Coordinating University Compliance Functions
David Galloway, Executive Director
BYU Office of Compliance and Audit
September 2012
Introduction
Because of the significant number of regulatory requirements and the increasingly complex legal environment facing US universities, university administrators must effectively manage and coordinate their compliance activities across a very diverse and decentralized organization if they are to avoid a major compliance failure that could result in monetary fines and expense, possible restrictions on the institution’s programs or student resources, and damage to the reputation and financial stability of their institutions.

This paper uses the information derived from a survey of thirty-four US universities (see Appendix 1) conducted in 2012 to explore the various methods universities have developed to address this important emerging need and recommend principles for university administrators to use to ensure effective communication and coordination among the various institution compliance partners.

The Problem
Many organizations face regulatory compliance challenges. The regulatory environment is becoming increasingly complex and difficult for organizations to navigate. A simple analysis of the number of pages of the Federal Register issued each year provides a cautionary tale regarding the volume of regulatory activity of the federal government.

As another benchmark for the increase in regulatory burden, federal agencies issued 3,807 final rules in 2011, a 6.5% increase over the 3,573 issued in 2010.2

Universities are especially impacted by this increasing volume of federal, state, and contractual (e.g., NCAA, PCI) regulations. The unique environment of most universities includes not only all of the regulated trappings of most municipalities and corporations (environmental laws, health and safety of citizens, Foreign Corrupt Practices Act, patent and copyright law, including the Digital Millennium Copyright Act, the “Red Flag Rules” of the Fair and Accurate Credit Transactions Act of 2003, etc.) but a host of regulations often unique to the university mission and structure. Universities must address regulations governing their use of federal grants and contracts, including Export Administration Regulations and Traffic in Arms Regulations; universities must also address regulations governing animal care and use, human subject research, control and use of biohazards, and the significant body of regulations associated with student financial loans. In addition, a list of regulations familiar to most institutional compliance personnel at universities would include the following:

- Drug-Free Schools and Communities Act Amendments of 1989,
- Drug-Free Workplace Act,
- Clery Act,
- Federal Acquisition Regulations,
- Higher Education Opportunity Act,
- FLSA: Employee vs. Volunteer Issues,
- Program Integrity Rules,
- Patient Protection and Affordable Care Act,
- Health Insurance Portability and Accountability Act (HIPAA),
- Family Educational Rights and Privacy Act (FERPA),
- Sexual Harassment Rules,
- International Student and Visitor Program reporting regulations,
- IRS Exempt Organizations regulations in regard to student clubs, and
- Financial Conflicts of Interest in Research.

In 1965 it required 17,206 pages of the federal register to publish the many public notices, proposed rules, approved laws, and final regulations promulgated by federal agencies. In 2011, the Federal Register totaled 82,419 pages, a growth of 479%.

1 The Federal Register reports all routine publications and public notices of federal agencies including proposed and final rules that ultimately are codified in the Code of Federal Regulations and thus, is only a guide to the volume of federal laws and regulations.

Unfortunately, this is an exhausting but not an exhaustive list of federal laws and regulations facing today’s university.

To the list of federal regulations can be added
• the unique laws and regulations associated with individual state jurisdictions, such as protocols for handling the loss of personally identifiable information, the unique rules associated with operating distance education programs in other states, and individual state child abuse and neglect reporting requirements;
• the laws of other nations in which many US-based universities operate, including the UK Bribery Act and the many data privacy laws in European and Asian countries; and,
• the significant contractual regulations assumed by many universities, including NCAA bylaws and Payment Card Industry Data Security Standards.

At the same time that the volume of laws and regulations has been increasing, there has been an associated uptick in the efforts of federal regulators to audit and test institutions for compliance. In addition to the relatively common audits by the IRS, universities likely will be audited by the various federal agencies that provide research contracts and grants. Institutions may also be audited by the Department of Education for compliance with the Clery Act, by Immigration and Customs for compliance with the various regulations governing international students, by the Environmental Protection Agency for compliance with environmental protection rules, and by any number of other regulators focused on the activities peculiar to a particular institution.

One can easily begin to see the tsunami of regulatory work quickly inundating our universities.

**Steps to Managing the Burden**

While complying with this ever-increasing body of laws and regulations is daunting, there are principles and best practices that can help universities chart their way through the regulatory morass:
• Universities must understand who the key players are in the compliance structure they have built for their institutions. Ideally, these players include General Counsel, Compliance, Environmental Health and Safety (Risk Management), and Internal Audit.
• They should then identify and promote an organizational structure that facilitates an effective response to compliance issues.

• Finally, universities must ensure the components of their compliance infrastructure coordinate effectively to positively impact compliance risks as they are identified.

**The Importance of Coordination**

Legal and regulatory compliance has become important to the executives of most universities. One only need look at some of the more visible recent compliance failures at universities to see the impact a major compliance failure can have.

The risks associated with such a failure include the following:
• Loss of reputation and the resultant loss of student applicants, quality faculty applicants, and donor interest;
• Financial sanctions and expense from federal fines, mitigation expenses, and loss of donor gifts;
• Corporate Integrity Agreements¹ that cede some control of the university’s operations to the federal government and necessitate significant expenses to develop appropriate control structures;
• Criminal prosecution risk to university administrators and faculty in those areas of the law that provide for such prosecution (environmental compliance, safety, etc.)

While recognizing these risks, we should not ignore the important fundamental reason for regulatory compliance: it is the right thing to do. Laws and regulations are established by our elected representatives to achieve goals we as a society believe are important. Safety, privacy, and fairness are but some of the goals of laws and regulations.

¹ Federal agencies negotiate corporate integrity agreements (CIA) with institutions as part of the settlement of Federal program investigations arising under a variety of civil false claims statutes. Providers or entities agree to the obligations, and in exchange, the federal agency agrees not to seek their exclusion from participation in federal funding program (e.g., student financial aid, research grants, etc.).
There are at least three reasons for effectively coordinating the compliance functions at a university:

1. Help reduce overlap between the compliance functions. The risk of overlapping activities is manifest in either additional unnecessary costs or in “turf wars” between competing factions. Neither of these is desirable, especially in an institution like a university that is already, almost by design, a diverse and decentralized organization.

2. Help reduce the risk of an important compliance issue not being raised and addressed in a timely manner.

3. Help promote the necessary culture of compliance by providing a coherent, consistent message regarding compliance to the people who make up the organization.

**A Culture of Compliance**

The end goal of a university’s compliance program is, in our opinion, not to prevent compliance failures but rather to establish an institutional culture that helps prevent compliance failures. This is an important point because in the diverse culture and decentralized organizational structure of most universities, establishing a coherent, homogeneous culture is extremely difficult. And yet, having a culture that encourages ethical conduct and a commitment to compliance with the law is in the very definition of an effective compliance program. An effective process with equally effective coordination between the various components of an institution’s compliance program can be a giant step toward building a culture of compliance.

**Compliance Partners**

In reaction to the growth in the regulatory environment, universities have begun to establish compliance functions on their campuses. However, if we are to have an effective compliance function and not what one author terms “Cosmetic Compliance,” it is necessary that the various compliance advocates coordinate their efforts. This is especially important in the decentralized organization that typifies US universities.

The starting point for improving the coordination of the various compliance interests at a university is the identification of what these interests are. At most universities, the compliance function with legal requirements is vested in several organizations. These typically include the following:

**Office of the General Counsel (OGC)**

The General Counsel is the university’s chief legal counsel and is often tasked with not only defending the university in the event of an alleged compliance failure but also with providing legal consultation services to the university’s administration and, hopefully, proactively working to prevent compliance failures. Almost 80% of the universities in our survey have a General Counsel’s office.

Many universities are fortunate to have a robust General Counsel’s office staffed with an adequate number of attorneys to address the compliance requirements facing the university. Some are doubly fortunate to have a proactive General Counsel who seeks to identify compliance needs and address them well in advance of their becoming a compliance failure.

**Environmental Health and Safety (EH&S)**

This function is typically responsible for the health and safety of the university’s faculty, staff, students, and patrons. Seventy-seven percent of the universities in our survey have an EH&S function on their campuses.

---


"[F]ederal regulations at their best are a significant mechanism by which important human values are played out on our campuses—the right to privacy and confidentiality, the protection of intellectual property and academic freedom, the safety and dignity of each person and equal opportunity to participate in campus life. . . . A campus ‘culture of compliance’ helps to preserve the core values underlying federal regulations.”

—Craig Parker & Margaret L. O’Donnell, The Catholic University of America

The challenge decentralized organizations face is finding a way to leverage the knowledge possessed by the departments and disseminate that knowledge to the remainder of the institution.

Patrick H. Dunkley, Stanford University
Generally, EH&S is involved in lab safety, chemical safety, industrial hygiene, OSHA compliance, radiation safety, biological hazard management, environmental hazard management, etc.

Frequently universities also have a Risk Management / Insurance function either operating separately or integrated into EH&S or another organization that is responsible to coordinate insurable risks.

Often, the EH&S or Risk Management functions also manage the university’s Enterprise Risk Management program, if one exists.

Internal Audit Department
The internal audit function generally conducts audits of compliance with university policies and with federal and state laws. It is generally considered appropriate for the internal audit department to also audit the effectiveness of the compliance function. In institutions where the compliance and internal audit functions are combined, an external audit of the compliance function may be desired. Almost two-thirds of the universities in our survey have an internal audit function.

Internal audit can and should play the role of the assurance function in relation to compliance efforts and may also play a consulting role in helping to establish new compliance programs. However, internal auditors generally take care not to be seen as compliance experts. The internal auditor is an expert at evaluating processes, systems, and controls, and identifying what can go wrong and making recommendations to improve the internal controls. The compliance and general counsel functions are better able to know the laws and regulations and identify specific compliance requirements.

Internal audit is in a unique position to help communicate the importance of compliance with laws and regulations and to promote the compliance program on campus. Frequently, the establishment of an institutional compliance function can be traced to the recommendations of the internal audit function.

Compliance Office
An emerging office on many US campuses is the compliance office with an institutional compliance officer. Often this is a small function that includes a university compliance officer, who may be an attorney, and a small staff of personnel to assist with training and legal research. Only one-third of the universities in our survey have a university compliance function.

Possible roles for the Compliance Office include the following:
- identify current and emerging laws and regulations that represent a compliance risk to the university and maintain an inventory of such laws and regulations;
- provide information and training to those most affected regarding the nature of the laws and regulations and their applicability to the university;
- help coordinate the various compliance activities on campus;
- develop and promote formal policies regarding compliance;
- manage and promote a compliance hotline to encourage employees, contractors, and patrons to report compliance issues, anonymously if desired;
- promote "an organization culture that encourages ethical conduct and commitment with the law;"\(^6\) and
- perform monitoring services to help ensure the university is compliant with the laws and regulations.

What Does Compliance Look Like Today
A starting point for improving your own compliance program is to see where you are in relation to your peers.

As might be expected, a survey we conducted during July 2012 indicates a relative wide divergence in the nature of compliance programs established at universities. We have characterized these programs into three broad categories: No Discernible Coordination, Ad Hoc or Informal Compliance Coordination (i.e., silos of compliance without central coordination), and Formal or Integrated Compliance Coordination (relatively formal, centralized and independent coordination of the various compliance activities).

As noted in the following chart, half of the universities responding to our survey exhibited ad hoc compliance coordination structures with 32% reporting formal structures and 18% exhibiting no coordinating structure.

One interesting result from our survey is that private universities appear to have more structure and formality around their compliance programs than do state universities.

**No Discernible Coordination**

Eighteen percent of the institutions we surveyed appeared to have no discernible compliance coordination. Although there is a correlation between the size of the institution and the degree of formality in its compliance coordination structure, this correlation is not strong. It is likely such institutions have some form of informal or even assumed compliance structure (e.g., the Vice President of Student Life assumes the responsibility for compliance with campus crime statistics reporting); however, they do not appear to have any formal compliance focus.

**Ad Hoc Coordination**

Although it appears the compliance structures of universities are changing, 50% of responding universities report a relatively decentralized ad hoc compliance coordination program. These programs are characterized by what many survey participants called “silos of compliance.” The term seems to have its origin in the world of information management and refers to the relatively common practice of having compliance responsibility and authority distributed through the organization where such issues were most relevant. For example, the majority of survey respondents indicated that they had compliance personnel at their institution responsible for compliance with NCAA by-laws and for research grant expenditures. However, these compliance functions reported up through their organization to their respective vice president (the silo); but, the vice presidents did not regularly meet to discuss compliance issues, emerging laws and regulations, or to coordinate compliance efforts where appropriate, etc.

In some instances, these organizations have established a protocol, often informal, to convene the necessary personnel whenever they become aware of a need for a coordinated effort. An example would be the H1N1 (Swine Flu) pandemic that impacted our universities in 2009. Since the threat impacted not only students but faculty, staff, and university patrons (e.g., teenagers invited to athletic camps, dance camps, etc.), it required a more centralized university response. As the threat to the health of university personnel became clear, leaders of many institutions identified the need to convene the appropriate personnel (human resources, faculty relations, student life, Environmental Health and Safety, health center, etc.) and develop a central strategy to address the problem.

I suspect such coordination is made easier in an institution where there is a good relationship between
the compliance officer, audit director, general counsel, and director of environment health and safety. This ad hoc coordination points out the importance of relationships in effective coordination and communication. Where all of the key players have a similar “world view” regarding compliance, the coordination effort is much easier to accomplish. However, if the general counsel sees his or her role as primarily advisory or as defense counsel, and the audit director is focused on financial audit concerns while the director of health and safety is mostly interested in avoiding OSHA findings, holding meaningful coordination meetings on campus safety or FERPA compliance may be difficult.

The risk associated with this form of coordination is its probable lack of assured repeatability. Ad hoc coordination depends on individual personnel being able to both identify the emerging risk and understand how to pull the right people together to address it. If those personnel are not tasked with routinely assessing and identifying these risks, a significant risk may go undetected or may not be reacted to quickly enough to impact the university’s ability to address the problem.

As noted, coordination does happen at these institutions; however, this coordination may occur only after an issue or problem becomes a serious enough threat to the institution that someone such as the general counsel or internal auditor either facilitates a coordination meeting or encourages senior executives to convene such a meeting to develop a plan to address the problem. Such ad hoc coordination may be prompted by an internal audit, a problem on campus, or new reports of incidents at other campuses.

The Ad Hoc Coordination model may limit an organization’s ability to identify and effectively react to the bodies of law that very likely impact more than one silo. For example, the HIPAA (health information regulations) compliance coordinator might be located in the student health center, a part of the Student Life “silo” and may do an excellent job staying abreast of changes in the law, assessing compliance with the law at the health center, etc. However, without effective coordination, the Athletics Department or the Student Counseling Department may not be aware of these legal requirements or how they apply to them.

This model presents several problems for universities:

1. It is unreliable in the sense that it may work very effectively for one issue and not work at all for another. Its success is dependent on the awareness and attention of the various compliance partners and their ability to marshal university resources in a timely basis to address an institutional compliance issue.

2. The lack of an institutional compliance team or officer increases the difficulty an institution will likely have in demonstrating to a regulator that it has exercised the required “due diligence and the promotion of an organization culture that encourages ethical conduct and a commitment to compliance with the law” required by the Federal Sentencing Guidelines (FSG). Among other things, these Guidelines require that “specific individual(s) within the organization…be delegated day-to-day operational responsibility for the compliance and ethics program.”

3. The Ad Hoc model makes integration of internal audit, compliance, general counsel, and risk management a much more difficult undertaking.

4. Finally, the Ad Hoc model forces the internal audit function to become aware of emerging laws and regulations on their own, in addition to all the other issues internal auditors are expected to stay abreast of.

We suspect that this type of compliance organization was the norm fifteen or twenty years ago, and our survey suggests that it is still the prevalent model for about 50% of US universities.

Formal Compliance Coordination
The most robust coordination effort we see involves effective, formal communication and coordination among the compliance partners. As noted earlier, our study indicates 32% of responding universities evidence a formal compliance coordination structure.

While integrated compliance coordination does not necessarily mean centralized compliance (managed by one compliance officer), integrated coordination appears to be promoted by a centralized approach.

---

2 Id. §8B2.1(b)(C).
3 The 2009 report by the Association of Governing Boards of Universities and Colleges and United Educators entitled The State of Enterprise Risk Management at Colleges and Universities Today reported that over 60% of respondents practice an ad hoc risk assessment process.
This model is usually facilitated by a central steering committee in some form. Many institutions now have standing institutional compliance committees focused on helping coordinate broad compliance issues that affect the institution. These committees may be comprised of senior executives such as the vice-presidents, or they may be composed of senior managers such as deans, department directors, or managing directors.

A formal compliance model is characterized by the following:

- Compliance partners are in regular contact with each other through regularly-scheduled meetings with a formal agenda. The agenda is often prepared by one of the committee members, possibly the compliance officer or the general counsel. Minutes are maintained and progress on issues is tracked over time to ensure issues are adequately addressed.
- There is a routine process for identifying compliance risks, including new and emerging laws.
- There is a process by which the compliance partners address the compliance risks they have identified.
- There is a monitoring process to help ensure the risks have been adequately addressed.

One significant advantage of this form of coordination is the synergy derived by having many of the key decision makers in the same room discussing a problem with the understanding that they will be asked to be accountable to their peers for their promotion of compliance solutions.

Some years ago, the most mature compliance programs were at universities that had been the subject of corporate integrity agreements. Corporate integrity agreements (CIAs) arise when an institution has run afoul of the law. CIAs are developed between an institution and the US Department of Justice as a means of focusing the institution and its resources on developing its compliance program to help avoid similar failures in the future.

Possibly because of this focus by a few influential institutions, today we are seeing more mature compliance programs being developed without the impetus of a CIA.

**Elements of Effective Coordination**

There appear to be several elements that promote effective compliance within an organization. These elements include the following:

- Compliance Coordinator / Senior-level Compliance Team,
- Compliance Partners / Committees,
- Effective Communication, and
- Consistent Process.

**Compliance Coordinator / Senior-Level Compliance Team**

The compliance coordinator can be an individual or a group and the role may be specifically designated or assumed.

Many universities are beginning to establish compliance officers on their campuses with specific responsibility to coordinate compliance efforts for the institution. According to the Department of Labor, compliance officers are expected to be one of the thirty fastest-growing US occupations over the next ten years.¹⁰

Another model, often present in smaller institutions, is to designate the General Counsel or another executive with this added responsibility.

Still other schools utilize an executive committee of personnel with compliance as part of their portfolio of responsibilities to coordinate the compliance program on their campuses.

As the following chart indicates, an independent compliance function is becoming more common on university campuses.

---

As we noted with the degree of formality of compliance program, our survey indicates a similar divergence between private universities and state schools regarding the establishment of independent compliance functions, with private universities exhibiting greater use of university compliance functions.

Regardless of the model they use, it is important to have some person or persons specifically designated with responsibility to be attuned to the compliance risks faced by the university and focused on how to appropriately address those risks within the university’s environment and culture.

Compliance Partners / Committees
Many universities have recognized the need for a network of compliance personnel in various key compliance areas of the institution. These personnel may be individuals with full-time compliance responsibility for a particular area, such as an athletics / NCAA compliance officer or a FERPA compliance coordinator. They might also be assigned compliance responsibility for a particular function, such as a College of Life Sciences compliance coordinator.

About a third of the universities responding to our survey indicate the use of some form of compliance partner or coordinator network on their campuses.

Area Compliance Functions
There are various compliance organizations on the typical US campus focused on specific areas of the law. As noted earlier, many institutions have athletics compliance and research compliance functions. In addition, universities may have dedicated compliance functions focused on disability access, tax compliance, copyright, and / or intellectual property rights, FERPA, HIPAA, etc. Each of these functions is important to the success of the university’s compliance posture and each need to be drawn into a coordinated institutional compliance program. These area compliance functions may be led by a compliance coordinator who helps ensure an effective compliance program is in place.

Functional Compliance
In addition to the area compliance functions noted above, campuses are beginning to recognize the need for compliance resources at the functional or college level. For example, a university may have compliance officers identified with responsibility for the College of Life Sciences, the College of Engineering, or the College of Physical Sciences. These compliance resources focus on the broad range of compliance issues unique to a particular college or department of the university. As an example, a typical college of life sciences may have compliance issues that address the following:

- Hazardous chemicals and chemical hygiene plans,
- Research animal care and use,
- Human subjects management and care,
- Radiation safety,
- Laboratory safety,
- Select agents and toxins,
- Blood borne pathogens,
- Cadaver acquisition and use,
- DEA licensing for controlled substances,
- Export and arms control regulations,
- Wildlife regulations,
- Handling of infectious waste,
- Flammable materials storage,
- Laser safety, and
- OSHA regulations.

Because of the substantial body of law that must be addressed by such a college, a college-level compliance officer or coordinator is becoming a necessity in order to provide the needed focus, training, and process engineering necessary to help keep the
Coordinating University Compliance Functions

college compliant with the applicable laws and regulations.

While these compliance partners will have different names and reporting relationships at individual universities, they represent the compliance functions that appear most consistently in our survey.

**Institutional Compliance Committee**

One of the most important but most infrequently observed compliance functions is some form of institutional compliance committee or council.

Where it exists, this committee is often comprised of representatives of the Office of the General Counsel, Compliance Office, Risk Management and Safety, and the academic and administrative vice presidents of the university.

The role of the institutional compliance committee is to help coordinate the overall compliance effort by providing a forum to communicate compliance issues and programs; discuss the resources needed or applied to various compliance problems; help ensure follow-up on compliance related programs, assessments, and assignments; and provide a conduit to communicate compliance issues to administration executives and the board of trustees.

Our survey indicates that many universities do not yet have an institutional compliance committee but are investigating its establishment.

**Effective Communication and Coordination**

A consultant friend who has worked for many organizations to improve their operations and processes once commented that, regardless of the nature of the assignment he had, he always knew that one of his recommendations would deal with improving communications. It really should not surprise us that effective communication is so difficult when we consider the hurdles that get in the way. These hurdles include attitudes, personalities, prior experiences, filters, preoccupations, relationships, perspectives, semantics, medium of expression, etc.

Communications research underscores the difficulty we face in ensuring effective communication. In the past some have looked at communication using a transmission model, like the way radio waves are transmitted and received with some form of interference getting in the way. However, rather than there being a “transmissive” or mechanical model for human communication, behaviorists now suggest that we use a constructivist model, that is, that meanings are actively constructed by both initiators and interpreters rather than simply being “transmitted.” That means that, in one sense, the messages may differ based on the nature of both the initiators and interpreters and that meaning is being constructed as the message is being transmitted. This underscores what we all know: the process of human communication is complex.

Chapter 8 of the Federal Sentencing Guidelines requires an institution to “take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program, to the [institution’s] employees, including governing authorities and high-level personnel] by conducting effective training programs and otherwise disseminating information appropriate to such individuals’ respective roles and responsibilities.” Essentially, the requirement is to train and to communicate.

Our survey does not address this aspect of coordination. Much has been written and many have experience with communication issues and a treatise on communication is not the goal of this paper. However, in the context of improving coordination we have identified the following principles that, if used in conjunction with an effective organizational structure as discussed earlier, can help improve overall coordination of university compliance functions.

**Build a Relationship**

Building a relationship of trust and accessibility with the various compliance partners means, in a real sense, promoting yourself or your function. It is too easy for auditors and compliance personnel to get caught up in the technical details of their jobs and forget how critical it is to build strong relationships with their compliance partners and the employees of the university.

Some suggested relationship building best practices include the following:
- Having regular group meetings with the key compliance partners in your organization to discuss emerging issues and suggested strategies and processes.
Coordinating University Compliance Functions

- Have an annual update meeting where compliance personnel conduct one-on-one meetings to discuss issues, strategies, perspectives, self-assessment tools, legal requirements, etc., unique to the needs of each compliance partner.
- Provide a monthly compliance newsletter to the compliance partners summarizing emerging compliance issues derived from various sources such as The Chronicle of Higher Education,\(^1\) the American Council on Education Higher Education National Affairs newsletter,\(^2\) and the Higher Education Compliance Alliance\(^3\) (see Appendix 2).
- Work with the General Counsel to develop and distribute summaries of specific laws to affected compliance partners. For example, a summary of the requirements of the Clery Act may be provided to the university police department; a summary of the Health Insurance Portability and Accountability Act (HIPAA) may be provided to the university’s student health center; etc.
- Facilitate training sessions and webinars. Where possible, work with the General Counsel to develop timely training content to present to appropriate campus personnel. You can also identify and sponsor appropriate webinar training sessions using materials provided by various compliance and auditing professional associations.

Relationship building requires direct one-on-one contact. In an age of e-communications and social media, we should be careful not to underestimate the value of meeting directly with our constituents and developing a relationship of trust and accessibility.

Add Value
Another key element in effective coordination is to ensure there is value to the participants. Conducting regular meetings that identify and address issues important to your compliance partners, tracking progress on solutions to these issues, and ultimately addressing the issues effectively, provides demonstrable value and enhances the desire to communicate and coordinate.

Maintaining consistent regular contact with your compliance partners also provides value since you will be able to help provide training and facilitate your partners’ thinking regarding important compliance issues.

Create a Team
One useful catch-phrase to remind us of our role is “Don’t create a battle, create a team.” We are most effective when we work together with our faculty and administration to ensure compliance and we will rarely be effective if we do not work together.

It is also helpful to listen more than you talk. Many times, coordination meetings are called to enable the compliance personnel to expound on an issue they desire to be addressed. Perhaps meeting with compliance partners to see what issues they have and which compliance problems they face and then working as a team to facilitate a solution can help build the relationship.

One Useful Model
A useful model for facilitating communication and coordination that we have observed takes the following form:

In this model, the core compliance partners are the General Counsel, Internal Audit, Compliance, and Environmental Health and Safety (Risk Management) functions. These four partners may be joined by others depending on the nature of the institution. A university with heavy research expenditures or a medical school may add the Research Compliance function or the Medical Compliance function.

The core compliance partners meet regularly, possibly weekly or monthly, to coordinate the agenda of the institution’s Executive Risk Management and Compliance Committee (ERMCC). The ERMCC, in turn, meets regularly (monthly or quarterly) to address institutional risks and compliance issues.

\(^1\) http://chronicle.com/section/Home/5
\(^2\) http://www.acenet.edu/AM/Template.cfm?Section=Home
\(^3\) http://www.higheredcompliance.org/
The individual compliance coordinators (FERPA Coordinator, HIPAA Coordinator, etc.) meet regularly with the Compliance Officer to discuss their particular area of compliance. The Compliance Officer may, through the core compliance partners meeting, schedule an individual compliance coordinator to meet with the ERMCC to outline their compliance program, discuss recommended policy changes, and address emerging compliance issues of which the institution should be made aware.

As appropriate, compliance committees may be formed to help coordinate the more significant compliance areas of the university. These committees also may be asked to meet with the ERMCC at the invitation of the core compliance partners.

This model facilitates formal, regular coordination and communication among the various compliance interests on campus and helps ensure integration of executive management, the core compliance partners, and the various compliance coordinators and committees into the overall integrated institutional compliance program.

**Conclusion**

Institutions of higher education are still maturing in the development of their compliance structures. While progress toward a mature integrated compliance coordination effort is evident, the majority of the universities in our sample are still working toward a mature compliance organization but have not yet achieved it.

The elements of effective coordination, (compliance coordinator / senior-level compliance team, compliance partners / committees, effective communication, and consistent process) are being developed and implemented at many universities.

As an institution’s core compliance partners work as a team to better develop the compliance structure and create a well-controlled integrated compliance program, the university community will be well-served with better, more timely responses to compliance risks.
Universities Included in the Survey

1. Arizona State University
2. Ball State University
3. Baylor University
4. Boise State University
5. Boston College
6. Boston University
7. Brigham Young University
8. California Institute of Technology
9. Catholic University of America
10. Central Michigan University
11. Clemson University
12. Colorado State University
13. Eastern Michigan University
14. Florida Atlantic University
15. Florida State University
16. Georgetown University
17. Iowa State University
18. Michigan State University
19. New Mexico State University
20. New York University
21. Ohio State University
22. Oregon State University
23. South Dakota State University
24. Stanford University
25. Syracuse University
26. University of Alabama - Birmingham
27. University of California – Los Angeles
28. University of Idaho
29. University of Minnesota – Twin Cities
30. University of Oregon
31. University of Southern California
32. University of Tulsa
33. University of Vermont
34. Utah State University
Recommended Resources:

**Catholic University of America/The American Council on Education Campus Legal Information Clearinghouse**

http://counsel.cua.edu/

A collaborative effort between the American Council on Education and The Catholic University of America’s Office of General Counsel, this website is freely available universities for non-commercial applications. The website states “Users of this web page may copy, distribute, and display the materials on this page for any non-commercial purpose without seeking permission as long as appropriate attribution is given to The Catholic University of America.”

This site has a relatively extensive listing of the areas of the law universities are subject to with explanations of the law and links to the actual law, reference information, etc. The site also maintains a Compliance Calendar useful to compliance professionals and auditors in identifying specific regulatory requirement that are recurring.

**Higher Education Compliance Alliance**

http://www.higheredcompliance.org/

Coordinated by the National Association of College and University Attorneys (NACUA), the Compliance Alliance is comprised of 24 participating associations with higher education interest. Included are the Association of American Universities, the American Council on Education, the Association of Public and Land-Grant Universities, Educause, National Association of College and University Business Officers, and the National Association of Independent Colleges and Universities.

**American Council on Education**

http://www.acenet.edu/AM/Templates.cfm?Section=Home

The American Council on Education (ACE) represents presidents and chancellors of all types of U.S. accredited, degree-granting institutions.

Among other resources, ACE maintains a *Legal Issues & Policy Briefs* section on its website. ACE also has partnered with The Catholic University of America’s Office of General Counsel to develop and make available the *Campus Legal Information Clearinghouse* (see above) which includes a variety of useful compliance resources for higher education.