



UNIVERSITY *of* WEST FLORIDA

COMPLIANCE & ETHICS PROGRAM PLAN

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UWF Compliance Program Program Plan

INTRODUCTION:

The Compliance Program (“Program”) delivers a proactive approach to ensuring institutional compliance with all applicable policies, procedures, laws and regulations. Furthermore, the Program strives to embed a culture of compliance and ethics into the framework of the University. The Program coordinates the oversight of the University of West Florida’s (“UWF” or “The University”) compliance and ethics efforts through the development of effective policies and procedures, training programs, continuous monitoring, establishing effective mechanisms of communication, identifying risks, appropriate delegation of compliance obligations, and promptly responding to reported issues.

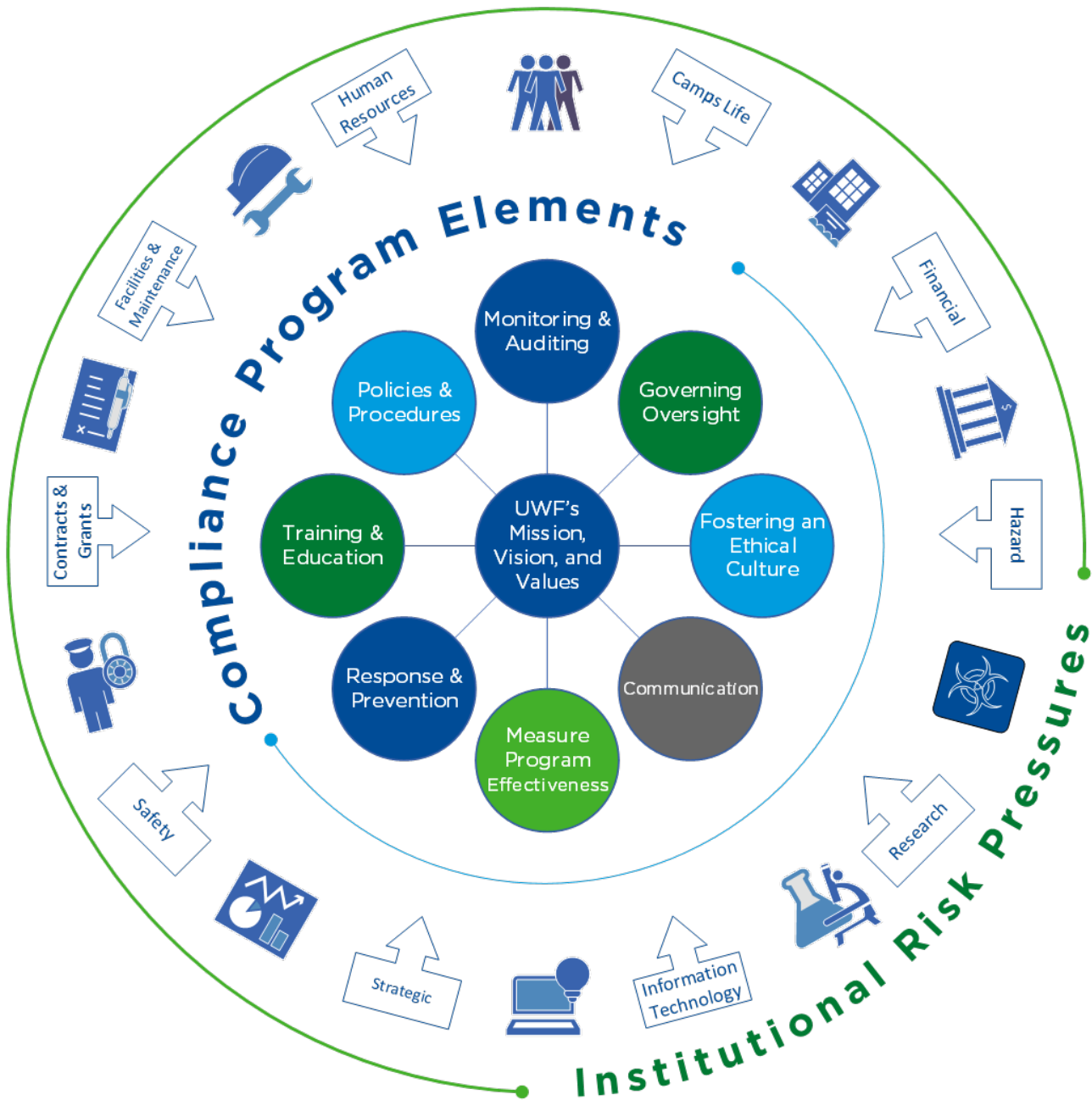
This Compliance Program Plan is structured on the tenets of an effective compliance program described in *Chapter 8 § 8B2.1 of the U.S. Federal Sentencing Guidelines* and reiterated in the *Florida Board of Governors Regulation 4.003, State University System Compliance and Ethics Programs*. Additional program guidance was derived from the *Florida Code of Ethics for Public Officers and Employees* and through collaboration with the *Florida State University System Compliance and Ethics Consortium*.





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I. COMPLIANCE PROGRAM FRAMEWORK





II. COMPLIANCE PROGRAM BENEFITS

The Program aims to safeguard the University's reputation through the communication of legal responsibilities and by fostering a culture of ethics, compliance, and accountability. Among the many benefits of a compliance and ethics program, our Program helps to detect and deter criminal activity and can serve as a mitigating factor in reducing, or avoiding, fines and criminal penalties.

Other notable benefits of an effective compliance program include:

- Fulfilling the fundamental missions of The University of West Florida through ethical business conduct and increased efficiency
- Demonstrating to employees and the community a strong commitment to honest and responsible behavior
- Minimizing the University's risk exposure to civil damages, criminal damages and penalties
- Facilitating a "Speak Up" culture where employees are empowered to report wrongdoing without fear of retaliation
- Mitigating fines or penalties imposed for noncompliance
- Improving awareness of compliance obligations
- Avoiding demands on senior-level management's time spent investigating and mitigating occurrences of noncompliance
- Creating a centralized source for distributing information on laws, statutes, regulations and other directives
- Helping to attract and retain talent by fostering a compliant and ethical atmosphere
- Reducing fraud and waste through effective monitoring and reporting mechanisms
- Increasing employee awareness to ethics, integrity and the values of the University
- Increasing information sharing across campus divisions by establishing lines of communication



III. COMPLIANCE PROGRAM ELEMENTS

The following eight elements establish the foundation of the UWF Compliance Program. Each element is designed to achieve a specific outcome. When these disparate elements are viewed as a whole, the result is a compliance and ethics program designed establish a culture of compliance and ethical behavior throughout all areas of the University.

1. Governing Oversight and Accountability

U.S. Federal Sentencing Guidelines §8B2.1 (b)(2)(A): “The organization's governing authority shall be knowledgeable about the content and operation of the compliance and ethics program and shall exercise reasonable oversight with respect to the implementation and effectiveness of the compliance and ethics program... (B) High-level personnel of the organization shall ensure that the organization has an effective compliance and ethics program... (C) Specific individual(s) within the organization shall be delegated day-to-day operational responsibility for the compliance and ethics program. Individual(s) with operational responsibility shall report periodically to high-level personnel and, as appropriate, to the governing authority, or an appropriate subgroup of the governing authority, on the effectiveness of the compliance and ethics program...”

B.O.G. Regulation (4.003 (3)): “The Board of Trustees Audit and Compliance Committee provides high-level oversight and governance over the UWF Compliance program. The Chief Compliance Officer, who has been delegated sufficient authority and resources, reports program activities to the committee on a quarterly basis.”

Governing oversight and accountability for the Program refers are established through the Board of Trustees Audit and Compliance Committee, Risk and Compliance Council, Compliance Office, Chief Compliance Officer, and Compliance Partners. Together these organizational groups provide sufficient oversight of the Program and establish a vast body of compliance, ethics and risk knowledge.

Audit and Compliance Committee:

The Committee serves as the focal point of communication between the Board of Trustees (“BOT”), senior-level administration, the Compliance Office, external auditors, and state and federal agency auditors. The liaison to the UWF BOT Executive Committee is the chairperson of the Audit and Compliance Committee. This committee shall take all appropriate actions to establish the overall University tone for quality financial reporting, sound business risk practices, ethical behavior, establishing risk tolerance and facilitating a compliant and ethical culture.

The Committee is assigned the following responsibilities:

- Overseeing the development, implementation, and execution of policies and procedures that promote accountability, compliance, ethical values, and sound control practices. The Compliance Office will be accountable to the Board through the Committee for objectively evaluating risk management, control, and governance processes
- Review the programs and policies of the University designed by management to assure compliance with applicable laws and regulations and monitor the results of compliance efforts including those involving environmental health and safety
- Review and approve the annual University Compliance and Ethics Program Plan



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- Review and approve the University Compliance and Ethics Annual Report
- Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of follow-up (including disciplinary action) of any instances of noncompliance
- Review the findings of any examinations by regulatory agencies and any auditor observations
- Review the process for communicating the code of conduct to the organization's personnel and for monitoring compliance therewith
- Obtain regular updates from management and the General Counsel regarding compliance matters

Risk and Compliance Council:

The University Risk and Compliance Council serves as a forum for assessing and monitoring UWF's overall risk and compliance responsibilities. The Council is tasked with identifying risks and threats posed to the University and strives implement mitigating programs designed to minimize said threats.

In addition, the Council strives to achieve compliance with all applicable policies, procedures, laws and regulations through effective communication. The Council proactively seeks to train employees, provide for the active solicitation and discovery of concerns followed by an appropriate investigation into problem areas, and facilitate timely resolution of issues.

The Risk and Compliance Council is assigned the following responsibilities:

- Monitor the risk management and compliance processes of the University as a whole
- Advise the University senior leadership on issues as they relate to overall risk and compliance
- Recommend an appropriate risk tolerance or level of exposure for the University
- Identify and quantify fundamental risks affecting the University and ensure that procedures and measures are in place to manage those risks
- At least annually, review fundamental potential risks and their controls and report to the President and the Vice Presidents.
 - Throughout the year, bring reports as necessary to the President, the Vice Presidents and other central committees
- Ensure that extreme risks are adequately mitigated following UWF's disaster recovery/business continuity plans
 - Ensure that these plans are up to date and regularly tested
- Help to develop a culture of risk awareness through risk education and help to embed risk management into major decisions through high-level controls and procedures
- Identify and map current and emerging compliance requirements affecting the University and ensure that procedures and measures are in place to achieve and maintain satisfactory compliance with federal, state, and other requirements
- Perform biennial review compliance practices and report to the President and the Vice Presidents
- Receive quarterly reporting of activities from the UWF Compliance Office, which will include reporting of activities, emerging issues, and other relevant information



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- Recommend to the President, where appropriate, new policies and procedures and changes to existing policies and procedures relating to risk management and compliance
- Endeavor to protect the safety and reputations of faculty, staff and students at UWF and the safety and reputation of the institution while mitigating risk and monitoring compliance to a myriad of topics

Compliance Office:

The Compliance Office has the primary responsibility for developing and implementing programs that support a system-wide culture of ethical conduct in all business dealings and promotes compliance with all laws, regulations, and University policies.

The Office is assigned the following responsibilities:

- Monitor and promote University compliance with federal and state requirements, as well as all applicable policies, procedures, rules and regulations
- Inform, train and educate the University of West Florida community in compliance matters, policies, procedures, ethical obligations, and Standards of Conduct
- Manage, maintain and operate the University's Compliance Database
- Facilitate and promote a culture of compliance at the University
- Conduct periodic risk assessments
- Develop program plan based on the accepted requirements for an effective compliance program
- Identify and provide oversight to Compliance Partners responsible for compliance activities across the UWF community
- Annually report on the effectiveness of the Compliance Program shall be presented to the BOT Audit and Compliance Committee for approval
 - Copies of the approved report shall be sent to the Board of Governors and throughout the SUS Compliance and Ethics Consortium
- Manage oversight and awareness campaigns for the UWF Integrity Helpline

Chief Compliance Officer:

The Chief Compliance Officer ("CCO") is responsible for the ongoing management and direction of the University Compliance and Ethics Program, the effective communication of compliance goals and collaborating with executive management to ensure these goals are incorporated into university-wide operations.

The CCO is assigned the following responsibilities:

- Responsible for implementing a Compliance program that is consistent with both State and Federal requirements
- Develops and maintains the UWF Compliance Database
- Monitors developments and changes in federal, state, and local statutes, regulations and case law to determine the impact to the University
- Interacts and participates on the UWF Risk and Compliance Council
- Assists in conducting an annual university-wide risk assessment and in determining UWF's compliance posture



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- Assists in the research and development of materials for educational programs related to all aspects of university compliance
- Interacts and participates on the State University System's Compliance and Ethics Consortium
- Manages UWF's compliance with Payment Card Industry Data Security Standards (PCI DSS)
- Advises UWF community on credit card acceptance policies and procedures
- Manages the UWF Credit Card Processor certification program and ensures that employees who have access to the cardholder environment are adequately trained
- Manages the UWF Integrity Helpline, including the design and configuration of the online portal, ongoing marketing/ communications, and serves as the UWF liaison to the Helpline vendor
- Responsible for the efficient and proper delegation of incoming reports to Helpline Partners
- Reports compliance activities quarterly to the BOT Audit and Compliance Committee

Compliance Partners:

Compliance Partners ("Partners") are the Subject Matter Experts from across the University who collaborate on compliance goals under the supervision and oversight of the CCO and the Compliance Office. Each Partner has a dotted-line reporting relationship with the CCO.

Partners are assigned the following responsibilities:

- Carry out or oversee area compliance obligations
- Ensure reporting deadlines are met
- Provide data on area compliance activities and risks
- Collaborate with the Compliance Office to raise awareness
- Promote compliance and ethics goals and keep area(s) informed
- Monitor their area(s) specific risks and help establish risk profiles



2. Develop Effective Lines of Communication

U.S. Federal Sentencing Guidelines §8B2.1 (b)(5)(c): *“The organization shall take reasonable steps to have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby the organization’s employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation. Establish open lines of communication through the identification of Compliance Partners. Compliance Partners will be leveraged to scale the impact and influence of the Compliance Program to a level appropriate for the University.”*

BOG Regulation 4.003 (7)(e): *“The Program shall require the university, in a manner which promotes visibility, to publicize a mechanism for individuals to report potential or actual misconduct and violations of university policy, regulations, or law, and to ensure that no individual faces retaliation for reporting a potential or actual violation when such report is made in good faith. If the chief compliance officer determines the reporting process is being abused by an individual, he or she may recommend actions to prevent such abuse.”*

UWF sets the expectation that all University personnel are obligated to report in good faith any instances, either actual or suspected, of waste, fraud and/ or misconduct. Individuals who report fraudulent or other wrongful acts, and those participating with the ensuing investigation, are protected from retaliatory action, as stated in UWF Policy P-10.00-10/04 Policy Against Fraudulent or Wrongful Acts.

UWF Integrity Helpline:

The UWF Integrity Helpline (“Helpline”) is managed by a third party vendor, EthicsPoint by NAVEX Global, which is the vendor of choice for the vast majority of Florida State University System institutions. The Helpline provides a mechanism for individuals to voice complaints/ grievances, and to report either suspected or actual instances of fraud, waste, misconduct, or any other legal or ethical violations.

The CCO is responsible for the ongoing administration of the Helpline, with the Chief Audit Executive serving as co-administrator. In addition, a three to four member intake committee is responsible for the initial triage processes of incoming reports/ complaints. This committee is responsible for determining the severity of the case and if immediate action is necessary. If it is determined that the report does not represent an immediate threat to the University, the CCO is responsible for the delegating case management to one of the Helpline Partners, who serve as Subject Matter Experts for their specific university area and therefore, are deemed the best suited to investigate reports associated with their area.



3. Conduct Effective Training and Education

U.S. Federal Sentencing Guidelines §8B2.1 (b)(4)(A): *“The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program, to the individuals referred to in subparagraph (B) by conducting effective training programs and otherwise disseminating information appropriate to such individuals’ respective roles and responsibilities. (B) The individuals referred to in subparagraph (A) are the members of the governing authority, high-level personnel, substantial authority personnel, the organization’s employees, and, as appropriate, the organization’s agents.”*

BOG Regulation 4.003 (7)(b): *“University employees and board of trustees’ members shall receive training regarding their responsibility and accountability for ethical conduct and compliance with applicable laws, regulations, rules, policies, and procedures. The Program plan shall specify when and how often this training shall occur.”*

The Compliance Program is responsible for developing and implementing compliance and ethics training and educational programs for all UWF employees. Training programs shall be conducted through online training modules and through periodic compliance communications, also referred to as “micro-communications” or “micro-learning.” When combined, these two approaches to compliance and ethics training create a holistic training program that is continuously implemented throughout the year.

Current courses include:

- Tools for and Ethical Workplace
- Clery Act Basics
- Red Flags of Identity Theft
- Building a Supportive Community (Title IX/Campus SAVE Act)
- Data Security and Privacy
- PCI DSS: Payment Card Industry Data Security Standard
- FERPA Basics
- Harassment Prevention Training

The Board of Trustees shall receive periodic reports on the activities of the Program and annual training on their oversight responsibilities. Additional training is available or upon request or when a new Trustee is hired.



4. Establish Policies and Procedures

U.S. Federal Sentencing Guidelines §8B2.1 (b)(1): “The organization shall establish standards and procedures to prevent and detect criminal conduct.”

BOG Regulation 4.003 (2)(a): “The Program shall be ... reasonably designed to optimize its effectiveness in preventing or detecting noncompliance, unethical behavior, and criminal conduct, as appropriate to the institution's mission, size, activities, and unique risk profile.”

The Compliance Office shall work with the UWF's Chief Audit Executive and General Counsel to maintain and develop University regulations along with policies and procedures that reflect UWF's commitment to ethical conduct and compliance with all applicable laws and regulations.

All University policies and procedures are made available through the UWF Business Process Library and are presented in a “user-friendly,” searchable format. This database of policies and procedures is available to all University personnel and to the public.

Prior to issuing, each proposed policy is subject to the terms and conditions of the UWF Policy P-01.03:

UWF Policy P-01.03-12/17 University Policy Development and Issuance Process: Sets the definitions of a University Policy, Procedure and Regulation. Affirming the standard that all University Policies must “help ensure compliance with applicable laws, regulations, promotes operational efficiencies, enhances the university's mission, or reduces institutional risks.”

Furthermore, the policy establishes the mandate that all University policies are subject to a comprehensive review every five years to ensure their applicability and accuracy. This serves to ensure that no policies exist that are not enforced, or are not applicable to the current regulatory environment.

Employee standards and code of conduct are derived from the Florida Code of Ethics for Public Officers and Employees, which serves as the basis of the following policy:

UWF Policy HR-15.02-05/16 Employee Code of Conduct: The Employee Code of Conduct establishes the legal and ethical obligation for University personnel to adhere to the Florida Code of Ethics for Public Officers and Employees (Florida Statutes, Chapter 112, Part III).

The consequences of noncompliance with University Policies are delineated in UWF Policy HR-22.00:

UWF Policy HR-22.00-04/07 Standards of Conduct: The Standards of Conduct policy establishes the standards of professional conduct for which all University personnel are required to comply. The policy additionally provides recommended disciplinary action related to a variety of violations.



5. Conduct Internal Monitoring and Auditing

U.S. Federal Sentencing Guidelines §8B2.1 (b)(5)(A): *“The organization shall take reasonable steps-to ensure that the organization's compliance and ethics program is followed, including monitoring and auditing to detect criminal conduct.”*

BOG Regulation 4.003 (7)(h): *“When non-compliance, unethical behavior, or criminal conduct has been detected, the university shall take reasonable steps to prevent further similar behavior, including making any necessary modifications to the Program.”*

The CCO participates as a voting member of the Risk and Compliance Council, which consists of approximately 20-25 senior-level administrators who provide Subject Matter Expert feedback on risk areas from across campus. Council members are charged with the continuous monitoring of UWF's risk posture and making recommendations on appropriate risk tolerances and determining the University's level of risk exposure.

In addition, the CCO shall serve on the Council's annual Risk Heat Map Subcommittee, which shall perform an annual University-wide risk assessment. Assessment outcomes are determined by weighting the potential impact and likelihood of all identified risks.

The results of the exercise shall be documented and all identified risks will be disseminated to the appropriate departments for action and mitigation purposes.



6. Prevention, Response, and Enforcement

U.S. Federal Sentencing Guidelines (§8B2.1 (a)(1)-(2): “an organization shall... exercise due diligence to prevent and detect criminal conduct; and... Such compliance and ethics program shall be reasonably designed, implemented, and enforced so that the program is generally effective in preventing and detecting criminal conduct.”

BOG Regulation 4.003 (7)(f): “The Program shall articulate the steps for reporting and escalating matters of alleged misconduct, including criminal conduct, when there are reasonable grounds to believe such conduct has occurred.”

When problems relating to noncompliance are identified, the CCO will collaborate with UWF’s Chief Audit Executive, General Counsel, and other senior-level administrators (depending on the allegation) and provide guidance on appropriate corrective actions.

In addition, the University shall make reasonable efforts not to hire or promote any individual(s) who the University knew, or should have known through proper due diligence, had a history of engaging in criminal activities or other behavior inconsistent with the values and vision of the University.

Level I Background Screenings:

Level I background screenings will occur once a finalist has been identified for a new or vacant Executive Service, University Work Force (staff), Faculty, Adjunct or OPS position, the following finalist paperwork shall be sent to the Office of Human Resources to begin the Level 1 screening process.

No official offer of employment shall be extended until the hiring department receives notification from Human Resources stating that the background screening is complete and an employment offer may be extended. A contingent offer of employment can be extended to the applicant pending the successful completion of a background screening.

Level II Background Screenings:

Individuals occupying a Position of Special Trust must undergo a successful Level 2 Background Screen (fingerprinting) prior to being hired. This includes OPS employees, student employees, and volunteers. A level II background rescreening is required every five years, or when there has been a break in service longer than 90 days.

These positions are considered Positions of Special Trust:

- Designated by President, Vice Presidents or designee to be a position of special trust or responsibility.
 - Positions in these classifications: President, Vice President, Provost, or identified as Executive Service.
- Positions in the following departments (if not already covered by the Positions of Special Trust list):
 - ASPIRE, Controller’s Office, EEO/ADA, Enrollment Affairs (including Registrar, Admissions,



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Financial Aid, Argo Central), General Counsel, Graduate School, Human Resources, Institutional Research, Internal Auditing & Compliance, ITS, Post Office, Research and Sponsored Programs, Student Health Center, Title IX, UWF Foundation Inc., and the UWF Police Department.

- As required by granting agencies for grants or contracts.
- As required by federal or state law.
- Positions with the following types of responsibilities are considered Positions of Special Trust at UWF:
 - Works with minors, or other vulnerable populations, such as the elderly or those with disabilities.
 - Access to, or control over, cash, checks, credit/debit cards, and financial account information, including accounts receivable.
- Assigned a Procurement Card.
- Updates, prepares, generates, or enters a transaction that will result in one of the following:
 - Refund, wire transfer, money transfers, fiscal and PCard transactions or vendor changes.
- Control over fiscal operational processes either through functional roles or system security access (e.g., ability to process a payment, print or distribute checks, or process payroll corrections).
- Significant inventory control responsibilities, including the receipt and release of inventory.
- Persons authorized for a grand master or building master key and/or equivalent UWF building access.
- Access to sensitive, confidential, and personally identifiable information on students, faculty, staff, customers, research subjects or alumni (e.g., social security numbers, dates of birth, financial numbers, etc.). This includes anyone conducting surveys where personal data is collected.
- Work with hazardous or regulated materials. This includes medical and biohazardous waste/substances such as bodily fluids. Exception: Undergraduate laboratory assistants supervised by Level 2-approved graduate student or faculty instructors do NOT have to undergo Level 2 screenings.



7. Foster an Ethical Culture through Incentives and Disciplinary Guidelines

U.S. Federal Sentencing Guidelines §8B2.1(b)(6): “The organization’s compliance and ethics program shall be promoted and enforced consistently throughout the organization through (A) appropriate incentives to perform in accordance with the compliance and ethics program; and (B) appropriate disciplinary measures for engaging in criminal conduct and for failing to take reasonable steps to prevent or detect criminal conduct.”

BOG Regulation 4.003 (7)(g)(9): “Promote and enforce the Program, in consultation with the president and board of trustees, consistently through appropriate incentives and disciplinary measures to encourage a culture of compliance and ethics. Failures in compliance or ethics shall be addressed through appropriate measures, including education or disciplinary action”

The Compliance Office will actively promote and help facilitate a culture of compliance and ethics through effective communications, promotion the compliance program, University regulations, policies and procedures, and by publicizing the consequences of noncompliance through incentives and appropriate disciplinary guidelines.

As part of this promotion of compliance and ethics, the CCO will actively seek out individuals who exemplify the virtues of ethical business conduct and integrity in order to ensure they are properly recognized for their efforts.

[UWF Policy HR-22.00-04/07 Standards of Conduct](#)

The Standards of Conduct policy establishes the standards of professional conduct for which all University personnel are required to comply. The policy additionally provides recommended disciplinary action related to a variety of violations.



8. Measure Program Effectiveness

U.S. Federal Sentencing Guidelines §8B2.1 (7)(g)(8): “Report at least annually on the effectiveness of the Program. Any Program plan revisions, based on the chief compliance officer’s report shall be approved by the board of trustees. A copy of the report and revised plan shall be provided to the Board of Governors”

BOG Regulation 4.003 (7)(a): “The president and board of trustees shall be knowledgeable about the Program and shall exercise oversight with respect to its implementation and effectiveness. The board of trustees shall approve a Program plan and any subsequent changes. A copy of the approved plan shall be provided to the Board of Governors.”

Annual Reporting:

Annually, the CCO shall evaluate and report on the overall performance of the UWF Compliance Program. The report will be presented to the BOT Audit & Compliance Committee at the end of each fiscal year for approval. Once approved, the report will be distributed to the Florida Board of Governors Office of the Inspector General and Director of Compliance in accordance with Board of Governors Regulation 4.003.

Five-Year Performance Review:

In accordance with BOG Regulation 4.003, State University System Compliance and Ethics Programs, the University will undergo an external review of the University Compliance Program, conducted by a third party vendor, which will be determined by the State University Systems Compliance and Ethics Consortium.



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