the forefront of all business-related decision making and to remind and inform employees of the university's expectations, key universitywide policies, and the tools and resources available to help employees meet expectations. The education module provided clarity on VCU's ethical standards and resources available for challenges encountered. The education module was designed to be completed within one hour or less. The course included an attestation of understanding our Code of Conduct, the duty to inquire if there are questions, and our environment being free from retaliation. The course concluded with a comprehension quiz wherein a 25 or greater, from a possible 30 available points, was a passing score.

This year marked the second cycle of this initiative. Dr. Rao set the tone with a notification email to all employees on September 15, 2014, announcing the *2014 Integrity and Compliance Education* course with an October 15, 2014 due date. Four additional notices were also posted in the VCU TelegRam, a daily email of university news and events that are of universitywide interest. Periodically, prior to and after the due date, the President's Cabinet members also sent reminders for completion.

The following topics were included in the 2014 course modules with an additional focus on sexual misconduct (Title IX), privacy and confidentiality and anti-retaliation based on the current risk environment:

- | | |
|---|--|
| <input type="checkbox"/> Ethical Behavior | <input type="checkbox"/> Research Integrity |
| <input type="checkbox"/> Reporting Concerns & Protection from Retaliation | <input type="checkbox"/> Intellectual Property |
| <input type="checkbox"/> Diversity and Inclusiveness | <input type="checkbox"/> Records Management |
| <input type="checkbox"/> Sexual Misconduct/Title IX | <input type="checkbox"/> Safeguarding Confidential/Private Information |
| <input type="checkbox"/> Workplace Health and Safety | <input type="checkbox"/> External Communications & |
| <input type="checkbox"/> Interest Disclosure | |

2014 Ethics and Compliance Education Completion Rates by Employee Type



61% of Total Faculty

- 65% Full Time Faculty
- 41% Part Time & Adjunct Faculty

75% of Total Staff

- 87% Full Time Staff
- 47% Part Time & Hourly Staff

65% Overall

75% Core Faculty & Staff

(Not including Adjunct, Hourly, Wage or Student Employees)

Routine:

In addition to annual on-line education, in-person training related to existence of ethics and compliance resources; clarity of expectations; where to locate standards and procedures; and how to set appropriate tone of ethics-based decision making in daily operations has been supplied to:

- new faculty hires attending new faculty orientation (voluntary) for the last four years; and
- new classified staff for the last three years; and
- current School/Division Chairs, who have completed the university's Chair Training Certification Program facilitated by the Office of the Provost, for the last four years.

Upon Request / Need Based:

- Periodic training occurs at various routinely held meetings as well as in response to any requested training for local areas, divisions, or units throughout the year. Currently all requests are being met.
- Specialty training sessions may be conducted by in-house talent or may be coordinated by VCU personnel but conducted by outside experts. This past year several sessions were held focused on the requirements of Title IX. In-person training sessions were held for student advising center, university college, human resource liaisons, compliance advisory committee, university council, council of the Deans, and several upon request sessions in higher risk areas based on past reported events. These specialty sessions reached more than 400 employees in the form of in-person, one-hour sessions conducted by both the Compliance Officer/Acting Title IX Coordinator and the Associate Vice Provost/Dean of Students and Deputy Title IX Coordinator from Student Affairs Division within the Office of the Provost.
- Refresher training sessions are also available as an option to areas experiencing a need for reminders of standards or recovering from situations of founded misconduct.

INTEGRITY AND COMPLIANCE OFFICE EFFORT HIGHLIGHTS

Overview

While the Integrity and Compliance Office (ICO) is not revenue producing, it is penalty preventing and, therefore, provides a significant service-centered value to the university. Time devoted for universitywide compliance efforts is tracked by all ICO employees. The intent of including this section is to further assure the Board of Visitors that the compliance program aims to function in an effective manner and to provide an overview of total effort of time expended by these employees on those requests, inquiries, and necessities presented to the ICO throughout the year.

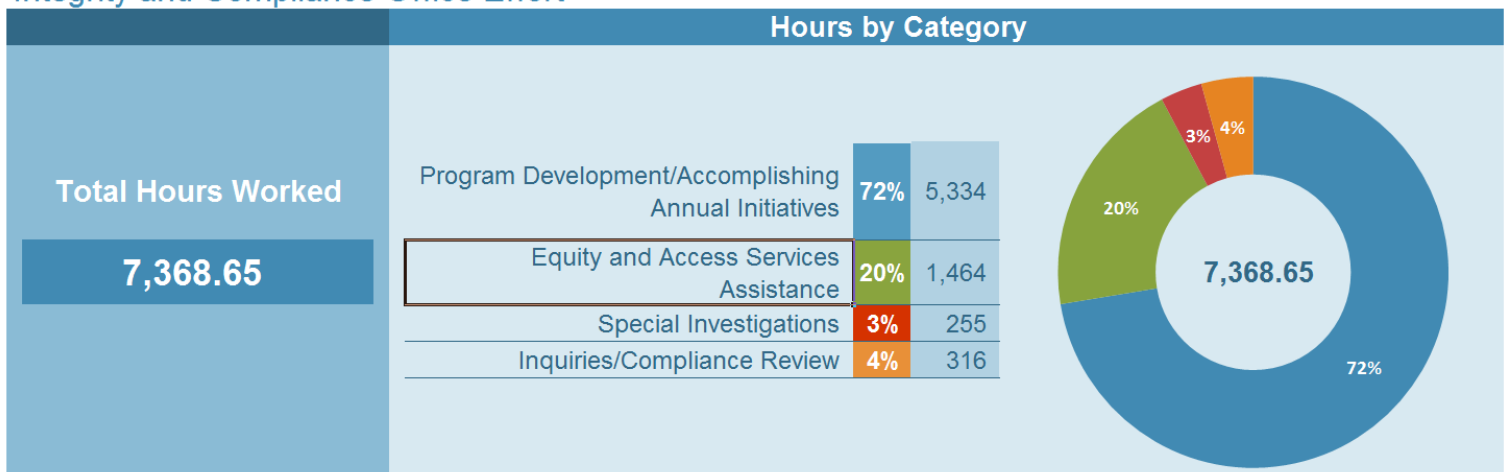
Conclusion

Currently, 75% of ICO FTEs maintain current professional certifications in Compliance and Ethics Professional Standards or in Health Care Compliance. ICO resources, in terms of human capital, demonstrate more than 7,300 hours worked. Effort reflected below is approximate and represented by four FTEs and is exclusive of a shared Executive Director [with Internal Audit], who also maintains a professional certification, and administrative efforts expended. Efforts this past year are illustrated in the graph below and details for the majority of time spent category are as follows:

Program Development / Accomplishing Annual Initiatives: 5,335 hours, or 72% of total time devotion [remains steady from prior FY at 74%] - this includes:

- Policy Program Work: 1,863 hours, or 35% of this category's effort and 25% of all effort expended
- Education and Training Initiatives
- Monitoring and Risk Assessment Activities

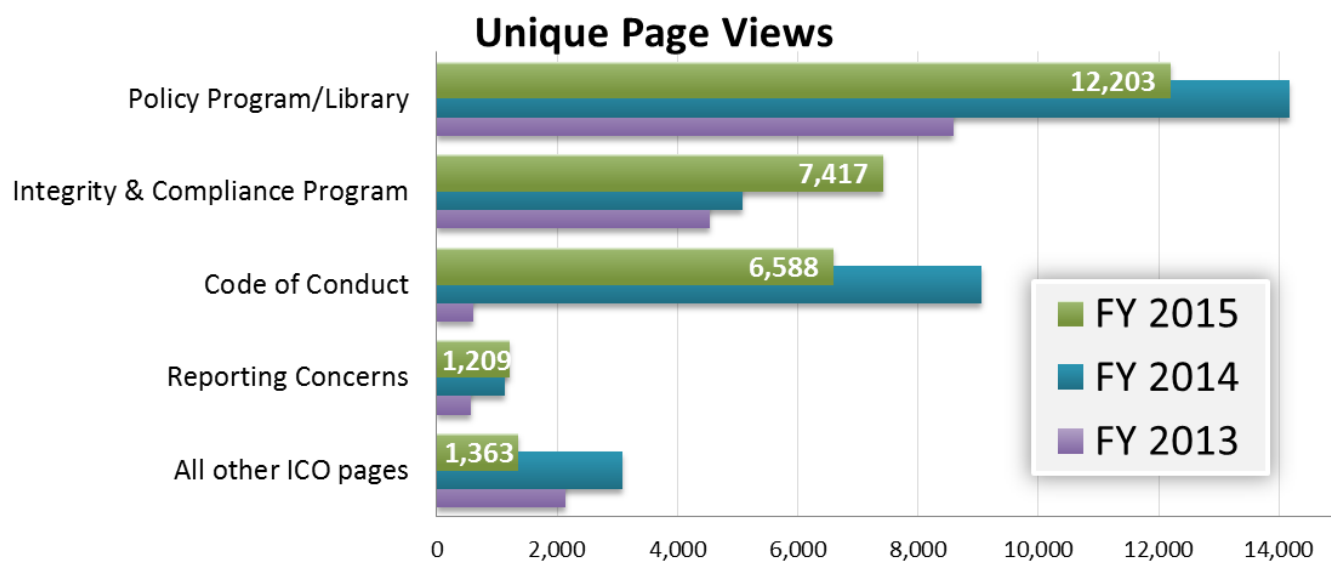
Integrity and Compliance Office Effort



As noted in the effort chart above, significant effort, more than 1,400 hours, went into supporting Title IX and all equity and disability efforts at the university during the transition of Office for Institutional Equity, now named Equity and Access Services. Oversight of the major functions of this office were assumed by the Integrity and Compliance Officer who also served as Acting Director for the Office and Title IX Coordinator for approximately 9 months. Duties included training employees; receiving and investigating complaints of sexual and other protected class misconduct; oversight of implementation of interim measures for individuals affected by sexual misconduct; oversight of external investigators hired to assist; and external reporting to the Department of Education's Office of Civil Rights in compliance with an active resolution agreement.

Additionally, the chart below reflects analytics on webpage traffic. It demonstrates approximate visitors and visits and highlights some of the more frequented web resources. A comparison of the last two fiscal years provides metrics demonstrating increased utilization of the ICO. Overall, these statistics show an increase in page views [or visits] and amount of time spent on the web resources covering both Reporting Concerns and the Ethics and Compliance Program. By contrast, a decrease in page views and amount of time spent is most pronounced for the web resources covering both the Code of Conduct and the Policy Library. This decrease could be attributed to significant awareness campaigns focused on the Code of Conduct and the Policy Program in FY14 and a change in focus for the ICO in FY15 due to the necessary and significant attention diverted to the interim role and support the ICO provided to the Equity and Access Office. Alternatively, the decrease in the amount of time spent on webpages may demonstrate less time needed to read and comprehend material perhaps due to familiarity with the resource.

Webpage	FY 2013			FY 2014			FY 2015		
	Pageviews	Unique Pageviews	Average Time on Page (min)	Pageviews	Unique Pageviews	Average Time on Page (min)	Pageviews	Unique Pageviews	Average Time on Page (min)
Policy Program/Library	11,965	8,595	2 min 30 sec	20,095	14,164	2 min 58 sec	17,561	12,203	2 min 11 sec
Integrity & Compliance Program	5,675	4,543	1 min 36 sec	6,420	5,078	0 min 58 sec	9,226	7,417	1 min 35 sec
Code of Conduct	774	613	4 min 12 sec	11,826	9,055	4 min 59 sec	8,310	6,588	3 min 11 sec
Reporting Concerns	765	577	2 min 0 sec	1,466	1,137	1 min 51 sec	1,600	1,209	2 min 2 sec
All other ICO pages	2,731	2,148	0 min 6 sec	3,801	3,096	2 min 54 sec	1,539	1,363	2 min 35 sec
Compliance Week	N/A	N/A	N/A	2,211	1,963	6 min 49 sec	N/A	N/A	N/A
	24,640	19,092	2 min 33 sec	45,819	34,493	3 min 24 sec	38,236	28,780	2 min 17 sec



FY 2016 COMPLIANCE AND ETHICS PROGRAM INITIATIVES HIGHLIGHTS

VCU's Ethics and Compliance Program is predominantly driven by the Federal Sentencing Commission's Sentencing Guidelines, Chapter 8, which provide the elements of an effective Ethics and Compliance Program. The program is also driven by industry best practices, benchmarks, sound business sense and the needs of the organization. The Compliance Program plays an integral role in VCU's overall risk mitigation processes by offering advisory resources to all departments; providing reporting mechanisms to employees; and soliciting interactions from a cross section of the university. Based on these services, interactions, and projects throughout FY 2015, the initiatives for FY 2016 reflect identified areas and topics where a devotion of additional time and attention are necessary to address, or continue, assurance of compliance requirements; ethical behaviors; and overall institutional integrity. This section covers thematic highlights of the slated plan for FY16, additional details are included in the complete Initiatives Section in Appendix B of this report.

FY 2016 Initiative Highlights:

- ❖ Integrity and Compliance Annual Report to BOV Audit, Integrity and Compliance Committee
- ❖ Execute 3rd cycle of Annual Employee Ethics and Compliance Education
- ❖ Create and Implement Ethics Based Training - Pilot Groups and Upon Request
- ❖ Code of conduct Enhancements
- ❖ Conflicts of Interest / Interest Disclosure; Individual and Institutional
- ❖ Gap and Risk Assessment Activities
- ❖ Infrastructure Enhancements for Maximum Efficiency - select and implement institutional e-solution for Compliance Monitoring and Case Tracking
- ❖ Monitoring - Clery Act Compliance and Campus SaVE Act (Sexual Violence Elimination), in accordance with the Violence Against Women Act
- ❖ Policy Program
- ❖ Continued support to compliance and ethics based specialty groups throughout the university

The anticipated effect of providing Annual Compliance Program Initiatives at the May Board Meeting and the Annual Report at the September Meeting is to assure that mechanisms exist

to keep the Audit, Integrity, and Compliance Committee abreast of continued compliance efforts that demonstrate effectiveness of the Ethics and Compliance Program. This committee is the appropriate authority to best assess the Ethics and Compliance Program's effectiveness.

If there are suggestions or recommendations please contact the Executive Director of Audit and Compliance Services or the University Integrity and Compliance Officer.

ACKNOWLEDGEMENTS

Finally, a word of acknowledgement is appropriate for several individuals whose collaborative and collegial, “do the right thing attitude and approach” cannot go unmentioned, for without these individuals and their teams there would be no Annual Report. Thank you and greatest appreciation to:

Jonathan Palumbo and Djenane Paul, Athletics Department

Craig Anderson and John Musgrove, University Audit and Management Services

Mary Beth Taormina, Office of Environmental Health and Safety

Laura Rugless, Equity and Access Services

Kawana Pace Harding, Department of Human Resources

Jaycee Dempsey, Ashley Greene, and Audrey Michael, Integrity and Compliance Office

William King, University Ombudsperson

Amy Unger, Office of the Provost - Faculty Recruitment and Retention

Reuban Rodriguez and Kendall Plageman, Office of the Provost - Division of Student
Affair

Susan Robb and Monika Markowitz, Office of Vice President for Research

In addition to the compliance partners listed above, the daily efforts of all compliance partners and members of the Compliance Advisory Committee are to be recognized, for without this interdisciplinary and collaborative network of peers, VCU would not benefit near as greatly as it does from having this communicative group of dedicated and trusted advisors.

Audit and Compliance Services: Bill Cole; David Litton

Office of University Counsel: Madelyn Wessel; Martha Parrish; Sara Johns

Controller’s Office: Tricia Perkins; Angela Davis

Equity and Access Services: Paula McMahon

Faculty Senate Representative: Robert Andrews

Financial Aid Office: Brenda Burke

Global Education Office: Paul Babitts

Grants and Contracts Office: Mark Roberts

Office of the Vice President for Health Sciences: Quincy Byrdsong; Cindy Cull

Department of Human Resources: Brenda Alexander; Laurie Bourne

Integrity and Compliance Office: Jacqueline Kniska

School of Medicine: Amy Sebring; Tricia Zeh

VCU Police Department: Chief John Venuti, Connie Davidson, Shana Mell

Office of the President: Kevin Allison
Office of the Provost: Heidi Jack; Kathleen Shaw
Office of the Provost - Registrar's Office: Anjour Harris
University Relations: Kasey Odom
Risk Management: David Mattox
Technology Services: Alex Henson, Dan Han
Treasury Services: Kevin Davenport

APPENDIX A—INTEGRITY AND COMPLIANCE CULTURE SURVEY

The Integrity and Compliance Office conducted a culture survey focused on integrity and compliance in March 2015. The purpose was to assess the university community's awareness of certain resources and programs and overall attitude toward integrity, compliance, and raising concerns in the workplace. The survey serves as one mechanism to identify opportunities to strengthen our ethics and compliance culture and provides a measure of the compliance program's effectiveness and progress. This survey is conducted biennially as one measure that permits continual assessment of the culture of integrity and compliance.

Initially, this survey was conducted in 2010, again in late 2012, and most recently in early 2015. This report offers a summary of the 2015 survey results and benchmarking with the 2010 and 2012 survey results.

The survey data reveals a 20% participation increase this year with a total of 2,522 employees responding. This is most likely attributable to a workforce supportive of a compliant culture recognizing the benefit for a survey of this type and reiterated by a sense of urgency conveyed with shorter response timeframe. Additionally, an incentive for a chance to be one of five individuals to win a prize was offered.

Overview

Overall, there is an increased awareness of the Integrity and Compliance Office, VCU policies and procedures, and reporting mechanisms. Approximately 84% of respondents felt most employees at VCU demonstrate integrity and ethical behavior in performance of their job duties, which is consistent with the 2010 and 2012 survey data. Seventy-nine percent reported that leadership at VCU demonstrated integrity and ethical behavior, a decrease of 1% from 2012 and an increase of 3% from the 2010 survey.

The percentage of respondents who experienced or observed a policy violation decreased slightly, by 2% (a 5% decrease from 2010), accompanied by a 10% increase in reporting those experiences and observations (an increase of 18% from 2010). The belief that the issue would not be addressed or taken seriously was cited as the top reason employees chose not to report their concerns (29% of respondents who experienced or observed a policy violation). Other reasons include fear of retaliation by a supervisor/management (21%) or management was already aware of the concern (11%).

At the conclusion of the survey, respondents had the option of submitting general comments about the overall culture of compliance at VCU. Twenty-two percent of feedback was exclusively positive. Twenty-five percent expressed concern that higher level employees do not adhere to policy and our ethical standards, and are not held accountable for their actions. Sixteen percent suggested implementing additional training and outreach concerning integrity and compliance topics—generally for those in a supervisory role and to include civility.

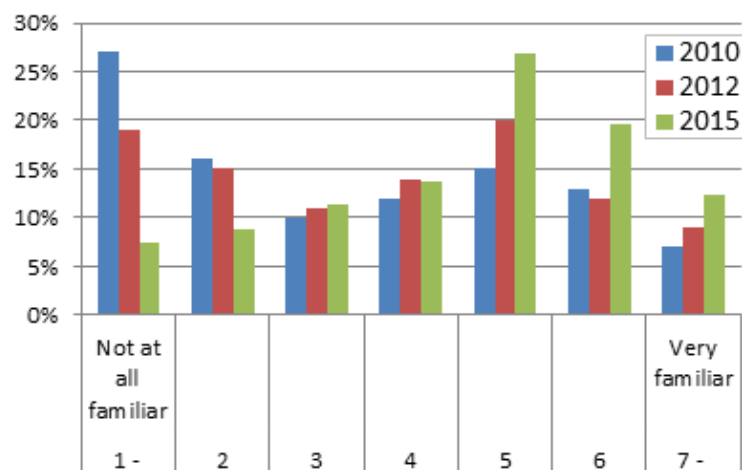
The following pages contain detailed information and conclusions in the following subcategories:

- Familiarity with Integrity and Compliance related resources
- Familiarity with VCU's policies
- Perceptions of integrity and compliance in the workplace
- Comfort with reporting concerns or incidents of non-compliance
- Observation of misconduct¹²
- Reporting misconduct

Familiarity with Integrity and Compliance Resources

The Integrity and Compliance Office (ICO) serves as a resource to the university community, providing guidance and tools such as the VCU Code of Conduct, Policy Library and VCU Helpline. The following questions were posed to measure familiarity with these resources and help determine where to focus ICO awareness and education efforts.

How familiar are you with the Integrity and Compliance Office? ¹³

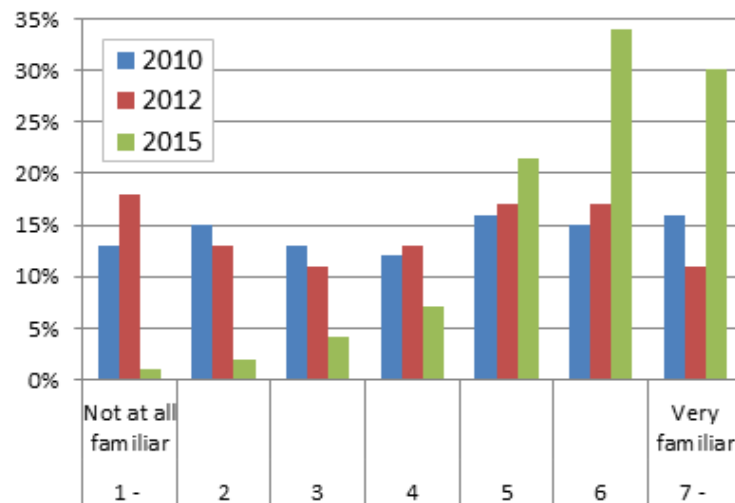


	2010	2012	2015	Δ
1 - Not at all familiar	27%	19%	7%	12%
2	16%	15%	9%	6%
3	10%	11%	11%	0%
4	12%	14%	14%	0%
5	15%	20%	27%	7%
6	13%	12%	20%	8%
7 - Very familiar	7%	9%	12%	3%

¹² Misconduct is defined as failure to meet expectations. Expectations are set by laws, regulations and VCU's policies.

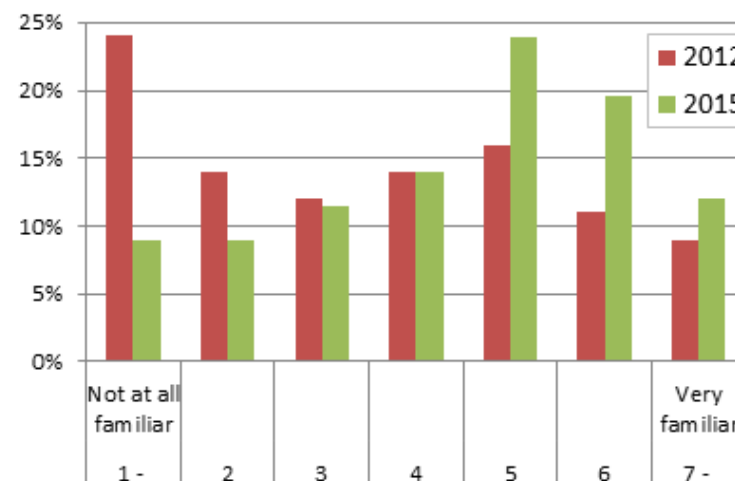
¹³ A percentage value appearing in red text in the change column indicates a decrease in change from the 2012 survey.

How familiar are you with the VCU Code of Conduct (which contains our Ethical Standards)?¹⁴



	2010	2012	2015	Δ
1 - Not at all familiar	13%	18%	1%	17%
2	15%	13%	2%	11%
3	13%	11%	4%	7%
4	12%	13%	7%	6%
5	16%	17%	22%	5%
6	15%	17%	34%	17%
7 - Very familiar	16%	11%	30%	19%

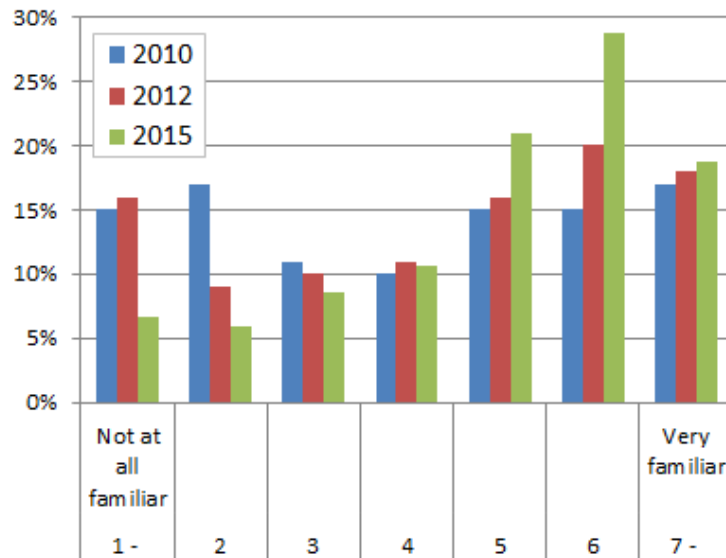
How familiar are you with the VCU Policy Library?



	2012	2015	Δ
1 - Not at all familiar	24%	9%	15%
2	14%	9%	5%
3	12%	12%	0%
4	14%	14%	0%
5	16%	24%	8%
6	11%	20%	9%
7 - Very familiar	9%	12%	3%

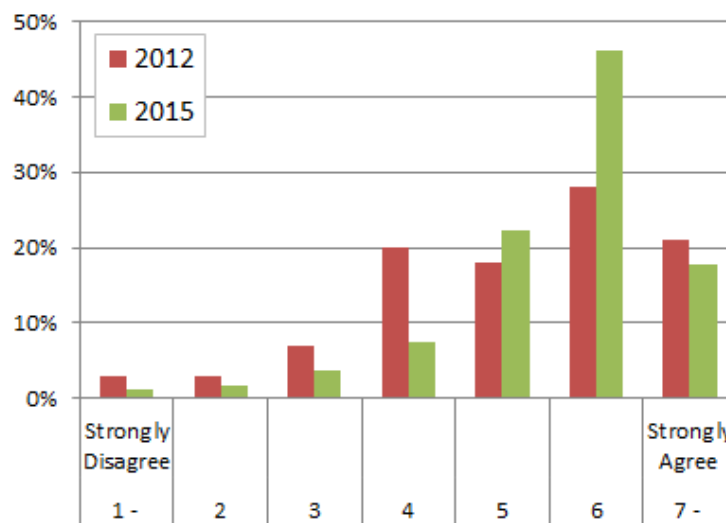
¹⁴ The 2010 and 2012 survey question referred to the "Code of Conduct for Business Practices" as the VCU Code of Conduct was not in use during the survey period.

How familiar are you with the VCU Helpline for anonymously reporting compliance concerns?



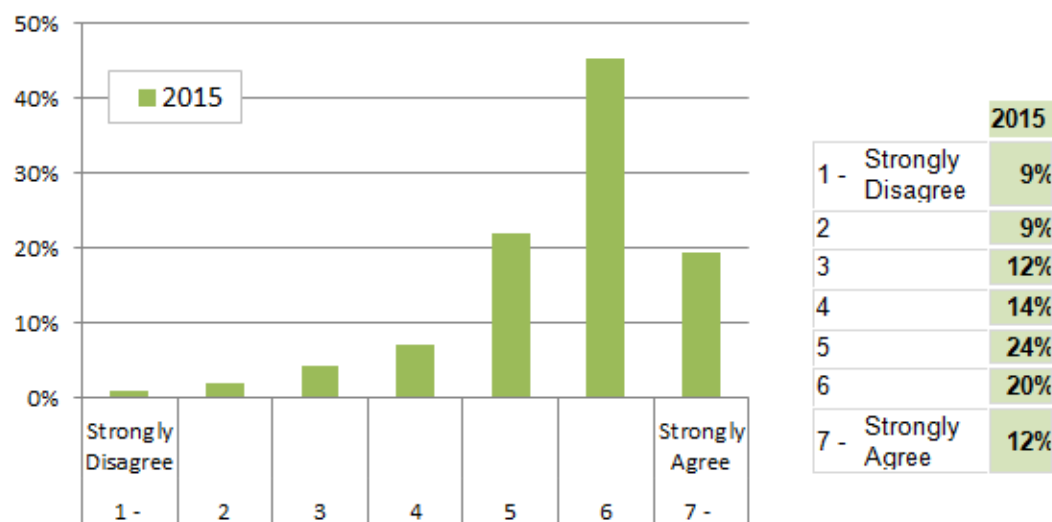
		2010	2012	2015	Δ
1 -	Not at all familiar	15%	16%	7%	9%
2		17%	9%	6%	3%
3		11%	10%	9%	2%
4		10%	11%	11%	0%
5		15%	16%	21%	5%
6		15%	20%	29%	9%
7 -	Very familiar	17%	18%	19%	1%

As a supervisor, or other leadership role, I know where I can find resources to assist me in developing appropriate ethical and compliant behavior in my employees.



		2012	2015	Δ
1 -	Strongly Disagree	3%	9%	15%
2		3%	9%	5%
3		7%	12%	0%
4		20%	14%	0%
5		18%	24%	8%
6		28%	20%	9%
7 -	Strongly Agree	21%	12%	3%

As a supervisor, I know where I can find resources to assist me in appropriately responding to and addressing reported compliance and ethical concerns.



Conclusion

Overall, there is an 18% increase in familiarity with the ICO, a 20% increase in familiarity with the Policy Library, and a 15% increase in familiarity with the VCU Helpline. Familiarity with the *VCU Code of Conduct* increased 41%; however, it is worth noting that in prior years, this question referred to the *VCU Code of Conduct for Business Practices*, which was retired in 2013 after being replaced with the current code.

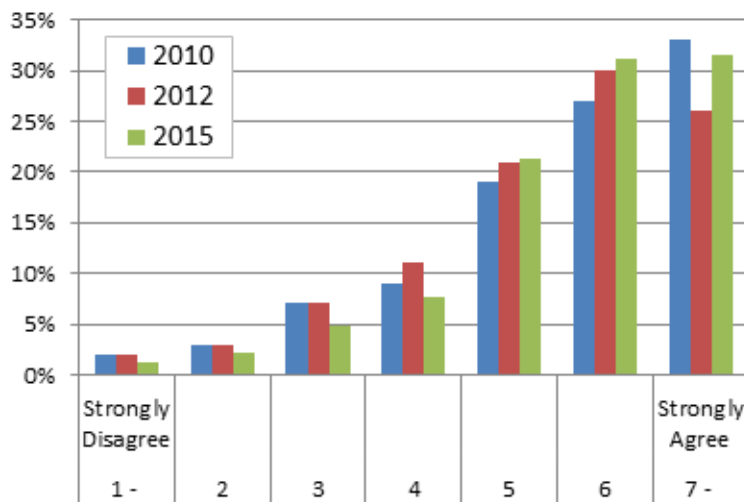
The overall increase in familiarity is most likely attributable to increased education as a part of the ICO's awareness initiatives, which included poster mailers and postcards to all employees, training presentations, compliance week activities, informational tables at VCU sponsored events, and joining several collaborative committees and workgroups.¹⁵

Familiarity with Policies

Respondents were asked if they know where to find policies and procedures and what their familiarity is with policies promoting a civil and professional working environment. The purpose of this inquiry is to evaluate the accessibility of information employees need in order to perform their work in compliance with VCU expectations.

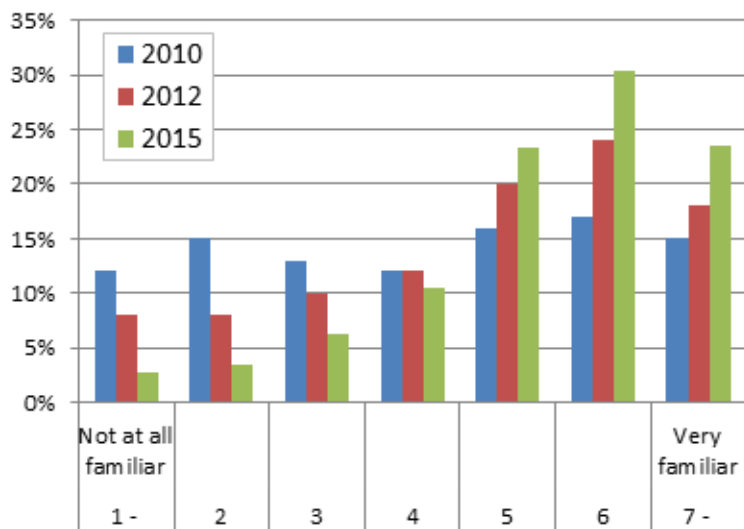
¹⁵ This list is not exhaustive.

I know where to find information on policies and procedures at VCU.



	2010	2012	2015	Δ
1 - Strongly Disagree	2%	2%	1%	1%
2	3%	3%	2%	1%
3	7%	7%	5%	2%
4	9%	11%	8%	3%
5	19%	21%	21%	0%
6	27%	30%	31%	1%
7 - Strongly Agree	33%	26%	32%	6%

How familiar are you with VCU's policies promoting an ethical culture, a civil and professional working environment, and anti-retaliation for reporting concerns?



	2010	2012	2015	Δ
1 - Not at all familiar	12%	8%	3%	5%
2	15%	8%	3%	5%
3	13%	10%	6%	4%
4	12%	12%	11%	2%
5	16%	20%	23%	3%
6	17%	24%	30%	6%
7 - Very familiar	15%	18%	24%	6%

Conclusion

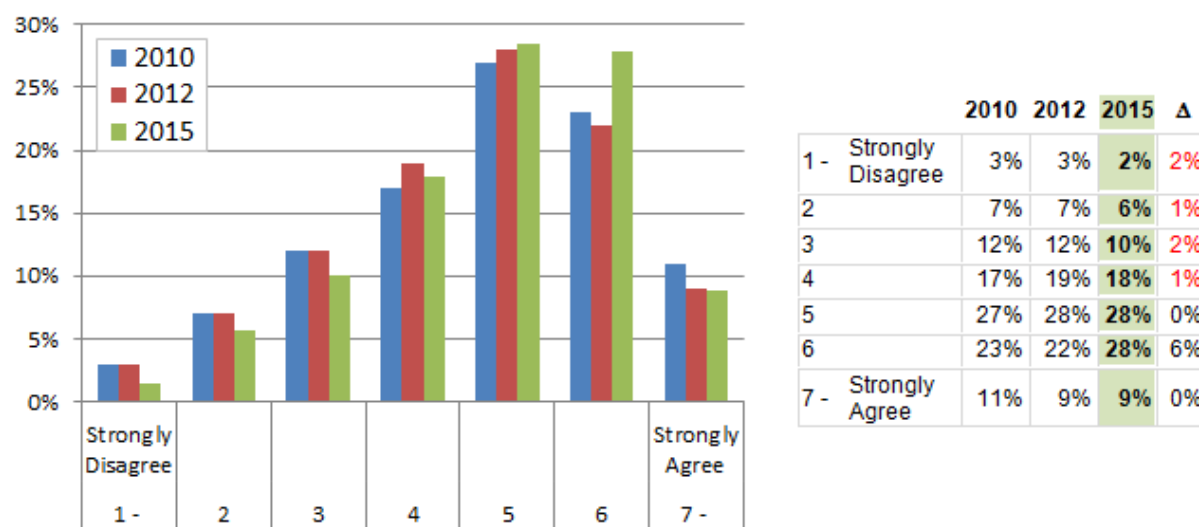
Sixteen percent of employees reported having challenges with where to find policies in contrast to 23% in 2012. Reflecting this trend, familiarity with the Policy Library grew from 36% in 2012 to 56% this year. The expectation is that this metric will continue to increase over the next several years as the Policy Program is further developed, promoted, and utilized.

Complimentary to this finding, there was also a 15% increase from the 2012 survey (and a 29% increase from 2010) in familiarity with policies promoting a civil and professional working environment. This may be attributable to the President and Provost's consistent messaging related to this topic serving as reiteration of VCU's expectations.

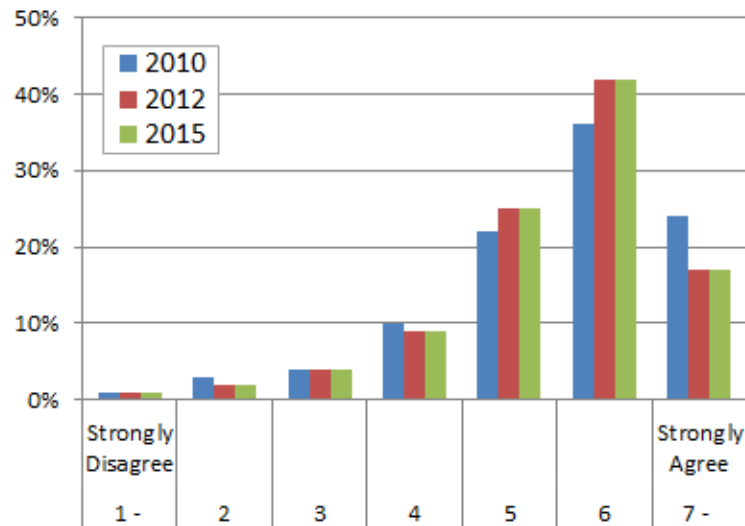
Perceptions of Integrity and Compliance in the Workplace

The following questions were included in the survey to measure ethical perceptions of both peers and those in leadership roles.

I believe that most employees at VCU know the laws, regulations and university policies that they are required to follow.

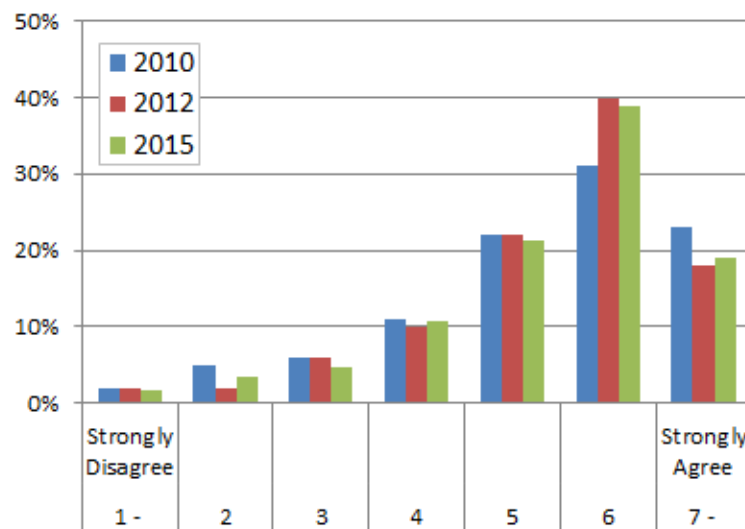


I believe that most employees at VCU demonstrate integrity and ethical behavior in performance of their job duties.



	2010	2012	2015	Δ
1 - Strongly Disagree	1%	1%	1%	1%
2	3%	2%	2%	1%
3	4%	4%	4%	2%
4	10%	9%	9%	3%
5	22%	25%	25%	0%
6	36%	42%	42%	1%
7 - Strongly Agree	24%	17%	17%	6%

I believe that most employees in leadership positions at VCU demonstrate integrity and ethical behavior in performance of their job duties.



	2010	2012	2015	Δ
1 - Strongly Disagree	2%	2%	2%	0%
2	5%	2%	3%	1%
3	6%	6%	5%	1%
4	11%	10%	11%	1%
5	22%	22%	21%	1%
6	31%	40%	39%	1%
7 - Strongly Agree	23%	18%	19%	1%

Conclusion

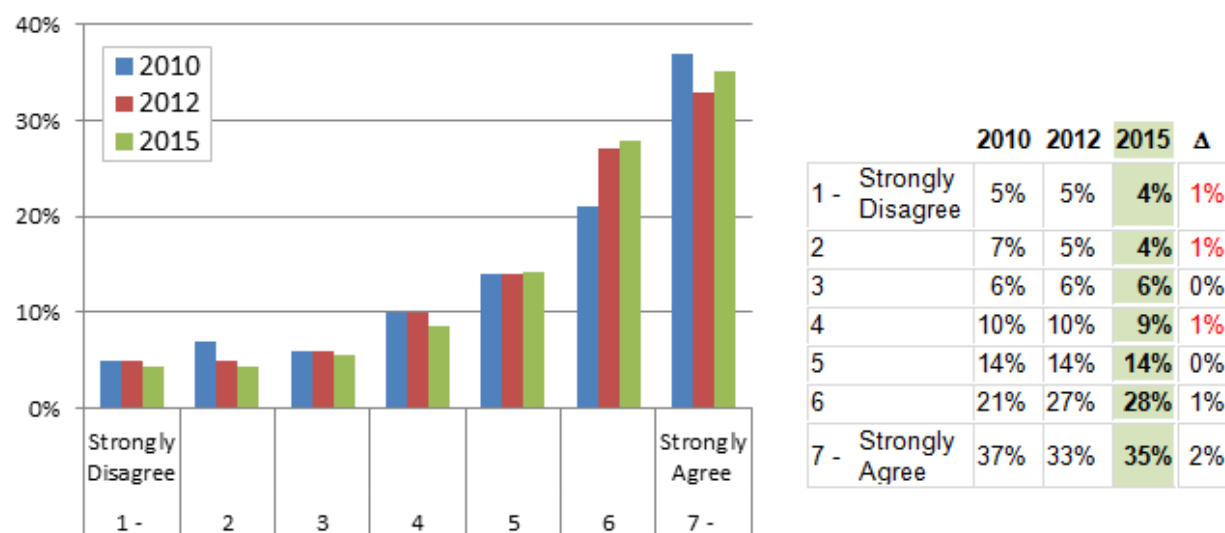
With an increase of 6% from the 2012 survey, the 2015 data demonstrates respondents are in agreement that most employees know the laws, regulations, and policies they are required to follow. This is bolstered by a 7% increase in agreement that most employees demonstrate integrity and ethical behavior in the workplace. Interestingly, that while only 65% of respondents agreed that most employees know the policies that they are required to follow, 84% of respondents agreed that they know where to find the policies that apply to their position. This suggests that employees may express over-confidence of their policy knowledge and under-confidence in others.

Belief that leadership demonstrates integrity and ethical behavior remained relatively static at 79% from 2012 with a slight overall increase of 3% from 2010. For comparison, 56% strongly agree or agree (i.e., subtracting those who “somewhat agree”). These metric mirrors the Ethics Resource Center’s *National Business Ethics Survey*, which revealed 57% of employees strongly agree or agree that senior leadership sets a good example of ethical behavior.¹⁶

Comfort Level with Reporting Incidents or Concerns of Noncompliance

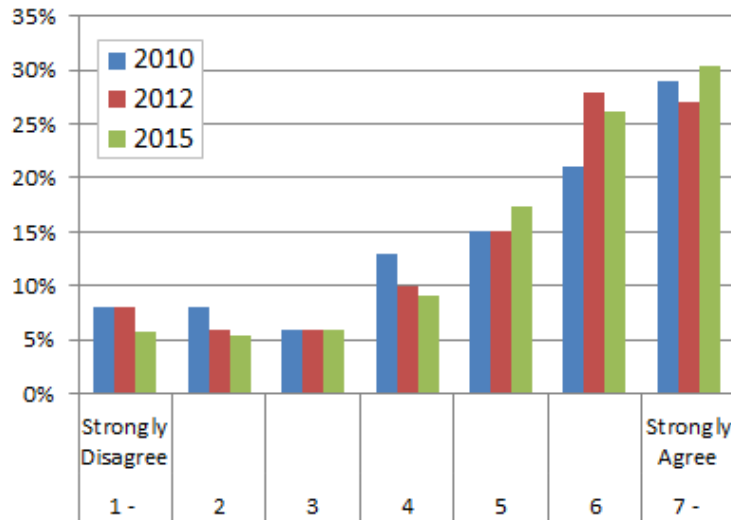
Employees were asked to rate their comfort level with reporting issues to their supervisor and their perceptions on whether they felt they would be protected from retaliation when reporting through various mechanisms. This data was collected to evaluate whether respondents felt they could raise concerns without fear of retaliation.

I feel comfortable reporting incidents or concerns of noncompliance to my supervisor.



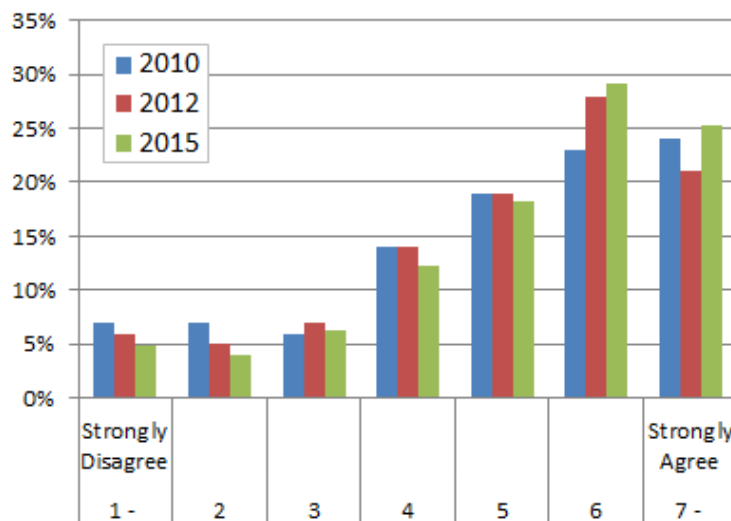
¹⁶ The Ethical Resource Center administers the National Business Survey biennially to a nationally representative survey of employees at all levels, to understand how they view ethics and compliance at work. The survey opened September 30, 2013 and closed November 15, 2013.

I feel that I would be protected from retaliation if I report a suspected compliance violation to my supervisor.



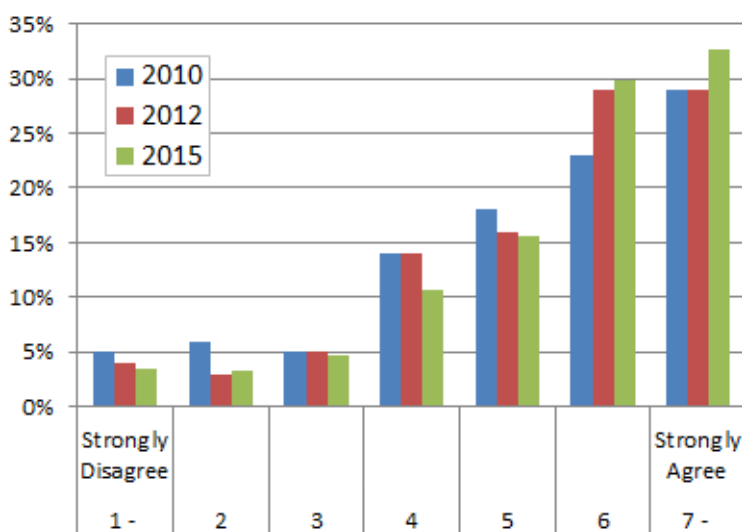
	2010	2012	2015	Δ
1 - Strongly Disagree	8%	8%	6%	2%
2	8%	6%	5%	1%
3	6%	6%	6%	0%
4	13%	10%	9%	1%
5	15%	15%	17%	2%
6	21%	28%	26%	2%
7 - Strongly Agree	29%	27%	30%	3%

I feel that I would be protected from retaliation if I report a suspected compliance violation to a central office (e.g., Human Resources, Athletics, Grants and Contracts, and Effort Reporting, etc.).



	2010	2012	2015	Δ
1 - Strongly Disagree	7%	6%	5%	1%
2	7%	5%	4%	1%
3	6%	7%	6%	1%
4	14%	14%	12%	2%
5	19%	19%	18%	1%
6	23%	28%	29%	1%
7 - Strongly Agree	24%	21%	25%	4%

I feel that I would be protected from retaliation if I report a suspected compliance violation through the VCU Helpline.



	2010	2012	2015	Δ
1 - Strongly Disagree	5%	4%	3%	1%
2	6%	3%	3%	0%
3	5%	5%	5%	0%
4	14%	14%	11%	3%
5	18%	16%	16%	0%
6	23%	29%	30%	1%
7 - Strongly Agree	29%	29%	33%	4%

Conclusion

Overall, one of the most commonly cited deterrent to reporting a concern is a fear of retaliation. This is reflected in the 2010, 2012 and 2015 surveys. However, the university receives very few reports of actual retaliation or threat of retaliation, and in the last 18 months, only two of these reports were substantiated.¹⁷

Respondents indicated their comfort level in reporting directly to a supervisor increased by 3% from the 2012 survey and 5% from 2010, as did the belief that the reporter would be protected from retaliation if reporting to a supervisor, central office, or the VCU Helpline (increasing by 3%, 4% and 5% respectively). Additionally, respondents felt most confident that they would be protected from retaliation by reporting through the VCU Helpline at 79%, followed by reporting direct to a supervisor, and reporting to a central office at 73% and 72% respectively.

Accordingly, the *National Business Ethics Survey* found that 30% of surveyed employees across the United States chose not to report misconduct for fear of retaliation by a supervisor. At VCU, 21% cited fear of retaliation by a supervisor as the reason for not reporting observed misconduct.¹⁸

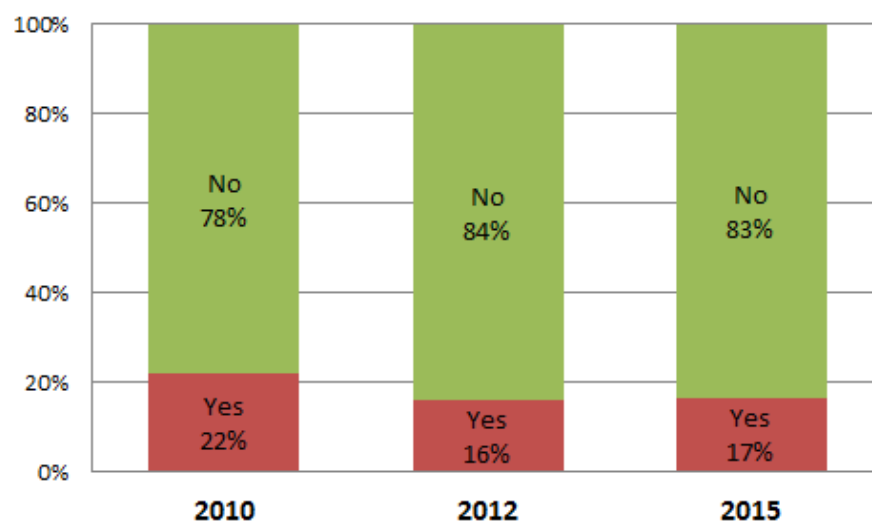
¹⁷ This data is reported annually to the BOV in the ICO's *Annual Report* and has limitations outlined therein.

¹⁸ See page 70

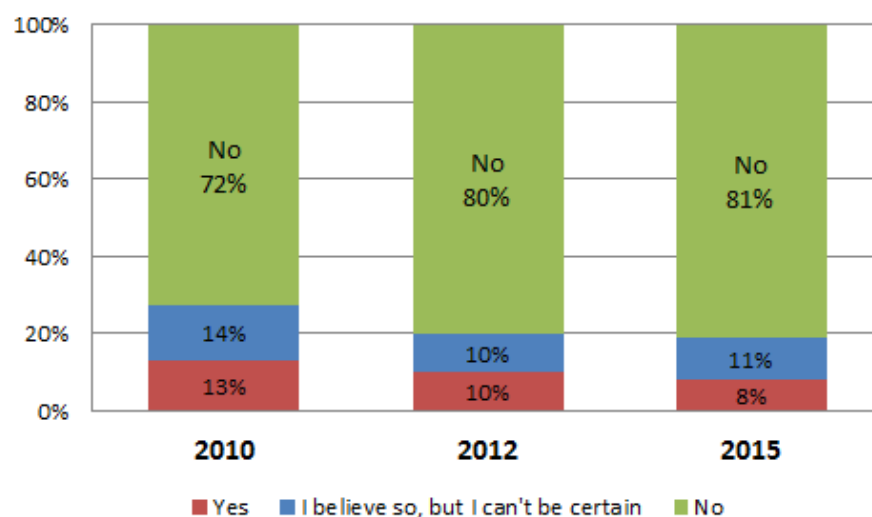
Observation of Misconduct

The following questions were raised to assess perceptions of misconduct in relation to actual experienced or observed misconduct.

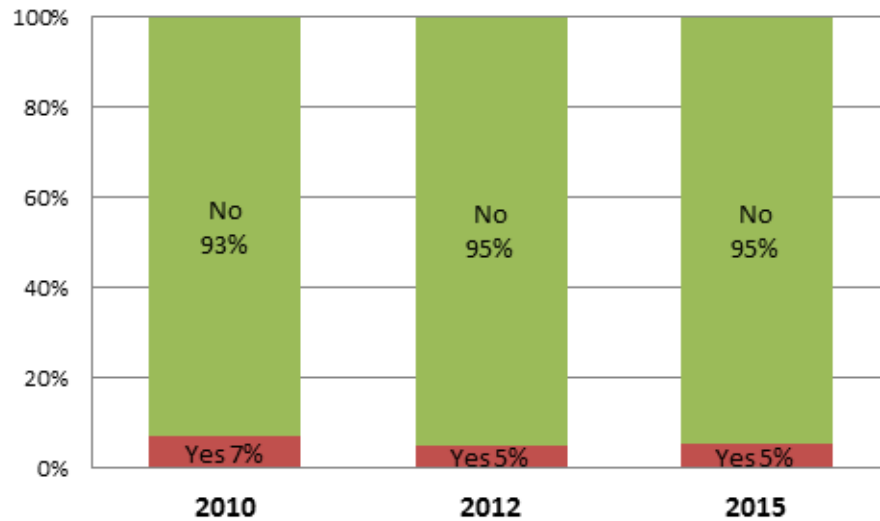
I have experienced or observed repeated, extremely disrespectful, or unprofessional behavior in the workplace by a supervisor within the last 12 months.



I have experienced or observed a violation of laws, regulations, or university policy in my office/department within the last 12 months.



I was asked to bend, break or circumvent laws, regulations, and/or university policies during the last 12 months by someone in my department.



Conclusion

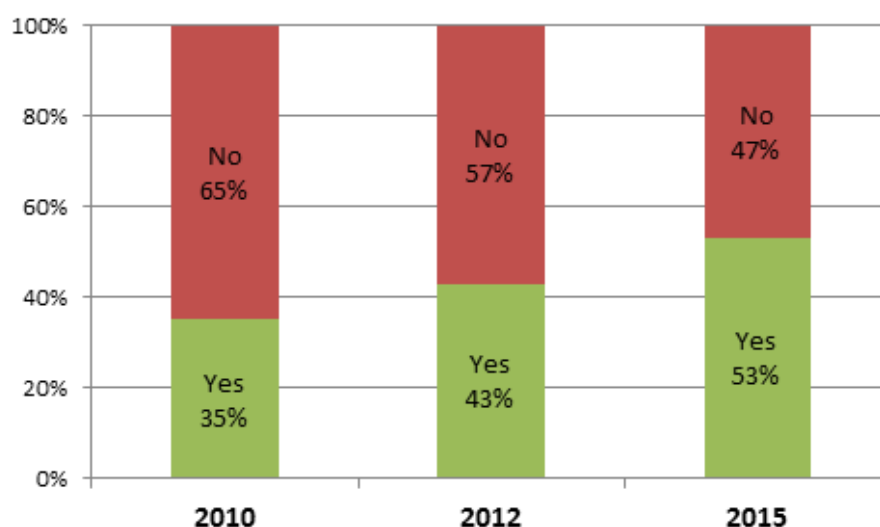
Overall, "experienced or observed repeated, extremely disrespectful, or unprofessional behavior in the workplace by a supervisor" remained relatively constant at around 83%. Employees who observed misconduct held around 19%. However, there is a discrepancy between the reported rate of experiencing and/or observing misconduct (19%) and those reporting being directly asked to bend, break or circumvent laws, regulations or policy (5%). This implies that perceptions of misconduct may be greater than actual occurrences or that observing misconduct is more often the case than directly experiencing it. A similar conclusion was also reflected in the ICO's *Annual Report*, which analyzed compliance reporting statistics.

In contrast, the *National Business Ethics Survey* reported that 41% of employees nationwide observed misconduct in the workplace. VCU's rate of 19% is a positive indicator of the *Ethics and Compliance Program's* effectiveness.

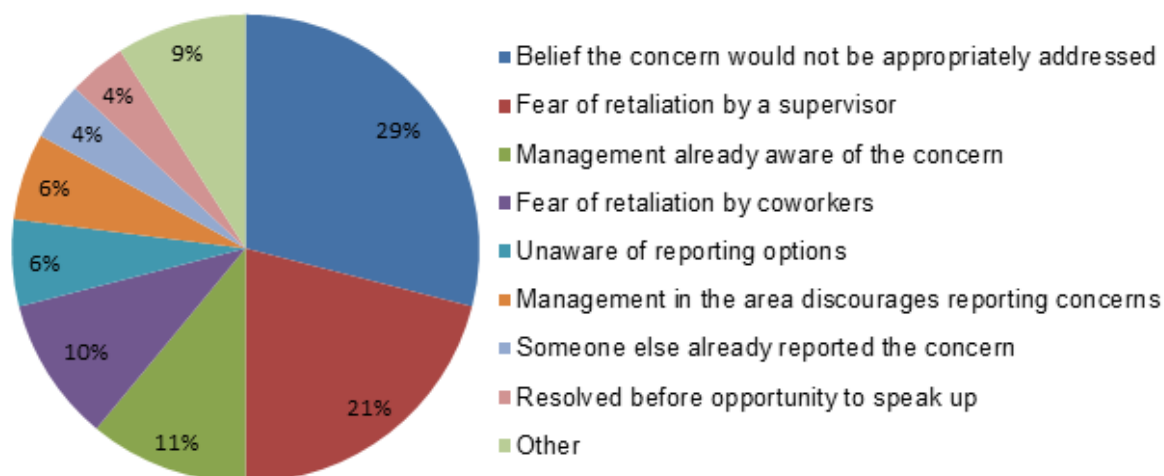
Reporting of Misconduct

Reporting misconduct internally is always an organization's ultimate goal in order to be as agile in responding as possible. The following charts illustrate additional follow up detail from 19% of employees who reported experiencing or observing misconduct.

If you replied "yes" to any of the above three questions, did you report your concern? ¹⁹

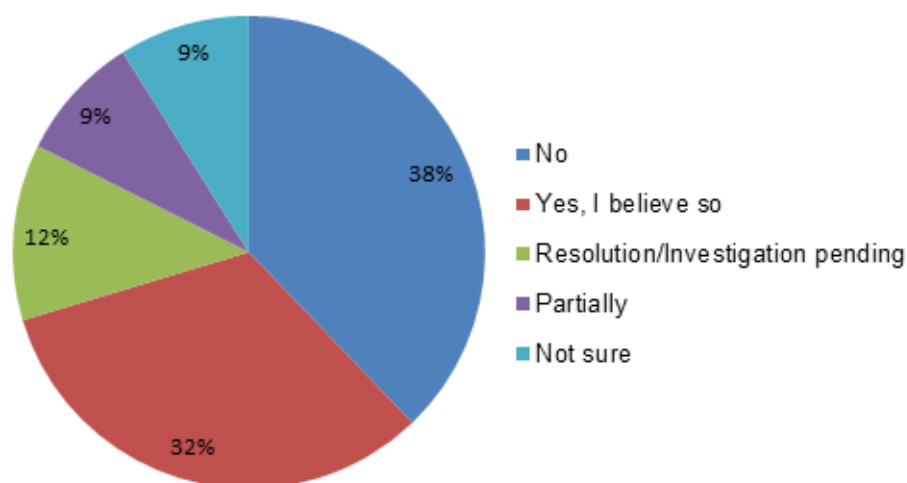


Why didn't you report your concern?



¹⁹ Three questions were: I have experienced or observed repeated, extremely disrespectful or unprofessional behavior in the workplace by a supervisor within the last 12 months; I have experienced or observed a violation of laws, regulations or university policy in my office/department within the last 12 months; and I was asked to bend, break or circumvent laws, regulations and/or university policies during the last 12 months by someone in my department.

Was the matter properly resolved?



Conclusion

Fifty-three percent of employees responded that they chose to report the misconduct that they experienced or observed in the last 12 months. This is an improvement of 10% from the 2012 survey and 18% from the 2010 survey.

Belief that a reported concern would not be appropriately addressed (29%) was cited as the top reason employees chose not to report their concerns. In past years, fear of retaliation was cited as the top reason, with 34% in 2012 and 43% in 2010. Fear of retaliation by a supervisor was cited as the second top reason for not reporting at 21% for 2015.

The reporting rate of those who observed misconduct for VCU (53%) is notably lower than the 63% published in the *National Business Ethics Survey*, indicating that managers and supervisors would likely benefit from increased training on handling reported concerns to reduce the perception that concerns are not appropriately addressed. Additionally, reporting options and anti-retaliation may need to be better communicated.

Of those who reported misconduct, 41% felt the matter was fully or partially resolved, 9% were unsure, and 38% were unsatisfied with the resolution. It is suspected that the unsatisfactory and unsure rate is likely attributed to the fact that communication of the resolution is limited when related to personnel action. Comments collected in this year's survey support this conclusion. Additionally, employees noted the perception that those in higher level roles are not held accountable and reported concerns continue or repeat.

Selected written responses for “Do you have any comments or concerns about ethics and compliance at VCU?”

Kudos	Criticisms
I believe that the vast majority of people in VCU Leadership and those who are staff employees operate ethically and with a high degree of integrity.	Leadership is not setting the appropriate "Tone at the Top" in its dealing and leadership of VCU. It is hard to drive home an ethical culture when the direct reports to the President don't embody the culture.
I believe the working environment and employees with which I'm familiar demonstrate a high level of integrity. I have never witnessed a violation of ethics.	There's a lot of emphasis on compliance - not enough, in my opinion, on being proactive and responsible for creating a civil environment with a shared commitment to core values. The code of conduct is a step in this direction, but more needs to be done to educate people on what this means and on appropriate ways of holding each other accountable.
I believe that the continuing education program on ethics compliance at VCU is effective in sustaining the culture of strong ethical behavior and refreshing the personal knowledge that might recede if we didn't frequently review the policies and reporting procedures.	I have some concerns that there is a culture of non-compliance or laxity among some higher level community members who have been here for a significant amount of time, and that when concerns are voiced by others, there is a tendency to downplay the concerns and handle the issues with minimal and/or ineffective responses.
I have no concerns about integrity and compliance at VCU. I find it to be a professional and courteous workplace environment wherever I happen to be on campus (while I work on the VCUHS side of the campus I am not a stranger to the Monroe Campus). I appreciate this survey and have saved the links that are in the first page as resources for my files. I did not know about the anonymous calling service and find it interesting. I hope that others are as happy to work for, and at VCU as I am.	<p>A lot of managers and supervisors do not come into their positions with any experience on how to manage their employees. This sometimes makes it hard to address issues and can cause more/major problems. Some managers are not approachable and you don't always feel that you can trust them. There is a fear of retaliation or a fear that nothing will be done.</p> <p>It would be nice if there was some kind of training that managers/supervisors could attend regularly to help.</p>
The online "Compliance Education" module was very well done. It was obvious that a lot of time and effort went into development and presentation of the material. It was a positive, informative addition to required training. It was engaging, informative, and contained valuable info... not "just another module" to mark off the list. Thank you for your efforts to provide effective methods for compliance and ethics education to all employees across the university.	The staff are very serious about compliance but upper management do not emulate that same concern. Upper management are not familiar with policy training and rules that staff must complete mandatory training on when dealing with fiscal responsibility. There's a disconnect between lower staff who are asked to enforce policy and Chairs and Deans who don't know and don't care about policies in place. I've been told, "You don't work for the compliance office you work for me."

General Themes of Comments



APPENDIX B—FY2016 ETHICS AND COMPLIANCE PROGRAM INITIATIVES

VCU's Ethics and Compliance Program is predominantly driven by the Federal Sentencing Commission's Sentencing Guidelines, Chapter 8, which provide the elements of an effective Ethics and Compliance Program. The program is also driven by sound business sense and the needs of the organization. The Compliance Program plays an integral role in VCU's overall risk mitigation processes by offering advisory resources to all departments; providing reporting mechanisms to employees; and soliciting interactions from a cross section of the university. Based on these services, interactions, and projects throughout FY 2015, the initiatives for FY 2016 reflect identified areas and topics where a devotion of additional time and attention are necessary to address, or continue, assurance of compliance requirements; ethical behaviors; and overall institutional integrity.

FY 2016 Initiatives:

Integrity and Compliance Annual Report to BOV Audit, Integrity and Compliance Committee – September Meeting

- Incorporate internally benchmarked Culture Survey results
- Bolster Annual Issues & Events reporting results – to include benchmarking
- Bolster this report to include more monitoring of currently established processes
- Assist with development of additional monitoring processes
- Expand special reports of mention of retaliation, media, lawyer in reports made
- Bolster universitywide training endeavors and results

Annual Employee Ethics and Compliance Education (throughout university)

- Execution of Third Cycle Annual Employee Compliance Education – includes documentation of comprehension; re-assess risk based topics based on current environment of need
- Incorporate awareness of these expectations and obligations into 3rd party contracts
- Continued participation in Human Resources New Employee Orientations [faculty and staff] and Chair Training
- Participation in Employee Learning and Development Council, supporting role in collaboration with Human Resources
 - To include establishing mandatory requirements and informational only education/training; establishment of employee classification and any requirements based on classifications; consolidation of required training if possible; monitoring and consequences for non-compliance

Code of Conduct Enhancements

- Consider new regulatory obligation enhancements content
- Increase awareness activities

To minimally include: implement employee desktop shortcut for immediate Code access; consider app development for mobile devices; poster campaign

Conflicts of Interest

- Creation and implementation of Institutional Conflict of Interest - board of visitors level
 - Set expectations; required reporting; compliance with required committee review process; and managing of identified conflicts
- Creation of formal Institutional Conflicts of Interest Committee; establish consistent approach to consequences for non-compliance
- Continued service as liaison to Commonwealth for bi-annual state's requirements
- Continued utilization of structured process addressing interest disclosure reporting by certain individuals
- Continued support in responding to inquiries related to proactive avoidance regarding institutional conflicts and conflicts of commitment

Ethics

- Consider hosting Ethics Forum in Spring
- Recommend enhancements to current employee exit interview process
- Develop ethical education/training/workshop
 - To include implementation of ethical leadership training for pilot group: *A Leader's Guide to Integrity – Uphold the Black and Gold*

Gap and Risk Assessment Activities

- Continued monitoring of compliance obligations through responsible parties outlined in Compliance Calendar: Federal Regulatory Reporting Requirements – collaborative approach with Compliance Partners
- Risk-based reports to Cabinet and Board Members regarding satisfied or deficient compliance obligations based on Federal Regulatory Grid - collaborative approach with Compliance Partners

Infrastructure Enhancements for Maximum Efficiency

- Select and implement institutional e-solution for Compliance Monitoring and Case Tracking – will serve several areas currently tracking matters manually and/or in silos
- Revise ICO Web presence

Internal Staff Development

- Attendance of national level conferences
-

-
- Reflection & Strategy Retreat
 - Continued memberships with Society of Corporate Compliance and Ethics, Health Care Compliance Association, Open Compliance and Ethics Group, and Systems Research and Applications (SRA) International
 - Employees supported in obtaining professional certification in Compliance and Ethics

Monitoring - Clery Act Compliance

- Fully execute third cycle of semi-annual monitoring plan of requirements
- Assist with meeting new compliance obligations under Campus SaVE Act (Sexual Violence Elimination), in accordance with the Violence Against Women Act

Social Media Presence

- Implement social media presence for Ethics and Compliance Program

Title IX

- Continue support to Title IX Steering Committee - advisory
- Monitoring assistance with resolution agreement requirements – in collaboration with Equity and Legal Offices

Youth on Campus

- Support communication and implementation of new policy - managing minors on campus – in collaboration with Division of Community Engagement, Office of the Provost
 - Includes enhancing administrative practices, communicating new screening and selection, training and supervision requirements; consider development of feedback mechanisms; establish consumer participation and response plans

ONGOING

Policy Program

- Continued gap assessment based on size, scope and complexity of university
 - Maintain obligations for Regulatory Policy creation and maintenance per VA Code
 - Continue timely universitywide communication of policy updates
 - Fully implement awareness of new website design and functionality
 - Research potential app development for policy access on mobile devices
 - Fully implement new edits to governing policy on creating and maintaining policies and procedures
 - Continued centralization and data normalization
 - Continued monitoring of triennial timely review for all universitywide policies
 - Continued support in policy creation, revision and formal approval processes
 - To include Policy Writers' Workshop
-

Continued Participation and Resource Support and Assistance to various compliance-oriented groups and committees:

- Clery Compliance Workgroup
 - Annual review of Security & Fire Report
 - Monitoring of process creation and maintenance for requirements
- Communication Network
- Compliance Advisory Committee (CAC), leadership role
- Faculty Search Committees
- Higher Education Opportunity Act - monitoring for compliance requirements and join existing university workgroup
- Industry Relations Committee
- Internal Workplace Investigations
 - Oversight of Alleged Misconduct / Non-compliance issues
 - Conduct investigations when suspected patterns or practices of misconduct, non-compliance, or unduly sensitive issues arise
- Partnership Assessment Taskforce
- Execute Quest Innovation Fund Committee, chair role transition plan
- Research Administrators Meeting
- Title IX Steering Committee
- Continued tracking of Office of Inspector General's Annual Work Plan for topics affecting the university
- Participation in Tabling and Speaking Events on Campus
 - Tech Fair
 - HR Benefits Fair
 - Cybersecurity Fair

As a reminder, this committee will be receiving the Integrity and Compliance Annual Report at the September 2015 Meeting. The anticipated effect of providing FY Annual Compliance Program Initiatives at the May Board Meeting and the Annual Report at the September Meeting is to assure that mechanisms exist to keep this Committee abreast of continued compliance efforts that demonstrate effectiveness of the Ethics and Compliance Program. This committee is the appropriate authority to best assess the Ethics and Compliance Program's effectiveness. If there are suggestions or recommendations from the committee, please contact the Executive Director of Audit and Compliance Services or the University Integrity and Compliance Officer.