

Annual Compliance and Ethics Program Report

BACKGROUND

The university compliance and ethics program serves the mission of Oregon State University by promoting an organizational culture with the highest standards of integrity and supporting compliance with applicable federal, state and local laws and regulations. The benefits of a strong compliance program include supporting the priority of creating and maintaining a healthy and safe environment for students, employees and visitors; furthering the ethical and effective use of university resources; and improving operational efficiency and decreasing administrative burden.

An effective compliance and ethics program starts with a strong tone at the top that sets expectations and standards for all members of the organization. The “program” is not a single office; it is a network of dozens of subject matter experts working across the institution in research, health and safety, information, finance, civil rights, employment, athletics and global operations. The director of compliance coordinates across compliance areas to assess and prioritize compliance risks and facilitate risk mitigation. The Office of General Counsel, as well as the university’s risk and audit functions, provide critical guidance and partnership.

EFFECTIVE OVERSIGHT – OVERVIEW

As highlighted in previous annual compliance reports, the following standards, adapted from federal guidance, provide infrastructure for building a strong compliance program.

Leadership and oversight	<i>Effective leadership and functional committee structures are in place, with regular reporting to the Board of Trustees.</i>
Risk assessment and mitigation	<i>Risks of non-compliance are identified and assessed, and resources are devoted to appropriately mitigate those risks.</i>
Policies and procedures	<i>Clear expectations and practical guidance regarding behavior and decision-making are available and accessible.</i>
Education and outreach	<i>Reasonable steps are taken to provide appropriate, relevant, and comprehensive education and outreach about compliance requirements.</i>
Monitoring and auditing	<i>Program adherence to compliance requirements is monitored. Emerging and changing laws and regulations are tracked.</i>

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Receiving reports and investigating incidents of non-compliance and Accountability, incentives and corrective action	<i>Clear avenues exist to seek guidance or report violations of policy and relevant laws/regulations. Investigations follow appropriate processes and emphasize non-retaliation. Community members are encouraged to behave ethically and responsibly. Appropriate and consistent actions are taken in cases of wrongdoing.</i>
Response and prevention	<i>Episodes of misconduct and violations of laws, regulations and policies are responded to appropriately. Systemic issues are identified, root causes determined, and solutions implemented to prevent recurrence.</i>

TRENDS IN HIGHER EDUCATION COMPLIANCE AND OSU COMPLIANCE PROJECTS

An annual plan detailing the 2020 compliance focus areas was provided to the Executive & Audit Committee at the beginning of the year. Ideally, compliance work is proactive and preventive, and involves developing and establishing systems and processes to support compliance with the hundreds of federal and state laws and regulations that govern higher education. This year has brought some unexpected and new, as well as expected but increased, regulatory requirements – especially in the areas of research and health and safety.

OSU conducts ongoing assessments of new and emerging risks, which allows the institution to re-prioritize compliance needs and shift resources to areas that require increased mitigation efforts. As a result of the re-prioritization of compliance needs this year, the timeline for two planned compliance projects has shifted. The task force to review compliance and best practices as part of the 30th anniversary of the adoption of the federal Americans with Disabilities Act has been postponed to late fall or early winter. Developing routine compliance reporting for deans and other leaders has been put on hold until next year.

The current compliance priority areas for the year are:

- COVID-19 global pandemic.** In conjunction with key compliance partners including the Office of General Counsel, OARC has assisted with documenting and advising on decisions related to the COVID-19 response. COVID- 19 has required reactive and timely responses to new compliance requirements, including, among others: 1) the distribution and tracking of Federal CARES Act funds; and 2) developing systems to support compliance with the Oregon Health Authority’s [*Guidance for the Conduct of In-Person Instructional, Residential, and Research Activities at Oregon Colleges and Universities*](#), as well as industry-specific standards for many activities that occur as part of OSU operations: restaurant or dining facilities, venues that hosts or facilitate indoor or outdoor gatherings or entertainment, youth camps, and fitness-related activities.

- **Conflict of Interest/Conflict of Commitment (COI/COC).** This planned project is actively underway and spans requirements from Oregon Government Ethics law, federal regulations, and grants and contracts. This cross-unit collaborative project aims to: centralize COI/COC disclosures and management across the Offices of Research, Human Resources, and Procurement; reduce administrative burden for employees; and further compliance with growing disclosure and attestation requirements, especially in the foreign influence/national security area.
- **Foreign influence/national security.** The federal government continues to have concerns regarding inappropriate influence by foreign entities over federally funded research and believes that collaborations and relationships with certain non-U.S. entities might render academic institutions susceptible to espionage, theft of data and intellectual property, and other security risks. As a result, there are numerous and increasing reporting, disclosure and attestation requirements by higher education to the federal government. Efforts to address these requirements are provided in in the Internationalization and Global Engagement briefing document for the Academic Strategies Committee.
- **Prevention of sexual misconduct.** Long-anticipated new Title IX regulations from the Department of Education were released in May, with a very short turnaround time for required compliance by August 14. Key partners, including Equal Opportunity and Access, Student Conduct, Employee Labor Relations, and Office of General Counsel, collaborated to successfully update policies and procedures to meet the deadline and implement complex new requirements.

Compliance partners continue to do strong work in compliance areas across the institution, including in other focus areas identified at the beginning of the year such as critical training, workplace safety, youth safety, and data security and privacy.

Ongoing functions of the director of compliance continue, including Compliance Executive Committee leadership; ethics consultation, training and outreach; policy consultation; and participation on certain compliance and risk committees.

2021 PLANNING

In January 2021, the Board will receive the annual compliance and ethics program plan for major projects and areas of focus. Plan development will be done in close collaboration with compliance partners; align with legal, risk, enterprise risk and audit priorities; consider national trends, including June 2020 updated Department of Justice guidelines for effective compliance programs; and reflect Compliance Executive Committee review and input. Emphasis will be placed on creating a compliance community to share best practices and work together on common goals, strengthening compliance leadership and oversight, and providing structure and support for completion of major compliance projects.