

FSU COMPLIANCE AND ETHICS PROGRAM

INTRODUCTION

Higher Education is one of the most highly regulated industries in the country. At the federal level alone, there are over 200 laws regulating some aspect of our operations. Regulatory activity is directed at issues including accessibility programs, services, and activities; accreditation; alcohol and drug prevention; athletics; campus safety and security; college cost and affordability; conflicts of interest; disability accommodation; distance learning; export control; financial management; hazardous waste and environmental concerns; human subjects protocols; IT security; lending; privacy, and records management. As a public entity, we also face regulation from the state Legislature, the Board of Governors, and city and county governing boards, to say nothing of the standards we set for ourselves via internal regulations and policies. Regulatory compliance is a major university challenge and a source of financial, legal, and reputational risk.

Florida State University's (FSU or University) mission, vision, and values set forth the ethical principles under which all members of the University community are expected to conduct themselves. They also form the basis, along with the State of Florida Code of Conduct and Ethics, the Federal Sentencing Guidelines and Board of Governors Regulation 4.003 (SUS Compliance and Ethics Programs), for the development of the University's Compliance and Ethics Program (the Program).

- **Mission** - Florida State University preserves, expands, and disseminates knowledge in the sciences, technology, arts, humanities, and professions, while embracing a philosophy of learning strongly rooted in the traditions of the liberal arts. The university is dedicated to excellence in teaching, research, creative endeavors, and service. The university strives to instill the strength, skill, and character essential for lifelong learning, personal responsibility, and sustained achievement within a community that fosters free inquiry and embraces diversity.
- **Vision** - Florida State University will be among the nation's most entrepreneurial and innovative universities, transforming the lives of our students and shaping the future of our state and society through exceptional teaching, research, creative activity, and service. We will amplify these efforts through our distinctive climate—one that places a premium on interdisciplinary inquiry and draws from the rich intellectual and personal diversity of our students, faculty, staff, and alumni. These three forces—entrepreneurship, interdisciplinarity, and diversity—deepen FSU's impact and result in a powerful return to our students and the people of Florida for their continued support and trust.
- **Core Values**
 - Transformative Daring**: We support thoughtful risk-taking that leads to successes that improve our world dramatically. And when we face challenges, we confront them with resilience, curiosity, and renewed desire to overcome hurdles to our goals.
 - Inspired Excellence**: We achieve the highest levels of success by drawing strength and understanding from the talents of those around us and from our interactions with them.
 - Dynamic Inclusiveness**: We believe the benefits of a richly varied community arise not only from the diversity of people it includes, but more importantly from intentional efforts to create a strong sense of belonging that encourages deep and high-quality connections.

–Responsible Stewardship: We transform the resources we are given and the public’s trust in us into powerful impact that better the lives of those around us, near and far.

–Engaged Community: We uphold the traditions and history that create a small-college culture within a large university. This makes FSU a welcoming place where people discover others like themselves—while also connecting to and learning from classmates and colleagues of vastly different backgrounds and experiences.

A comprehensive compliance and ethics program promotes an organizational culture that encourages ethical conduct, a commitment to compliance with the laws and regulations, and detection of criminal conduct. Chapter 8 of the Federal Sentencing Guidelines outlines elements for an effective compliance program, including:

- Executive Oversight;
- Standards of Conduct/Policies and Procedures;
- Effective Lines of Communication;
- Education and Training;
- Audit and Monitoring;
- Enforcement and Discipline; and
- Response and Prevention.

Experts in the field of compliance and ethics suggest a culture of compliance and ethics can be distilled from the following three simple questions:

- Is it legal?
- Do these actions comply with university policy?
- Do these actions seem fair, honest, and ethical?

The benefits of a comprehensive Compliance and Ethics Program are significant, including a campus environment which is open, honest, and accountable. Additionally, a comprehensive Compliance and Ethics Program:

- Fosters a culture which encourages and supports ethical decision-making and does not tolerate illegal or unethical behavior;
- Addresses problems through collaboration, cooperation, and communication;
- Reduces risks of non-compliance while increasing the likelihood of early detection and correction;
- Enhances decision-making at all levels by raising awareness of requirements/expectations;
- Enhances employee engagement to report actual or perceived violations of law or policy; and

- Protects FSU's reputation by reducing the likelihood that damaging or negative events will happen and minimizing the consequences of such events if they do.

The consequences of non-compliance are similarly significant and can include:

- Loss of accreditation;
- Loss of federal funding, including student financial aid;
- Fines and penalties;
- Federal and/or State monitoring activities;
- Litigation; and/or
- Reputational risk and negative press.

FSU's mission, vision, and values speak to a level of employee engagement which extends beyond mere compliance with laws, rules and policies. FSU's commitment, supported by the Program, is to the highest standards of integrity, accountability, and ethical conduct.

Our challenge is not only to make compliance but ethical behavior relevant to each employee. The Program, along with policies to be developed through the Office of Compliance and Ethics, will establish the tone for ethical decision-making and accountability in all University operations and will reinforce FSU's commitment to doing the right thing. The Office of Compliance and Ethics' motto, "Integrity and Excellence Always, In All Ways," reflects the University's overarching commitment to the highest standards of education, while consistently also maintaining the highest standards of ethics. The Program elements detailed below, informed by the Federal Sentencing Guidelines, outline strategies to help ensure Integrity, accountability, and ethical conduct become embedded in all elements of our day-to-day operations.

COMPLIANCE AND ETHICS PROGRAM STRUCTURE

1) Executive Oversight

Primary oversight and direction for the Program rests with the Board of Trustees Audit and Compliance Committee. The Committee's primary focus is to provide assurances to the Board of Trustees regarding University risk management, control, and governance processes, thereby assisting the Board of Trustees in fulfilling its statutory, fiduciary, and oversight responsibilities. The Committee or its staff (which includes the Chief Compliance and Ethics Officer and the Chief Audit Officer) will regularly report to the Board on Committee activities and issues with respect to matters related to audit, compliance, and related concerns such as potential fraud or conflicts of interest. With specific regard to the Office of Compliance and Ethics, the Committee is responsible for review of the Program and any revisions, the effectiveness of the University's compliance efforts at all levels, and the controls and policies that govern the University's compliance obligations.

The University has hired a Chief Compliance and Ethics Officer (CCEO), who is responsible for the implementation and administration of the Program. The CCEO serves as the central point for coordination, collaboration, and oversight of activities and initiatives to promote and encourage a culture of compliance and ethical behavior. The CCEO also serves as a resource to the President's

leadership team and to departmental compliance partners in making compliance management decisions. The CCEO is responsible for the implementation of the Program, providing oversight and monitoring of its implementation, and periodic review, and serves as the chief ethics officer for the University. The CCEO is a direct report to the President and the Chair of the Board of Trustees and, as such, can escalate critical and/or time-sensitive compliance issues as appropriate and necessary.

The University's Compliance Alliance (the Alliance) shall be established to advise the President on significant compliance and ethics issues and to provide leadership and oversight in the implementation and continuous improvement of the Program. The Alliance is key to ensuring the University's compliance activities and programs are reasonably designed, implemented, and enforced. The Alliance's focus includes: promoting excellence in all University compliance, ethics and risk activities; providing leadership to ensure integrity and compliance with legal, regulatory, policy and ethics responsibilities; providing leadership and oversight to reduce and mitigate University risks; and overseeing the policy development and review process. In recognition of the importance of the University's compliance obligations and its dedication to compliance at all levels, the Alliance will be comprised of the President's Cabinet (or their designees, as appropriate). Those individuals are:

- Provost and Executive Vice President for Academic Affairs
- University Counsel
- Vice President for Finance and Administration
- Vice President for Student Affairs
- Vice President of University Advancement
- Vice President for Faculty Development and Advancement
- Vice President for Research
- Vice President and Director of Intercollegiate Athletics
- Assistant Vice President for University Communications
- Associate Vice President for University Relations
- Chief Legislative Affairs Officer
- Chief of Staff

In addition to the Alliance, the Office of Compliance and Ethics will be aided by the Compliance Partners Committee, a group of subject matter experts from across campus who will meet regularly to discuss emerging compliance issues and address areas of potential non-compliance. The Compliance Partners Committee members shall include:*

- Chief Compliance and Ethics Officer (Chair)
- Chief Audit Officer
- Associate Vice President for Human Resources

- Director, Research Compliance Programs
- Senior Associate Athletics Director for Governance and Compliance
- Director, Information Security and Privacy
- Director, University Health Services
- Director, Environmental Health and Safety
- Director, Title IX Office
- Lieutenant for Professional Standards and Compliance, FSUPD
- International Travel, Safety, and Risk Officer (Position in development)
- Director, Office of Distance Learning
- Assistant Vice President for Enrollment Management
- Assistant Vice President and SACS Liaison
- Associate Vice President for Student Affairs
- Faculty Representative

***The CCEO shall have flexibility to make changes to the Compliance Partnership Committee, as needed, to ensure that campus partners are adequately represented and the best possible information is being communicated. Listed members may attend or identify designees. The Audit and Compliance Committee will be notified timely of any material changes to the membership.**

Additional compliance experts in individual departments provide leadership in addressing compliance issues within their scope of responsibility. The CCEO will work closely with these experts, either directly or as part of the Compliance Partnership Committee, to identify and implement efficient methods of communication, enforcement, and monitoring with regard to compliance matters.

At this time, the establishment of the Alliance and the Compliance Partnership Committee provides an effective framework for the Office of Compliance and Ethics to operate within the University, giving proper support, input, and oversight. During the Program's first year, the CCEO will work closely with members of the Alliance and the Compliance Partnership Committee to accomplish the Program's objectives. After the first year, the CCEO will provide feedback and recommendations on the need for direct or indirect reporting relationships.

Although compliance is a responsibility of each member of the FSU community, proactive engaged leadership by members of the Board of Trustees and University administration is critical to maintaining a strong culture of compliance and ethical conduct. The structure for Executive Oversight of the Program as outlined in this Plan provides a solid foundation for success.

Strategic Resources related to Element 1, Executive Oversight: BOG Regulation 4.003, BOT Audit and Compliance Committee Charter, Presidential Delegations of Authority, Bylaws of the Compliance Partnership Committee, Compliance**

**Officer Charter, Chief Compliance Officer Position Description, Compliance
Accountability Matrix****

****in development**

2) Standards of Conduct/Policies and Procedures

The University's Code of Conduct and Ethics (the Code) is the foundation of the Program. The Code sets forth the expectation all employees perform their duties and responsibilities with integrity and accountability to the highest ethical standards. It also serves as a guide for employees to support day-to-day decision making, and can be used as a benchmark against which performance, both individual and organizational, can be evaluated.

In addition to the Code, other policies and procedures provide evidence to confirm an effective compliance and ethics program. This is the case for regulations and policies which are required to meet compliance and/or regulatory requirements, and to promote or enhance risk reduction and mitigation efforts.

Regular review of University regulations, policies and procedures is suggested as a best practice. A review of the FSU policy library indicates that many policies are in need of revision, and FSU's methods of distribution of policies and policy revision are in need of improvement. With the adoption of this Program, the CCEO, with the support and leadership of the Alliance, will initiate a comprehensive review of University policies and procedures, the policy review process and make recommendations for changes.

**Strategic Resources related to Element 2, Standards of Conduct/Policies and
Procedures: FSU Policy Library, FSU Code of Conduct and Ethics,** Presidential
Delegations of Authority and Organizational Charts**

3) Effective Lines of Communication (Reporting)

Open lines of communication are critical to early detection and identification of issues. Issue identification also points to areas or topics requiring additional monitoring or education. To those ends, employees are encouraged to share concerns and issues with their supervisor or other higher level administrators. Facilitating personal/face-to-face interactions is a priority for FSU as demonstrated by the training and awareness programs available through the Office of Human Resources. Continued support for, and enhancement and expansion of, these programs is critical to ensuring open and effective lines of communication and thus an effective compliance and ethics program.

There are, however, situations when employees are not comfortable sharing a concern with their supervisor. In those cases, employees are encouraged to raise the issue through use of FSU's EthicsPoint Hotline. The Hotline allows employees and any others to make anonymous reports at any time. The CCEO, Chief Audit Officer, and the Associate Vice President for Human Resources share responsibility for oversight of the Hotline, monitoring incoming reports and assigning them as appropriate. The CCEO plans to utilize existing relationships, meeting opportunities, and scheduled trainings to increase awareness of the Hotline and answer questions or comments faculty, staff, and students may have regarding this communications tool, enhancing existing educational and marketing efforts regarding the

Hotline. Research confirms that when a Hotline is available, the detection and identification of issues of concern are enhanced. Continued highlighting and support of the Hotline are required if an effective compliance and ethics program is to become a reality.

Additionally, information regarding specific reporting requirements on issues such as Clery Act, abuse of children/vulnerable persons, Title IX incidents, and discrimination are made available to the campus community through a variety of measures, including face-to-face and online training, targeted e-mails, and a variety of creative marketing approaches. Continued use of these communications tools helps foster an environment of open, honest, and effective communications; in other words, a culture of compliance.

Other initiatives to encourage and facilitate communications across campus are in various stages of planning or development including a compliance e-mail to allow employees and others to submit questions and comments directly to the CCEO (compliance@fsu.edu), a Compliance and Ethics Newsletter, tabling at appropriate University events to promote the Program, and programming for November's Compliance and Ethics Week (November 4-10).

Strategic Resources related to Element 3, Effective Lines of Communication: Duty to Report Requirements, including Form 1 filings, EthicsPoint Hotline

4) Education and Training

Compliance and ethics training is a foundational element of an effective compliance and ethics program. A university's commitment to general and specific compliance education and training programs cannot be overstated. Describing what constitutes "Integrity and Excellence Always, In All Ways" and communicating those expectations to employees and others in the FSU community is a function of our education and training program.

Currently, FSU offers a range of compliance and ethics-related education and training workshops and seminars, which will expand with the growth of the Office of Compliance and Ethics. Those individual programs form a good nucleus for the development of a comprehensive Compliance and Ethics Education and Training Program. In the short term, the CCEO will coordinate with the Office of Human Resources' Training and Organizational Development Section, Environmental Health and Safety, and the Office of Faculty Development and Advancement to develop an inventory of programs falling under the compliance and ethics umbrella. The long-term goal is the development and implementation of an integrated, coordinated program of employee training and development on compliance and ethics issues and topics. The CCEO will also focus specific efforts on the development of education and awareness programs regarding the Program, the FSU Code of Ethics, and Conflicts of Interest-related matters, including outside employment.

Compliance and ethics training is not limited to our employees. More specifically, the CCEO, in collaboration with the Chief of Staff, Chief Audit Officer, and General Counsel, provides training for FSU's Board of Trustees on compliance and ethics issues, including the Code of Ethics for Public Employees, Conflicts of Interest, and Gifts and Honoraria. The first of these trainings by the new CCEO occurred in May 2018. A regular schedule of BOT training on compliance and ethics issues is critical to our success in implementing the Program, as the tone at the top sets the tone for all.

Strategic Resources related to Element 4, Education and Training: Training and Organizational Development Section, Office of Faculty Development and Advancement, University Communications

5) Audit and Monitoring

Regular, rigorous review of University programs and operations allow issues to be identified early and remedied quickly. The University engages in frequent self-assessment, beginning with the continuous improvement processes required to meet accreditation standards through the Southern Association of Colleges and Schools, to departmental program reviews, to campus culture and satisfaction surveys. Continuous assessment of this nature is critical to ensuring an efficient, effective, and compliant work environment.

Additionally, the Office of Inspector General Services (OIGS) provides independent, objective assurance and consulting activities to improve University operations and promote accountability. Whether through regularly scheduled audits or ad hoc management accountability reviews, OIGS staff serve to assist and coach administrators and employees in areas needing attention. An active, engaged audit function contributes to the overall health of the compliance and ethics culture.

The University also enters into contracts with third parties for the assessment of programs which require greater scrutiny due to the complexity and/or nature of the issue, or when there is no in-house expertise for the initiative. Use of third parties for such purposes should continue to be embraced as a best business practice.

The Alliance is charged with the responsibility for providing leadership and oversight to assess and mitigate (as appropriate) University risks. The Alliance's review of University risk assessments, internal and external audit reports, and other management reviews will be an integral element to improving University operations and enhancing compliance and accountability across campus.

Strategic Resources related to Element 5, Audit and Monitoring: Internal Audit and Management Consulting Services, Compliance Accountability Matrix, Conflicts of Interest Reporting

6) Enforcement and Discipline

An effective compliance and ethics program is one which provides incentives for employees to engage in conduct in accordance with laws, rules, and policies, and, conversely, applies appropriate disciplinary measures when employees engage in conduct which is non-compliant. The Federal Sentencing Guidelines specifically state that "adequate discipline of individuals responsible for an offense is a necessary component of enforcement" with the form of discipline determined on a case-by-case basis.

The University's preferred approach is to engage programs and processes which incentivize employees to do the right thing. The University has several awards programs that provide opportunity to recognize employee contributions and services consistent with specified criteria. Examples include the Max Carraway Employee of the Year Award, Student Employee of the Year Award, and Prudential Productivity Awards, as well as a variety of awards given at the office and departmental levels. Whether these programs are an appropriate vehicle by which to recognize employees for compliance-related acts and actions is a question the Alliance should explore in consultation with the Office of Human

Resources. Other means by which to incentivize employees should also be explored to support and enhance this element of the Program, with adequate funding for publicity and awards.

With respect to situations in which allegations of non-compliance are substantiated, it is contemplated that the CCEO will review, at least annually, reports of confirmed non-compliance and the University's response to ensure the University's approach to enforcement and discipline is consistent and defensible. This review should also include information regarding instances when employees were found to have known of an act of non-compliance but failed to report.

Strategic Resources related to Element 6, Enforcement and Discipline: Office of the Provost, Office of Human Resources, Policy Library, Code of Conduct and Ethics

7) Response and Prevention

Ensuring reasonable steps are taken to respond to complaints, especially complaints of compliance violations and/or unethical conduct, is critical to fostering an environment of integrity, trust, and accountability. Corrective action also helps prevent similar issues from occurring in the future. Failure to respond creates doubt about the University's commitment to addressing misconduct, which has the effect of reducing employee morale and engagement. The University has multiple processes by which to investigate and address reports of questionable actions or behaviors. However, decentralized departmental decision-making can have University-wide implications which can create substantial institutional risk. To limit such risk, the CCEO will coordinate with those persons responsible for investigations to compile an annual report of such activity for review by the Alliance. The Alliance's oversight helps ensure a cohesive approach to addressing complaints across the campus, which is critical to an effective centralized compliance function.

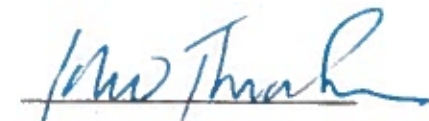
Strategic Resources related to Element 7, Response and Prevention: New and/or changes to education/training and awareness programs, internal investigations, background checks

PROGRAM EVALUATION

A rigorous process of evaluation answers basic questions about a program's effectiveness and is a critical management tool for program improvement. The Alliance will be responsible for overseeing the Program evaluation process and for determining the evaluation cycle (annual, biennial, or other). Metrics available for assessing the Program include: helpline statistics, compliance training statistics, policy attestation rates, investigation reports, risk assessment reports, culture surveys, and timely implementation of important changes or rulings in compliance law.

Additionally, Board of Governors Regulation 4.003 requires the University President and the Board of Trustees to engage "an external review of the Program's design and effectiveness" at least once every five (5) years and make recommendations for improvement. The first such external review will be engaged in FY 2022- 2023, the fifth year of the Program.

Approved at the September 4, 2018 Board of Trustees Meeting


University President

9/18/18
Date


Chairman, Board of Trustees

10/18/18
Date


Chairman, Audit and Compliance Committee

10/18/18
Date