

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Compliance and Ethics Program

**Regulation and Procedure
Number: URP: 01.330**

Policy Owner: Office of General Counsel

POLICY STATEMENT

Texas Woman’s University (“TWU” or “University”) maintains a Compliance and Ethics Program in order to support TWU’s mission, vision, and core values. The Compliance and Ethics Program assists TWU in fulfilling its responsibilities to the TWU Community by fostering an environment based upon ethical behavior and compliance with all applicable ethical, legal, and regulatory standards and requirements. The Compliance and Ethics Program will provide education and implement practices that prevent and detect violations of these standards and requirements; encourage the TWU Community to conduct themselves ethically, honestly, and with integrity; and prevent retaliation against individuals who make good faith reports of suspected wrongdoing. The Compliance and Ethics Program is critical to the operation of the University.

APPLICABILITY

This policy is applicable to TWU Students, Employees, Guests, and University Affiliates.

DEFINITIONS

1. “Employee” means an individual who is employed part-time, full-time, or in a temporary capacity as faculty, staff, or who is required to be a student as a condition of employment, undergraduate or graduate.
2. “Guest” means any individual not affiliated with TWU.
3. “Office of Compliance” means the unit within the Office of General Counsel responsible for the strategic design and implementation of TWU’s Compliance and Ethics Program.
4. “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 wrongdoing 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.

5. "Student" means a person taking courses at TWU, a person who is not currently enrolled in courses but who has a continuing academic relationship with TWU, or a person who has been admitted or readmitted to TWU.
6. "University Affiliate" means any individual associated with TWU in a capacity other than as a Student or Employee who has access to TWU resources through a contractual arrangement or other association. This includes the following individuals:
 - a. Contractors and Vendors: an individual, business, or governmental entity that has a fully executed contract to provide goods or services to TWU. This includes employees of contractors or vendors and independent contractors.
 - b. Employee of a Governmental Agency: an individual employed by a federal or Texas state agency.
 - c. Employee of a TWU-Affiliated Institution: an individual who works for organizations that are tightly aligned with the University.
 - d. Pre-Employment Individual: an individual who will be hired by the University and the hiring department has sponsored their access to TWU resources.
 - e. Other University Affiliate: any individual who does not fit into any other category and needs access to TWU resources.
7. "Wrongdoing" means fraud, waste, abuse, criminal conduct, or any other violation of federal or state law or TWU policy or procedure.

REGULATION AND PROCEDURE

- I. Employee Responsibilities under the Compliance and Ethics Program
 - A. All employees are responsible for acting in a manner consistent with TWU's mission, vision, core values, TWU's policies and procedures, as well as all applicable ethical, legal, and regulatory standards and requirements.
 - B. All employees are responsible and accountable for their own compliance with all applicable standards and requirements and for complying with the requirements of the Compliance and Ethics Program.

- C. All employees are expected to carry out their responsibilities and to respect the rights of other employees under the Compliance and Ethics Program.
- D. The following are employee responsibilities under the Compliance and Ethics Program:
 - 1. Adhere strictly to federal and state laws, Board of Regent Policies, and University Regulations and Procedures as a condition of employment;
 - 2. Participate in periodic compliance and ethics training and on the laws and policies that relate directly to their job functions;
 - 3. Cooperate with and be truthful in investigations of suspected wrongdoing; and
 - 4. Report suspected wrongdoing in good faith.

II. Employee Rights under the Compliance and Ethics Program

- A. All employees have the right to consult and seek assistance from the TWU Office of Compliance, and may do so anonymously.
- B. All employees have the right to report suspected wrongdoing and other compliance failures to the Office of Compliance, the appropriate state or federal agency with the authority to address the suspected wrongdoing, and the appropriate TWU department, including, but not limited to, the Office of Human Resources, Office of General Counsel, and Audit Services.
- C. All employees have the right and responsibility to participate in internal and external investigations into allegations of suspected wrongdoing and shall be excused from work during regular business hours to participate in official investigations conducted by TWU or authorized federal, state, or local authorities.
- D. Employees who in good faith report or cause to be reported suspected wrongdoing, participate in an investigation under the Compliance and Ethics Program, or seek guidance regarding any matter within the scope of the Compliance and Ethics Program will be protected from retaliation.
- E. Employees who engage in retaliation in violation of TWU policy are subject to disciplinary action, up to and including, termination.

III. Supervisory Employee Responsibilities under the Compliance and Ethics Program

- A. The following are additional responsibilities for supervisors under the Compliance and Ethics Program:

1. Know the federal and state laws, Board of Regent Policies, and University Regulations and Procedure that affect their department and employees;
2. Inform employees they supervise of the specific regulatory requirements and institutional policies that apply to the employees' job functions;
3. Provide and recommend training on topics to their employees so they may comply with the federal and state laws, Board of Regent Policies, and University Regulations and Procedures;
4. Assist the TWU Office of Compliance to implement an effective Compliance and Ethics Program in their department; and
5. Report and forward reports of suspected wrongdoing.

IV. Student Responsibilities and Rights under the Compliance and Ethics Program

- A. All students are responsible for acting in a manner consistent with TWU's mission, vision, core values, TWU's policies and procedures, as well as all applicable ethical, legal, and regulatory standards and requirements.
- B. All students are responsible and accountable for their own compliance with all applicable standards and requirements and for complying with the requirements of the Compliance and Ethics Program.
- C. All students have the right to consult and seek assistance from the TWU Office of Compliance, and may do so anonymously.
- D. All students have the right to report suspected wrongdoing and other compliance failures to the Office of Compliance, the appropriate state or federal agency with the authority to address the suspected wrongdoing, and the appropriate TWU department, including, but not limited to, the Office of Civility and Community Standards, Office of General Counsel, and Audit Services.
- E. Students who in good faith report or cause to be reported suspected wrongdoing, participate in an investigation under the Compliance and Ethics Program, or seek guidance regarding any matter within the scope of the Compliance and Ethics Program will be protected from retaliation.

V. University Affiliates Responsibilities and Rights under the Compliance and Ethics Program

- A. All University affiliates are responsible for acting in a manner consistent with TWU's mission, vision, core values, TWU's policies and procedures, as well as all applicable ethical, legal, and regulatory standards and requirements.

- B. All University affiliates are responsible and accountable for their own compliance with all applicable standards and requirements and for complying with the requirements of the Compliance and Ethics Program.
- C. All University affiliates have the right to consult and seek assistance from the TWU Office of Compliance, and may do so anonymously.
- D. All University affiliates have the right to report suspected wrongdoing and other compliance failures to the Office of Compliance, the appropriate state or federal agency with the authority to address the suspected wrongdoing, and the appropriate TWU department, including, but not limited to, the Office of Human Resources, Office of General Counsel, and Audit Services.
- E. University affiliates who in good faith report or cause to be reported suspected wrongdoing, participate in an investigation under the Compliance and Ethics Program, or seek guidance regarding any matter within the scope of the Compliance and Ethics Program will be protected from retaliation.

VI. TWU's Compliance and Ethics Program

- A. TWU has developed a comprehensive Compliance and Ethics program designed to continually monitor its high-risk areas and ever-changing federal and state laws, rules, and regulations that impact TWU as an institution of higher education.
- B. The mission of the TWU Compliance and Ethics Program is to foster a culture that encourages ethical conduct and ensure compliance with all applicable policies, laws, and regulations governing higher education.
- C. The foundation for the Compliance and Ethics Program is the U.S. Federal Sentencing Guidelines for effective compliance programs. TWU strives to exceed these requirements in the pursuit of collaborative and effective compliance operations.
- D. The Office of Compliance is responsible for oversight of the Compliance and Ethics Program. The Chief Compliance Officer has operational responsibility for the Compliance and Ethics Program. The Chief Compliance Officer shall:
 - 1. Have direct and unrestricted access to the Chancellor and President ("Chancellor");
 - 2. Administer the Ethics and Compliance Hotline;
 - 3. Have unrestricted access to individuals and information throughout TWU as necessary and consistent with applicable legal privileges; and

4. Have adequate resources to develop and maintain an effective Compliance and Ethics Program.

E. The Office of Compliance is responsible for the following as a part of the Compliance and Ethics Program:

1. Ensure the elements of an effective compliance program, consistent with those stipulated in the Federal Sentencing Guidelines, are in place and periodic quality assessments are performed to validate the overall effectiveness of the Compliance and Ethics Program;
2. Collaborate with departments across the University to promote compliance best practices;
3. Coordinate with Vice Presidents and Division Heads regarding high-risk and emerging compliance areas; and
4. Coordinate with departments to ensure high-risk and emerging compliance areas are acted upon appropriately by management, and implemented within the Compliance and Ethics Program.

F. Elements of TWU's Compliance and Ethics Program

1. Establish compliance standards and procedures to be followed by employees that are reasonably capable of preventing and detecting criminal conduct;
2. Assign high-level personnel of the University to have overall responsibility to oversee compliance with such standards and procedures;
3. Use due care not to delegate substantial discretionary authority to individuals who the organization knew, or should have known through the exercise of due diligence, had a propensity to engage in illegal activity;
4. Communicate effectively compliance standards and procedures to all employees by requiring participation in training programs or by disseminating publications that explain in a practical manner what is required;
5. Take reasonable steps to achieve compliance with standards by implementing monitoring and auditing systems reasonably designed to detect criminal conduct and to evaluate the effectiveness of the program;

6. Administer and publicize a reporting system whereby employees can anonymously and confidentially report potential wrongdoing and provide protection from retaliation;
7. Provide appropriate incentives to encourage employees to comply with the program and impose appropriate disciplinary measures when employees fail to do so; and
8. Take all reasonable steps to respond appropriately to detected offenses and to prevent further similar offenses.

VII. Reporting Compliance Concerns and the Ethics and Compliance Hotline

- A. The Compliance and Ethics Program administers and publicizes the Ethics and Compliance Hotline, which is an option for reporting suspected wrongdoing. The Ethics and Compliance Hotline allows employees, students, University affiliates, and others to report, either confidentially or anonymously, suspected wrongdoing or other non-compliant behavior by others without fear of retaliation.
- B. The Ethics and Compliance Hotline allows for good faith anonymous reporting that protects the identity of individuals who make reports of suspected wrongdoing, who participate in a compliance investigation, and who request guidance regarding reported suspected wrongdoing.
- C. To discuss or report compliance concerns, students, employees, and University affiliates are encouraged to directly contact the Director of Compliance or submit information through the Ethics and Compliance Hotline. All reports are treated confidentially and may be made anonymously.
- D. It is the responsibility of every student, employee, and University affiliate to report wrongdoing or potential wrongdoing. Remaining silent and failing to report any wrongdoing or potential wrongdoing may subject a student, employee, or University affiliate to corrective action.

VIII. Confidentiality and Protection of Information

- A. The Compliance and Ethics Program is designed to protect against the disclosure of information and establish criteria for the lawful disclosure of information in accordance with this section.
- B. As permitted by state law, information is confidential and shall not be disclosed, except as authorized in this section, if it directly or indirectly reveals the identity of an individual who reports suspected wrongdoing, who participates in an investigation conducted under the Compliance and Ethics Program, or who seeks guidance from the program. Information that directly or indirectly reveals the identity of an individual accused of

suspected wrongdoing is confidential if a compliance investigation determines the accusation is unsubstantiated or without merit.

C. Information may be protected from disclosure even when it is not confidential when it meets the following criteria:

1. When it is collected or produced pursuant to a compliance investigation and releasing the information would interfere with an ongoing compliance investigation; or
2. When it is collected or produced by a TWU employee for the purpose of reviewing a compliance process.

D. Confidential information and information protected from disclosure under this section may be released, upon request, under the following conditions:

1. With the written and signed consent of the individual whose identity would be disclosed;
2. To a law enforcement agency or prosecutor;
3. To a governmental agency responsible for investigating the matter that is the subject of a compliance report, including state and federal agencies, in consultation with the Office of General Counsel; or
4. To a TWU Administration employee who is responsible for a compliance investigation or for reviewing an investigation conducted under the Compliance and Ethics Program.

IX. Self-Reporting

An individual who reports suspected wrongdoing in which they were involved is subject to disciplinary action for engaging in the non-compliant behavior, up to termination of employment or relationship with TWU. The fact that the individual voluntarily self-reported may be considered in mitigating any disciplinary action.

X. False Reporting and Acts of Retaliation

- A. An individual who knowingly makes a false report of suspected wrongdoing 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 TWU, or termination of affiliation with TWU.
- B. An individual who engages in retaliation is subject to disciplinary or administrative action, including termination of employment or termination of a business relationship.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

[Texas Education Code Section 51.971](#)

[Federal Sentencing Guidelines Manual, §8B2.1, Effective Compliance and Ethics Program](#)

FORMS AND TOOLS

[TWU's Ethics and Compliance Hotline](#)

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