



Compliance

Purpose

This policy sets forth the rules governing the creation, implementation, and periodic evaluation of an institutional compliance program for the university.

Persons Affected

This policy applies to all employees of the university.

Definitions

University: Stephen F. Austin State University (SFA) and all of its components, regardless of the source of funding.

Employee: All persons receiving compensation from the university, including faculty, staff, and students. The term also includes any volunteer who provides services to the university through an official arrangement with the university or a university organization.

Substantial authority personnel: high-level personnel or individuals who exercise substantial discretion when acting within the scope of their authority.

Policy

The program is designed to provide a framework for promoting an organizational culture that: (1) promotes a commitment to ensure the highest level of compliance with all applicable laws and regulations, institutional policies, procedures and other rules governing higher education, including research and health care to the extent applicable and (2) prevents and detects criminal conduct or other conduct inconsistent with an effective compliance program.

Procedures

SFA utilizes two committees: Executive Compliance Committee and Compliance Coordinating Committee.

EXECUTIVE COMPLIANCE COMMITTEE

The Executive Compliance Committee's primary function is to direct policy and instill the importance of compliance in the university community. This committee monitors progress on key compliance initiatives, reviews updates on compliance developments and best practices, and allocates resources as necessary to achieve the compliance program goals. Its members consist of:

1. President (chair)
2. Provost and Executive Vice President for Academic Affairs
3. Vice President of Student Affairs
4. Vice President for Finance and Administration
5. Vice President for University Advancement
6. Vice President and General Counsel



7. Director of Governmental Relations
8. Executive Director of Enrollment Management
9. Chief Information Officer
10. Director of Intercollegiate Athletics
11. Chief Marketing Communications Officer
12. Chief Audit Executive (advisory)

In exercising its overall responsibility for the university's compliance program, the Executive Compliance Committee shall be regularly briefed by the chair of the Compliance Coordinating Committee about the content and operation of the program, and also when criminal conduct is discovered.

The Executive Compliance Committee shall take reasonable steps to:

1. Not include within the substantial authority any individual who has engaged in illegal activities or other conduct inconsistent with an effective compliance program.
2. Communicate periodically and in a practical manner the standards and procedures of the compliance program by conducting effective training programs and otherwise disseminating information appropriate to the respective roles and responsibilities of the entire university community involved in the compliance program. Such training may include informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing a designated compliance area.
3. Ensure that the compliance program is followed including monitoring and auditing to detect illegal activities or other conduct inconsistent with an effective compliance program.
4. Have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby university employees and agents may report or seek guidance regarding potential or actual criminal conduct or other conduct inconsistent with an effective compliance program without fear of retaliation.
5. Consistently promote and enforce the compliance program throughout the university through appropriate incentives for performing in accordance with the program, and appropriate disciplinary measures for engaging in criminal conduct or other conduct inconsistent with an effective compliance program and for failing to take reasonable steps to prevent or detect such conduct.
6. Respond appropriately after criminal conduct or other conduct inconsistent with an effective compliance program has been detected, including making any necessary modifications to the compliance program to prevent further similar conduct.
7. Assess the risk of criminal conduct or other conduct inconsistent with an effective compliance program and take appropriate action to design, implement, or modify the program to reduce the risk of such conduct identified through this process at least annually.

COMPLIANCE COORDINATING COMMITTEE

The Compliance Coordinating Committee's primary function is to oversee the implementation of the compliance program throughout the university. This committee disseminates information about compliance updates and activities to the responsible parties and keeps those individuals



updated on any changes in laws or regulations and makes recommendations to the Executive Compliance Committee. Its members consist of:

1. Chief Compliance Officer (chair)
2. Vice President and General Counsel (advisory)
3. Chief Audit Executive (advisory)
4. Assistant Athletic Director for Compliance
5. Director of Financial Reporting
6. Director of Procurement and Business Services
7. Director of Human Resources
8. Director of Environmental Health, Safety, and Risk Management
9. Deputy Chief Information Officer
10. Chief of Police
11. Registrar
12. Assistant Director of Financial Aid
13. Compliance Coordinator - Research
14. Chair of the Chairs Forum
15. Chair of the Academic Affairs Policy Committee
16. Assistant Vice President of Student Affairs and Dean of Students
17. Title IX Coordinator
18. ADA Coordinator
19. Admissions Program Director
20. Associate Vice President for Finance and Administration

The Compliance Coordinating Committee shall be provided adequate resources and appropriate authority to carry out its duties and responsibilities.

- A. The Chief Compliance Officer shall chair the Compliance Coordinating Committee and shall regularly brief the Executive Compliance Committee about the content and operation of the university's compliance program, and also when criminal conduct is discovered.
- B. The Compliance Coordinating Committee will utilize a Compliance Matrix to assist the responsible committee members in carrying out their duties. The matrix is designed to further the coordination and documentation efforts of existing and ongoing compliance initiatives and is broken down into different compliance areas assigned to the committee member responsible for ensuring compliance, representative issues associated with the compliance area as well as the applicable laws.
- C. The Compliance Coordinating Committee, through its members, shall assist the Executive Compliance Committee in training the university community which may include informal staff meetings, and monitoring through regular "walk-arounds" or continuous observation while managing a designated compliance area.
- D. The Compliance Coordinating Committee is responsible for creating and maintaining a compliance web page on the university's website. At a minimum the web page will include the Compliance Matrix, Compliance Coordinating Committee members, and instructions on how to anonymously and confidentially report suspected fraud or other criminal conduct or conduct inconsistent with an effective compliance program without fear of retaliation.
- E. The Compliance Coordinating Committee is responsible for implementing and operating a risk-based process that:
 1. builds compliance consciousness into daily business processes,



2. monitors the effectiveness of the processes, and
3. communicates instances of non-compliance to appropriate administrative officers for action.

Department Head Responsibility

The department head of each operating unit within the university is responsible and shall be held accountable for compliance and compliance-related activities in their respective units. The department head shall maintain documented procedures and records for their activities and areas of responsibility.

President's Cabinet Responsibility

Each president's cabinet member is responsible and shall be held accountable for compliance and compliance-related activities in their area of responsibility and will be required to certify compliance at least annually. The Dean of the Office of Research and Graduate Studies will oversee the certification of compliance assurances.

President and Cabinet Member Responsibility

The president and cabinet members are responsible and shall be held accountable for:

1. the sufficiency of resources allocated to compliance activities, and
2. the appropriateness of corrective and disciplinary action taken in the event of noncompliance.

Audit Services Responsibility

Audit Services may provide advisory or audit services, as necessary and appropriate, to the compliance operations. The chief audit executive is responsible and shall be held accountable for:

1. independently evaluating the design and effectiveness of the various compliance functions as included on the annual audit plan,
2. making recommendations for improvements, as necessary and appropriate, and
3. reporting recommendations to the president.

Employee Responsibility

Each employee of the university shall be responsible for establishing an organizational culture that encourages compliance with its legal obligations, complying with all applicable federal and state laws and university policies and procedures, meeting and complying with any reporting requirements required by law, and complying with the mandates and standards in this policy.

Reporting Structure

The reporting obligations set forth below are to fulfill the purposes of this policy, to enable the university to do a risk assessment to determine if additional resources should be allocated, and to assist the university to respond as needed. These requirements do not replace, change or modify applicable reporting requirements or any other action required of the university under federal or state laws or regulations.



The chief compliance officer shall report to the Executive Compliance Committee the workings of the Compliance Coordinating Committee, including agenda items, member concerns, and recommended changes in policies or procedures.

The chief compliance officer shall promptly report to the Executive Compliance Committee any suspected compliance violation that has caused or poses an imminent risk of injury or harm to persons, property or the surrounding community, or reputational harm, as soon as possible after discovering or receiving the report of the suspected violation.

The chief compliance officer is responsible to:

1. conduct a compliance program investigation or monitor the investigation conducted by an appropriate operating unit of the suspected violation(s), and
2. as appropriate, make findings and recommendations to the president.

Related Statutes or Regulations, Rules, Policies, or Standards

U.S. Federal Sentencing Guidelines

UTS 119 Compliance Programs

SFA HOP 01-403 Dishonest or Fraudulent Activities

Responsible Executive

Chief Compliance Officer

Forms

UTS Systemwide Compliance Charter

Revision History

September 1, 2023 (original)

December 20, 2023