



FLORIDA A&M UNIVERSITY

# OFFICE OF COMPLIANCE AND ETHICS

## UNIVERSITY COMPLIANCE AND ETHICS CHARTER

### **Purpose and Mission**

The Office of Compliance & Ethics (OCE) provides oversight and guidance to university-wide ethics and compliance activities and fosters a culture that embeds these disciplines in all university functions and activities. OCE is designed to promote greater coordination of and consistency among individual University compliance programs, covering a wide variety of requirements related to academics, athletics, human resources, research, health care, information technology, and numerous administrative functions.

The mission of OCE is to support the University's mission and strategic plan by proactively partnering with faculty, staff and management to:

- Ensure compliance risks are identified, prioritized and managed appropriately;
- Establish a control environment, level of accountability, and ethical framework that promotes commitment to the highest standards of ethics, integrity, and lawful conduct by promoting adherence to all applicable federal, state, and local laws, regulations, as well as standards and internal policies and protocols;
- Provide general compliance training to employees and faculty and guidance to managers;
- Provide an avenue for reporting of potential non-compliance or unethical behavior, including an option to remain anonymous;
- Develop effective policies and procedures to promote compliance and ethical decision-making

### **Reporting Structure and Independence**

In 2005, the Florida Agricultural & Mechanical University Board of Trustees (BOT) approved Resolution 14-05 adopting a university-wide compliance program as the foundation of the internal control and compliance environment. In support of the compliance program, the BOT maintains internal audit and compliance functions that serve as integral components of the governance structure.

OCE administers the University's compliance function. The Chief Compliance & Ethics Officer (CCEO) oversees and manages the unit. The CCEO reports functionally to the BOT Audit and Compliance Committee and administratively to the University President.<sup>1</sup> The CCEO and staff have organizational independence and objectivity to perform their responsibilities and all activities of the office shall remain free from influence.

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<sup>1</sup> Pursuant to the Florida Board of Governors Regulation 4.003(5)

## **Authority**

The Office of Compliance & Ethics has the authority to review or investigate allegations of misconduct in any area of the university, including schools, colleges, administrative departments, auxiliary enterprises, and support organizations. Reviews and investigations shall not be restricted or limited by management, the University President, or the Board of Trustees. Accordingly, the OCE is authorized to:

- Have unrestricted and timely access to records, data, personnel, and physical property relevant to performing compliance reviews and investigations, and to allow for appropriate oversight and guidance related to compliance, ethics, and risk mitigation efforts.
- Allocate resources, establish schedules, select subjects, determine scopes of work, and apply the techniques required to accomplish objectives;
- Obtain the timely assistance and cooperation of personnel in areas of the University where reviews and investigations are performed, as well as other specialized services from within or outside the University; and
- Have free and unrestricted access to the University President and Board of Trustees.

Documents and records obtained for the above purposes will be handled in compliance with applicable laws, regulations, and university policies and procedures. As required by law, the OCE will comply with public records requests.

The Chief Compliance and Ethics Officer will notify the appropriate divisional vice president to request remediation of any unresolved restriction or barrier imposed by any individual on the scope of any inquiry, or the failure to provide access to necessary information or people for the purposes of such inquiry. If unresolved by the appropriate vice president, the Chief Compliance and Ethics Officer will notify the President to assist in remediation. If additional remediation steps are required, the Chief Compliance and Ethics Officer will make appropriate notifications as outlined in Florida Board of Governors Regulation 4.003.

## **Organizational Oversight**

The Board of Trustees will:

- Review the charter of the Office of Compliance & Ethics for approval. The approved charter will be reviewed at least every three years for consistency with applicable Board of Governors and university regulations, professional standards, and best practices. Subsequent changes will be submitted to the Board of Trustees for approval. A copy of the charter and any subsequent changes will be provided to the Board of Governors;
- Approve the annual Program Plan;
- Receive communications from the CCEO on the compliance activity's performance relative to its plan and other matters;
- Make appropriate inquiries of management and the Chief Compliance and Ethics Officer to determine whether there is inappropriate scope or resource limitations; and
- Ensure the Office of Compliance & Ethics has appropriate staff and resources in which to fulfill its duties and responsibilities.

## **Duties and Responsibilities**

The duties and responsibilities of the CCEO and staff include projects and activities that fulfill the requirements for an effective compliance and ethics program as required by Chapter 8 of the Federal Sentencing Guidelines and Board of Governors Regulation 4.003. The University's compliance and ethics program contributes to an effective control environment that promotes accountability and a commitment to the highest standards of ethics, integrity, and lawful conduct. The following elements define the duties and responsibilities of the office:

1. Compliance Risk Management
  - Assisting management with the identification and prioritization of compliance risks;
  - Assisting management with the development of mandatory risk management plans for compliance high risks;
  - Ensuring that compliance high risks are being properly managed by the designated responsible parties;
  - Providing compliance advisory services to management, faculty, and staff; and,
  - Enforcing and promoting standards through appropriate incentives and disciplinary guidelines, including revising and developing of policies and procedures.
2. Monitoring and Education
  - Evaluating emerging compliance trends in higher education and government and implementing best practices;
  - Performing internal monitoring, investigations, and compliance reviews; and
  - Promoting compliance and ethics awareness through effective training and education activities.
3. Retaliation
  - Providing all employees with an opportunity to report issues of potential retaliation for the reporting of wrongdoing; and,
  - Review and investigate, as appropriate, allegations of retaliation and other applicable state and federal laws relating to retaliation that are not covered by whistleblower protection or the Office of Equal Opportunity Programs.

The Chief Compliance and Ethics Officer and staff will:

1. Provide oversight of compliance and ethics activities;
2. Work closely with Compliance Partners to assess and prioritize which compliance areas present the greatest risk and need for attention, based on regulatory environment and complexity, overlap with University strategic plans, and consequences of non-compliance;

3. Provide annual training to university employees and Board of Trustees' members regarding their responsibility and accountability for ethical conduct and compliance with applicable laws, regulations, rules, policies, and procedures.
4. Obtain an external review of the Program's design and effectiveness at least once every five years or as deemed necessary as dictated by the circumstances. The review and any recommendations for improvement will be provided to the University President and Board of Trustees. The assessment will be reviewed for approval by the Board of Trustees and a copy provided to the Board of Governors.
5. Identify and provide oversight and coordination of compliance partners responsible for compliance and ethics-related activities across campus and provide communication, training, and guidance on the Program and compliance and ethics-related matters.
6. Administer and promote the University Compliance and Ethics Hotline, a reporting mechanism available for individuals to, anonymously or not, report potential or actual misconduct and violations of university policy, regulations, or law. OCE will work to ensure that no individual faces retaliation for good faith reporting of a potential or actual violation.
7. Maintain and promote the University's Code of Conduct and ensure the policy articulates the steps for reporting and escalating matters of alleged misconduct, including criminal conduct, when there are reasonable grounds to believe such conduct has occurred.
8. Communicate routinely to the University President and the Board of Trustees regarding Program activities. Annually report on the effectiveness of the Program. The Program Plan and any revisions, based on the Chief Compliance and Ethics Officer's report, shall be reviewed and subject to approval by the Board of Trustees. A copy of the report and/or revised plan will be provided to the Board of Governors.
9. Promote and enforce the Program, in consultation with the University President and Board of Trustees, consistently through appropriate incentives and disciplinary measures to encourage a culture of compliance and ethics. Failures in compliance and ethics will be addressed through appropriate measures, including education or disciplinary action.
10. Initiate, conduct, supervise, coordinate, or refer to other appropriate offices such inquiries, investigations, or reviews deemed appropriate in accordance with university regulations and policies, state statutes, and/or federal regulations. Submit final reports to appropriate action officials.
11. Make necessary modifications to the Program in response to detected non-compliance, unethical behavior, or criminal conduct and take steps to prevent its occurrence.
12. Assist the University in its responsibility to use reasonable efforts to exclude individuals within the University and its affiliated organizations whom it knew or should have known through the exercise of due diligence to have engaged in conduct inconsistent with an effective Program.
13. Coordinate or request compliance activity information or assistance, as necessary, from any university, federal, state, or local government entity. Oversee and coordinate

external inquiries into compliance with federal and state laws and take appropriate steps to mitigate risk of non-compliance.


14. Maintain a professional staff with sufficient size, knowledge, skills, experience, and professional certifications.
15. Utilize third-party resources as appropriate to supplement the department's efforts.
16. Perform assessments of the program and make appropriate changes and improvements.

Members of the University community having responsibility for a specific area of compliance must ensure the following:

1. Oversight of compliance in their functional areas;
2. Collaboration with other University units to mitigate compliance risk, as appropriate;
3. Adherence to the University's compliance policies;
4. Implementation of corrective action as necessary, arising from compliance reviews and/or investigations;
5. Completion of self-assessments to evaluate their individual compliance efforts; and
6. Immediate notification to the Chief Compliance and Ethics Officer of any realized or suspected compliance or ethics violations.

### Professional Standards

The Office of Compliance & Ethics' activities will be governed by adherence to the *Florida Code of Ethics*; the *Code of Professional Ethics for Compliance and Ethics Professionals*; and the *U.S. Federal Sentencing Guidelines'* criteria for an effective compliance program. Investigation activities will be governed by adherence to professional standards issued for the State University System.



Chief Compliance & Ethics Officer

11/4/2022

Date



President

11/4/2022

Date



Audit Committee Chair

11/8/2022

Date