



FLORIDA STATE UNIVERSITY
OFFICE OF COMPLIANCE AND ETHICS

A MESSAGE FROM THE CHIEF COMPLIANCE AND ETHICS OFFICER

As the Office of Compliance and Ethics (Office) completes its fourth year of existence, I am pleased to present you with a recap of our progress to this point and a plot of our way forward.

Looking back on 2021-2022, FSU emerged from the pandemic with a new vision for growth, achievement, and innovation. We welcomed a new President, Provost, Vice President and Director of Intercollegiate Athletics, and Chief Audit Executive, and will soon be joined by our new Vice President for University Advancement and Vice President for Research. We are revamping our strategic plan and plotting a bold path to national preeminence.

Over the past fiscal year, the Office broadened its substantive operation by launching FSU's online conflict of interest reporting system, continued its ownership of most of the state-level compliance obligations to eliminate unlawful foreign influence, received designation as the university's Research Integrity Office, and enhanced its work in FERPA, Clery Act, and HIPAA compliance. I continue to be grateful for the confidence of university leadership in entrusting the Office with these important functions, and value the partnerships across campus that make them successful.

I hope you find the enclosed Annual Report informative on the achievements of the Office during the past twelve months, as well as on the goals we have set for the year and years ahead. The Office's Work Plan for the 2022-2023 fiscal year is included in this document, similarly organized to reflect our roots in the Federal Sentencing Guidelines. I anticipate that the upcoming five-year review will provide useful, detailed feedback on our operations, and look forward to sharing those results with you. As always, feel free to contact me if you would like a more in-depth explanation of any element, or if you have any questions or concerns about the Office.

Sincerely,

Robyn Blank, Chief Compliance and Ethics Officer



Introduction: The Federal Sentencing Guidelines

Since 1991, The United States Department of Justice (DOJ) has utilized the Business Organizations section of the United States Sentencing Guidelines Manual to analyze the criminal liability of business organizations. If an entity can demonstrate it has a well-developed compliance and ethics program and that criminal conduct occurred in spite of that program, the entity can receive credit against a criminal sentence. But the guidelines have a much greater use than just sentencing bad-acting businesses. Known as Chapter 8, the guidelines have been used by hundreds of organizations to develop their compliance plans and determine the reach of their chief compliance officers, and the DOJ's revisions and commentary on Chapter 8 since its inception have recognized the guidelines' broadening application. The Florida Board of Governors used Chapter 8 as the basis for BOG Regulation 4.003, and it provides the framework used for the 5-year effectiveness reviews of each SUS institution's compliance program. For those reasons, this Annual Report is organized to reflect FSU's progress in each of the seven elements described by Chapter 8.¹

Element One: Executive Oversight

Via the establishment of the Office of Compliance and Ethics and the designation of the Chief Compliance and Ethics Officer as a direct report to the University President and the Chair of the Board of Trustees, FSU has signaled strong support for the Office and its efforts. The Office Charter is required to be reviewed and re-approved every three years. Edits to the Board of Trustees Audit and Compliance Committee Charter approved in June 2018 provide oversight for the Office, with the Chief Compliance and Ethics Officer reporting quarterly to the Committee and yearly to the full Board of Trustees, or upon request. The Charter was reviewed re-approved in September 2021, and a September 2022 yearly report to the full Board of Trustees will occur contemporaneous to the presentation of this Annual Report and Work Plan.

2022-2023 WORK PLAN ITEMS:

- Develop bylaws and charge documents for staff committees
- Schedule and hold regular meetings (twice a year or once a semester) of staff committees
- Approval of the Compliance Matrix, demonstrating the compliance areas owned by each of the Compliance Partners²

¹ These seven elements are also described in the Office's Program Plan, approved September 2018.

² The Compliance Matrix has been reviewed by the Compliance Alliance but is current under revision to reflect the changing needs of the institution.



Element Two: Written Standards of Conduct and Policies and Procedures

Policy review and improvement is a continual process at FSU. This year, the Office contributed significantly to development of new policies or revisions of policies and procedures governing Title IX, Florida HB 7, and international travel, many of which were related to changes in laws and regulations at the federal and state levels.

FSU Regulation 2.027, Fraud Prevention, was approved by the Board of Trustees in November 2021 and a revision approved in February 2022 (required by BOG Regulation 3.003).

4-OP-C-13, Policy Against Fraudulent, Unethical, and other Dishonest Acts and OP-C-7-G7, Standards for Employee Ethics, are under review to reflect the existence of the Office of Compliance and Ethics and best practices. A more comprehensive Code of Ethics for employees is also being considered, as the current Code of Ethics addresses a very narrow set of circumstances.

2022-2023 WORK PLAN ITEMS:

- Complete review, revision, and creation of ethics-centered policies (carry-forward from 2021-2022 Work Plan)
- Review university-wide policies for consistency and uniformity on compliance and ethical issues (carry-forward from 2021-2022 Work Plan)

Element Three: Effective Lines of Communication

The Chief Compliance and Ethics Officer maintains regular meetings with the Chief Audit Executive and the Associate Vice President for Human Resources/Chief of Staff for the Vice President of Finance and Administration (monthly), the Associate Athletics Director for Compliance (monthly), the President's Chief of Staff (weekly), and the Title IX Director (weekly). The Office regularly receives and responds to inquiries and requests for assistance on a variety of issues from departments and offices across the institution, indicating that awareness of the Office is growing. The Office benefits from open-door policies of the University President, Interim Vice President for Research, General Counsel, and Athletics Director, among others.

2022-2023 WORK PLAN ITEMS:

- Establish regular meetings or circulate informational memos/newsletters to keep campus partners informed of activity of the Office, especially on the academic side (carry-forward from 2021-2022 Work Plan)



Element Four: Education and Training

The continuous task of training a large group of diverse administrators, faculty, and staff is one of the heaviest lifts of a compliance office. The Office held targeted trainings as requested, including reduction of inherent bias in student conduct adjudication and responsible conduct in research. As part of the launch of the CAMS system, the core project team conducted dozens of trainings, both online and in person, for Board members, staff, faculty, and procurement employees on both the technical use of CAMS and the substance of conflict of interest laws and policies. We continue to blend asynchronous, remote training opportunities, with live meeting options to meet the needs of departments and offices. The hiring of the Office's second employee, a business analyst dedicated to CAMS, has been instrumental in improvement of the training materials and communication regarding the system.

As part of its obligations under HB 7017, the Office launched the International Travel Oversight Program, which requires pre-registration and review of educational materials prior to any international travel. The program is a joint effort with Travel Office, and utilizes FSU's Concur travel system. In the first six months of the program, the Office reviewed more than 200 individual travel requests to ensure compliance.

At the recommendation of the university's Clery Committee, the Office purchased online training materials for employees designated as campus security authorities (CSAs) under the Clery Act. This summer concludes our efforts to re-identify and re-train all CSAs, and we currently have more than 900 CSAs identified and loaded into our custom Canvas site to deliver the training. The Office is also considering purchase of a toolkit or software for university-wide ethics training.

2022-2023 WORK PLAN ITEMS:

- Create and implement a training and tracking schedule to ensure university-wide knowledge of compliance and ethics matters
- Create or procure a general ethics training module
- Create and implement programming around Compliance Week (November 7-11, 2022)
- Implement customized trainings for CAMS for faculty launch (Fall 2022)
- Improve and promote Office of Compliance and Ethics website (ongoing)

Element Five: Audits and Evaluation Techniques to Monitor Compliance; Establishment of Reporting Processes and Procedures for Complaints

The Office is often part of the management response to reports of the Office of Inspector General Services, working to implement recommendations and address follow-up concerns resulting from internal audits or investigations. Under the authority granted by its Charter, the



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Office undertook investigative and inquiry tasks of its own during the past year. The topics of these investigations ranged from HIPAA violations to nondisclosure of outside activity to allegations of misconduct in the procurement process. The Office provides updates to OIGS and the Audit and Compliance Committee, as required and/or upon request.

The Chief Compliance and Ethics Officer has an EthicsPoint license and access to the EthicsPoint site to review complaints that arrive via the online portal. Regular meetings with the Inspector General and the Associate Vice President for Human Resources (see Element Three) assist with workload issues and identification of the correct office to conduct investigatory activities and respond to complaints. As the designated office to receive complaints of violations of HB 7, the Chief Compliance and Ethics Officer also has access to Maxient and reviews reports that are received through the report.fsu.edu portal.

2022-2023 WORK PLAN ITEMS:

- Create handbook/establish protocols for investigations and investigatory reports (carry-forward from 2021-2022 Work Plan)
- Create and implement assessment tool(s) to identify areas of risk and measure improvements when noncompliance is discovered and needs to be remedied (carry-forward from 2021-2022 Work Plan)
- Finalize and implement Office protocols for handling of reports of noncompliance with HB 7 (if required)

Element Six: Appropriate Disciplinary Mechanisms and Incentives for Good Conduct

Although the Office is not responsible for handing down discipline, best practices indicate that creating incentives for good conduct can be just as important as deterring poor conduct via discipline. Trainings have emphasized the importance of compliance and ethics at all levels of the institution. Individually tailored trainings identify the specific contributions of the participating group to the university's mission and discuss the risks associated with noncompliance. When discipline is recommended as an outcome of an investigation, the Office of Compliance and Ethics works with the departmental supervisor and the Office of Human Resources to ensure that discipline is consistent and proportional.

The Office's challenge coin project, which began in September 2021, has been hugely successful. We have distributed approximately 50 challenge coins to project champions, federal and state partners, and those at all levels of campus who display exemplary commitment to ethical principles.



2022-2023 WORK PLAN ITEMS:

- Continue to utilize training opportunities to highlight the importance of ethical conduct

Element Seven: Investigation and Remediation of Systemic Problems

As described in last year's Annual Report and mentioned here in Element Four, the implementation of CAMS has made important improvements to FSU's outside activity and conflict of interest disclosure processes. Substantively, the use of SmartForms to guide outside activity disclosures has generated better information about proposed activities, allowing us to make informed decisions about conflicts of interest and conflicts of commitment. Procedurally, our move from a paper-based system to an online one makes tracking, approval, and analysis of information easier and more reliable.

The CAMS project is also an essential response to the Florida Legislature's interest in identification and investigation of allegations of foreign influence on research and the passage of new laws governing same. In cooperation with the Office of Research, the Office has utilized the RAMP Export Control module to ensure that required screenings are completed prior to hiring of foreign workers, and the integration of CAMS with the RAMP modules has made it possible for us to ensure complete disclosure of all interests, whether or not connected to a research project. To date, we have completed more than 250 individual screenings.

The Office looks forward to continuing conversations about the centralization of HIPAA and GDPR compliance operations, as domestic and international privacy laws (e.g., California's Privacy Rights Act and Privacy Protection Act; China's Personal Information Protection Law) require compliance and/or risk management analysis, the development of FSU's enterprise risk management program; and enhancement of our chemical inventory process.

2022-2023 WORK PLAN ITEMS:

- Continue to enhance and streamline processes required by HB7017 related to screening of foreign workers, reporting of foreign agreements, and travel
- Continue progress on responses to gap analyses (HIPAA and GDPR), incorporating lessons learned from, and new needs generated by, FSU's COVID-19 response