

Policies of the University of North Texas at Dallas		Chapter 05.000
5.041	Compliance and Integrity Program	Human Resources

Regulation Statement.

The University of North Texas at Dallas (UNT) is committed to ethical and lawful conduct at every level of the organization and to providing education and implementing practices that prevent and detect violations of the law; encouraging all members of the University to conduct themselves lawfully, honestly, and with integrity; and preventing retaliation against individuals who make good faith reports of suspected misconduct.

Application of Regulation.

All employees and individuals acting on behalf of the UNT.

Definitions.

1. Compliance and Integrity Program. “Compliance and Integrity Program” means the structure and process designed to identify, assess, monitor, oversee, and ensure officers and employees of the University comply with applicable laws, Regents Rules, System Regulations, and UNT policies.
2. Compliance Risk. “Compliance risk” means conduct (action and inaction), practices, or circumstances that expose the university to legal or regulatory sanctions, including fines or penalties; or damage to UNT’s reputation due to an officer’s, employee’s, agent’s, or independent contractor’s failure to comply with applicable laws, Regents Rules, System Regulations, or university policies.
3. Compliance Risk Assessment. “Compliance risk assessment” means the periodic identification and evaluation of conduct (action and inaction), practices, and circumstances that expose the university to sanctions or reputational harm.
4. Compliance Work Plan. “Compliance work plan” means a method or tool developed after completion of a risk assessment to focus compliance activities on the university’s highest compliance risks.

5. Days. “Days” means calendar days, unless otherwise stated in this policy.
6. Good Faith Report. “Good faith report” means a reasonable belief that conduct violates law, Regents Rule, System Regulation, or university policy based on the reporting individual’s training and experience.
7. Management Official. “Management official” means an individual who has supervisory responsibilities over one or more faculty or staff employees, exercises substantial discretionary authority when acting within the course and scope of employment, or acts as an agent on behalf of the University.
8. Mandatory Training. “Mandatory training” means regularly scheduled training related to federal and state laws, Regents Rules, System Regulations, University policies, or specific operational practices that are essential to developing consistent ethical and compliant conduct.
9. Misconduct. “Misconduct” means wrongdoing as described in Regents Rule 04.1100, including any action or a knowing failure to act that results or has potential to result in fraud, waste, abuse, illegal activity, financial misstatements, accounting irregularities, or violations of federal or state laws, Regents Rules, System Regulations, or university policy.
10. Responsible Senior Official. “Responsible Senior Official” means the UNTD President.
11. Retaliation. “Retaliation” means any action, treatment, or condition likely to dissuade a reasonable person from reporting or causing to report, or from participating in an investigation of suspected misconduct or a related proceeding, including an action that affects an individual’s enrollment or business relationship, or an employee’s compensation, promotion, transfer, work assignment, or performance evaluation.
12. Substantial Discretionary Authority. “Substantial discretionary authority” means authority to make discretionary decisions within the course and scope of employment that affect the financial, organizational, or operational posture of the university (e.g., set prices, negotiate contracts, etc.) regardless of whether the authority is formally delegated in writing pursuant to state law, Regents Rules, or university policy.
13. University. “University” means the University of North Texas at Dallas (UNTD).

Responsibilities

Components of Compliance and Integrity Program

1. Policies Related to Ethics and Standards of Conduct. UNTD shall adopt and maintain policies essential to establishing a culture of compliance through the detection and prevention of criminal activity, and that promote integrity, ethical behavior, and compliance with federal and state laws, Regents Rules, System Regulations, university policies, and standards adopted by applicable accrediting bodies. These policies include, at a minimum, those related to:
 - a. Ethics and standards of conduct;
 - b. Conflict of interest disclosure;
 - c. Background checks;
 - d. Dual employment and other outside activities;
 - e. Prohibition against sexual assault/sexual harassment;
 - f. Reporting suspected misconduct;
 - g. Rights and responsibilities of employees under the Compliance and Integrity program; and
 - h. Fraud.

Responsible Party: Chief Compliance Officer and Vice Presidents

2. Chief Compliance Officer. The UNTD Director of University Compliance is the Chief Compliance Officer (“CCO”) and is responsible for maintaining an effective Compliance and Integrity Program (“Program”), including the day-to-day operation of the Program, proposing the budget necessary to conduct compliance risk assessments and work plans, managing the compliance reporting system, regularly assessing and monitoring university policies and practices related to detecting and preventing misconduct, conducting an annual assessment to evaluate compliance risk and the measures implemented to control identified risks, and regularly evaluating the overall effectiveness of the Program.

In addition, the CCO shall regularly monitor the measures implemented to mitigate compliance risks identified in the annual assessment and, in consultation with the Chief Audit Executive, determine when risks are sufficiently mitigated and when to inform the President when risks are mitigated.

The CCO shall have direct and unrestricted access to the President and unrestricted access to individuals and information throughout the University as necessary to maintain an effective compliance program consistent with applicable legal privileges.

Responsible Party: President and Chief Compliance Officer

3. Background Checks. Criminal history background checks shall be conducted for all positions with financial or substantial discretionary authority or proximity to minors, or for all security sensitive positions upon hiring or upon assumption of materially different responsibilities; and for all third parties conducting substantial business with or acting on behalf of UNTD. Excluded parties/persons and debarment checks shall be conducted as applicable.

Responsible Party: Human Resources and Risk Management Services

4. Mandatory Education and Training. All employees are required to complete compliance education and training related to the Compliance and Integrity Program policies, to emerging compliance topics, and to their positions. Compliance education and training shall also inform employees, students, and other individuals of the ways to report suspected misconduct.
 - a. Mandatory Training. Each year employees shall participate in compliance education and training. At a minimum, this training must cover each of the policies identified in paragraph 1 above and should include emerging compliance topics affecting the University.
 - b. Format of Annual Education and Training. Education and training required under this policy may be delivered in-person or using available technology.
 - c. Record and Notification of Education and Training. Employees shall be notified of their obligation to complete mandatory training no less than 30-days before the date by which it must be completed. The training topic, date the training occurred, and format by which the training was delivered shall be maintained in the Human Resources learning management system.
 - d. Enforcement of Education and Training Responsibilities. An employee who fails to complete education and training required under this policy is not eligible for salary increases of any type during the year in which the employee did not complete the training and is subject to

disciplinary action, including termination. Also, an employee who fails to complete mandatory training may be denied access to information technology resources until the training is completed.

Responsible Party: Chief Compliance Officer and Human Resources

5. Reporting System. An individual who in good faith suspects a person of criminal conduct should contact law enforcement immediately. All other good faith suspicions of misconduct may be reported through the compliance and integrity hotline (“Trust Line”) maintained by the Compliance and Integrity Program.
 - a. Complaints of suspected misconduct made through the “Compact with Texans” or any other reporting system maintained by a unit of UNTD must be forwarded immediately to the CCO who is responsible for informing the appropriate UNTD official(s) about and monitoring resolution of the report.
 - b. An individual who knowingly makes a false report of suspected misconduct or who provides false information during a compliance investigation is subject to disciplinary action, including termination of employment, termination of authority to act on behalf of the University, or termination of business relationship or affiliation.
 - c. Access to the Trust Line will be maintained prominently on the UNTD website home page.

Responsible Party: Chief Compliance Officer and Vice Presidents

6. Informing the Chief Compliance Officer and Appropriate Officials of Compliance Concerns.
 - a. Informing the Chief Compliance Officer. UNTD officials who investigate reports of suspected misconduct, except a law enforcement officials, shall notify the CCO no later than 14-days after an investigation is initiated and within 14-days after the investigation is completed. Officials who takes disciplinary action or implement corrective measures as the result of a finding of misconduct shall notify the CCO within 14 days after the action is taken or measures are implemented. Notices required under this section should be submitted through the process developed by the CCO.

- b. Informing the President or Chancellor. The CCO may notify the President or Chancellor of any report of alleged misconduct, but shall, in consultation with the Chief Audit Executive, inform the President and Chancellor of: (i) all reports of suspected misconduct or potential criminal conduct by Management Officials and individuals with substantial discretionary authority, (ii) all reports alleging potential criminal conduct, and (iii) all reports where the estimated financial impact is in excess of \$25,000 or that involve the potential loss of federal or state funds.

- c. Periodic Compliance Report. The CCO shall report to the Board of Regents or the appropriate committee of the Board a minimum of one time per quarter. The report shall include information the CCO, in consultation with the Chief Audit Executive or Vice Chancellor and General Counsel as appropriate, determines is necessary to promote an effective compliance program.

Responsible Party: Chief Compliance Officer

- 7. Reviewing and Investigating Reports of Misconduct.
 - a. Reviewing Reports. Reports of suspected misconduct shall be reviewed by the Compliance and Integrity Program to determine whether an investigation should be conducted, except for reports for which other UNTD officials or System Administration units are responsible for investigating, such as discrimination, sexual assault/harassment, environmental health and safety, etc. The CCO may consult Internal Audit, the Office of General Counsel, and UNTD Police to ensure reports are referred to the appropriate UNTD official or System Administration unit for investigation.

 - b. Investigating Suspected Misconduct. A UNTD official who is responsible for investigating a report of suspected misconduct, of any nature, shall promptly review the report and document any investigation, and inform the CCO as set out in section 6a this policy. The CCO is responsible for coordinating with System Administration units responsible for investigating suspected misconduct related to UNTD to ensure reports are managed in accordance with this paragraph. The CCO shall confirm or take appropriate steps to ensure that individuals who report suspected misconduct are informed when a report has been resolved.

- c. Reporting Findings to External Entities. The CCO shall notify the Vice Chancellor and General Counsel upon completion of any investigation that may require notifying a federal or state governmental agency. The Vice Chancellor and General Counsel, in consultation with the CCO, is responsible for advising the President whether a finding of misconduct should be disclosed to the agency and for timely informing the Chancellor, who will notify the Chair of the Board of Regents or appropriate committee of the Board of the required disclosure. The CCO remains responsible for informing the President, Chancellor and Board of suspected misconduct as required under paragraph 6b and c of this policy.

- d. Evaluating Effectiveness of Investigative Program. The CCO shall evaluate the effectiveness of the Program following each finding of misconduct. At a minimum and as applicable, the evaluation should:
 - i. assess whether individuals involved directly or indirectly in the misconduct were in compliance with training requirements;
 - ii. assess the effectiveness of disciplinary and corrective action taken for any prior misconduct;
 - iii. assess the timeliness of the response to the report of suspected misconduct;
 - iv. assess the completion rate and timeliness of the annual compliance risk assessment for the area in which the misconduct occurred;
 - v. ascertain whether any previous external regulatory enforcement actions have been taken related to the type of misconduct;
 - vi. prepare a work plan, with the assistance of the Chief Audit Executive, where appropriate, to assess whether corrective actions (if any) have been effectively implemented; and
 - vii. include anonymous surveys of individuals who accessed the compliance reporting system.

Responsible Party: Chief Compliance Officer

- 8. Protection Against Unlawful Retaliation. No action shall be taken against any individual who in good faith reports or causes to be reported suspected misconduct, participates in an investigation conducted under

the Program, or seeks guidance regarding any matter within its scope. An individual who engages in retaliation is subject to disciplinary or administrative action, including termination of employment or business relationship, as applicable.

- a. Self-Reporting. An individual who reports suspected misconduct in which the individual was involved is subject to disciplinary or administrative action for engaging in the behavior, including termination of employment or business relationship. The fact that an individual voluntarily self-reports misconduct may be considered in mitigating any disciplinary or administrative action.

Responsible Party: All individuals

9. Confidentiality and Protection of Information. The UNTD Compliance and Integrity Program is designed to protect against the disclosure of information and establish criteria for the lawful disclosure of information in accordance with this section.

- a. Confidential Information. As permitted under section 51.971 of the Texas Education Code, information is confidential if it directly or indirectly reveals the identity of an individual who reports suspected misconduct, participates in an investigation conducted under the Compliance and Integrity Program, or seeks guidance from the Program. In addition, information that directly or indirectly reveals the identity of an individual accused of suspected misconduct is confidential if a compliance investigation determines the accusation is unsubstantiated or without merit. Confidential information shall not be disclosed except as authorized in this section.
- b. Non-Confidential Information Protected from Disclosure. Information may be protected from disclosure even when it is not confidential when it is:
 - i. collected or produced pursuant to a compliance investigation and releasing the information would interfere with an ongoing compliance investigation; or
 - ii. collected or produced by a University official for the purpose of reviewing a compliance process.
- c. Authorized Disclosure of Information. Confidential information and non-confidential information protected from disclosure under this

section may be released, upon request:

- i. with the written and signed consent of the individual whose identity would be disclosed;
- ii. to a law enforcement agency or prosecutor;
- iii. to a governmental agency responsible for investigating the matter that is the subject of a compliance report, including state and federal equal opportunity agencies, in consultation with the Vice Chancellor and General Counsel; or
- iv. to an officer, employee of the System Administration, or the University who is responsible for a compliance investigation or for reviewing an investigation conducted under the Compliance and Integrity Program.

Responsible Party: Chief Compliance Officer

10. Compliance Assessment and Monitoring. The CCO shall regularly assess and monitor the University's policies and practices related to detecting and preventing potential or actual misconduct and for evaluating the overall effectiveness of the Program.

a. Assessment of Practices. Each year the CCO shall conduct a compliance risk assessment and the measures implemented to control identified risks.

b. Monitor Effectiveness of Compliance Policies and Practices. The CCO shall regularly monitor the measures implemented to mitigate compliance risks identified in the annual assessment and, in consultation with the Chief Audit Executive, design uniform criteria for determining when risks are sufficiently mitigated and a process for informing the President when risks are mitigated.

Responsible Party: Chief Compliance Officer

11. Review of Compliance Program.

- a. The University shall assess the effectiveness of its Compliance and Integrity Program annually. The assessment will review, at a minimum:
 - i. whether the President and senior management communicated support for the program;

- ii. the University's compliance with education and training requirements;
 - iii. compliance committee participation;
 - iv. the frequency of communication between the CCO and President and any oversight committee(s);
 - v. the level of enforcement and corrective action for compliance violations across the University;
 - vi. the effectiveness of incentives or rewards offered for contributing to a culture of compliance;
 - vii. the University's response rate on the annual compliance risk assessment;
 - viii. the number and resolution of internal investigations, including timeliness;
 - ix. the number and resolution of external regulatory enforcement actions against the University; and
 - x. the satisfaction of individuals who access the compliance reporting system through the use of surveys, including anonymous surveys.
- b. The CCO shall coordinate with the UNT System Chief Audit Executive to periodically evaluate the Compliance and Integrity Program no fewer than one time every three (3) years beginning with the effective date of this policy.

Responsible Party: Chief Compliance Officer

12. Compliance Governance – Committees

The committees identified below are established to assist the CCO maintain an effective compliance program.

a. University Executive Compliance Committee. The Executive Compliance Committee is comprised of the President, Vice Presidents, Chief Compliance Officer, and any other employee(s) designated by the President. The committee is responsible for providing leadership, oversight, and direction for the Program; and for ensuring it has the necessary resources and support to fulfill its objectives. In addition to these general responsibilities, the committee may:

- a. review the annual compliance risk assessment and the University's compliance risks;

- b. review the annual compliance work plan prior to approval by the Board of Regents;
 - c. review the effectiveness of the Compliance and Integrity Program, including the reporting system and education and training program;
 - d. review the resolution of compliance investigations and any enforcement and corrective measures imposed for violations; and
 - e. recommend incentives to comply with the University's Compliance and Integrity Program.
2. Compliance Coordinating Committee. The CCO may identify and recommend UNTD officials who report directly to members of the University Executive Compliance Committee and who have expertise in operational or compliance areas to assist and support the University Compliance Office. As determined by the CCO, the Compliance Coordinating Committee may:
- a. provide advice concerning specific education and training needs;
 - b. assist in identifying compliance risks and controls to mitigate those risks;
 - c. review results of the annual compliance risk assessment before it is submitted to the UNTD Executive Compliance Committee; and
 - d. assist in reviewing the annual compliance work plan before adoption.

Responsible Party: Chief Compliance Officer and Committee Members

13. Enforcement and Corrective Action

University officials shall take immediate action to correct misconduct and address retaliation once detected, including taking disciplinary action when appropriate. When taking corrective action, every effort shall be made to protect the confidentiality of individuals who report or participate in compliance investigations and to protect these individuals against retaliation.

- a. Corrective Action. Corrective action includes remediating any harm

resulting from misconduct and considering whether the misconduct must be voluntarily disclosed to federal or state governmental entities in accordance with paragraph 7c above.

- b. Disciplinary Sanctions. Individuals found to have engaged in misconduct or retaliation are subject to immediate disciplinary or administrative action, including termination of employment, termination of authority to act on behalf of UNTD, or termination of business relationship or affiliation. In determining the disciplinary sanction, the official taking the action shall consider:
 - i. the nature and seriousness of the misconduct;
 - ii. whether the individual is in a position with financial or substantial discretionary authority;
 - iii. whether the individual has engaged in prior misconduct;
 - iv. whether the proposed sanction is sufficient to enforce a culture of compliance or discourage others from future misconduct;
 - v. the disciplinary sanctions imposed by UNTD for similar acts of misconduct; and
 - vi. whether the individual self-reported the misconduct and cooperated in any related investigation(s).

Responsible Party: Supervisors and Management Officials

14. False Reporting

An individual who knowingly makes a false report of suspected misconduct or who provides false information during a compliance investigation is subject to disciplinary action, including termination of employment, termination of authority to act on behalf of the University, or termination of business relationship or affiliation.

Responsible Party: All individuals

References and Cross-references.

Federal Sentencing Guidelines for Organizations, USSG §8A1.2

Texas Education Code §51.971

Texas Education Code §51.9337(b)(2)

Texas Government Code §572.051
Regents Rule 04.1100 – Reporting Suspected Wrongdoing
Regents Rule 04.500 – Audit and Compliance
Regents Rule 10.700 – Fraud Policy

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