UCMERCED
UNIVERSITY OF CALIFORNIA

Positive Campus Climate – A Missing Ingredient in Your Compliance Program?

Luanna Putney, UC Merced Associate Chancellor and Senior Advisor to the Chancellor, Campus Ethics and Compliance Officer (CECO)

Sheryl Ireland, UC Merced Director, Ethics and Compliance Program, Policy and Accountability

---

UCMERCED
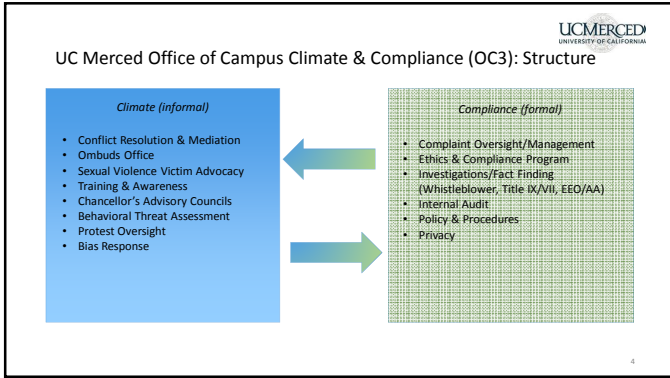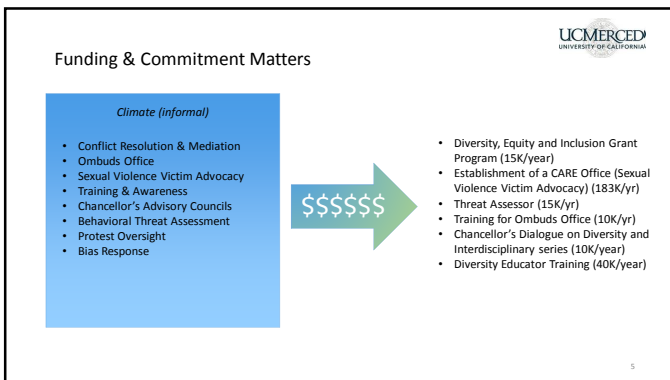UNIVERSITY OF CALIFORNIA

Objectives

- Learn how strong leadership commitment to structure, communication and resources can aid students, staff and faculty to navigate through change and conflict, and can help identify and mitigate compliance issues

- Identify strategies used in a rapidly growing campus to build an ethical and conflict-competent environment that drives compliant behavior, reporting of noncompliance and overall wellbeing

- Understand how perception workshops and discussion groups may be used to effectively drive awareness, identify compliance and ethical issues and control environment risks, and solicit potential improvement opportunities from all levels of the workplace

---

UCMERCED
UNIVERSITY OF CALIFORNIA

Leadership Commitment: Structure, Communication and Resources

- Climate & Compliance functions co-localized
  - Structure to allow Compliance Officer to be fully engaged in climate issues
- Climate units need to be fully funded
  - Personnel and programming
- Early communication and timely responses are key
  - Multiple reporting options
  - Timely connection of stakeholders to resources
  - Timely internal coordination, response and formal communication from leadership

Slide 4

UCMERCED
UNIVERSITY OF CALIFORNIA

UC Merced Office of Campus Climate & Compliance (OC3): Structure

Climate (informal)

- Conflict Resolution & Mediation
- Ombuds Office
- Sexual Violence Victim Advocacy
- Training & Awareness
- Chancellor's Advisory Councils
- Behavioral Threat Assessment
- Protest Oversight
- Bias Response

Compliance (formal)

- Complaint Oversight/Management
- Ethics & Compliance Program
- Investigations/Fact Finding (Whistleblower, Title IX/VII, EEO/AA)
- Internal Audit
- Policy & Procedures
- Privacy

4

Slide 5

UCMERCED
UNIVERSITY OF CALIFORNIA

Funding & Commitment Matters

Climate (informal)

- Conflict Resolution & Mediation
- Ombuds Office
- Sexual Violence Victim Advocacy
- Training & Awareness
- Chancellor's Advisory Councils
- Behavioral Threat Assessment
- Protest Oversight
- Bias Response

$$$$$

- Diversity, Equity and Inclusion Grant Program (15K/year)
- Establishment of a CARE Office (Sexual Violence Victim Advocacy) (183K/yr)
- Threat Assessor (15K/yr)
- Training for Ombuds Office (10K/yr)
- Chancellor's Dialogue on Diversity and Interdisciplinary series (10K/year)
- Diversity Educator Training (40K/year)

5

Slide 6

UCMERCED
UNIVERSITY OF CALIFORNIA

Funding & Commitment Matters: Results

- Diversity, Equity and Inclusion Grant Program (15K/year) → Campus-generated proposals funded to increase awareness of diversity, equity & inclusion issues

- Establishment of a CARE Office (Sexual Violence Victim Advocacy) (183K/yr) → This year provided advocacy services to 40 clients, 1,056 follow-up services, 65 mandatory programs, and 122 prevention activities with approx 4,600 people in attendance

- Threat Assessor (15K/yr) → Prevented potential harm to others by disgruntled employee; demonstration to unit that university responds to climate issues

- Training for Ombuds Office (10K/yr) → Creation of conflict mediation website and delivery of mediation services

6

Formal Reporting Mechanisms for Climate Cases – Options for Anonymous Reporting

- University of California Systemwide Whistleblower Hotline – Climate Partition
  - 5 cases received in Fiscal Year 17-18
- BIRST (Bias Incident Response Team) – Climate Feedback report option
  - 27 cases received since inception over past 4 months

Notes about Anonymous Reporting:
- Anonymous reporters talk
- Respect anonymous nature of complaints to encourage reporting
- Communicate institutional actions using multiple approaches to reach multiple stakeholders
  - Ability to send private messages to anonymous reporter
  - General messages from leadership to address climate issues if multiple anonymous reports

---

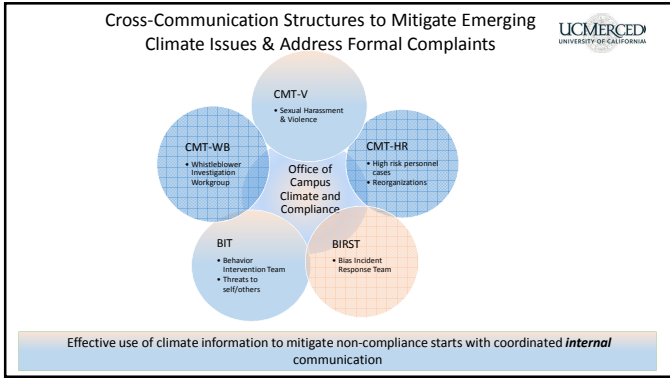### Not Everyone Wants to Report – Need to Offer Confidential Resources
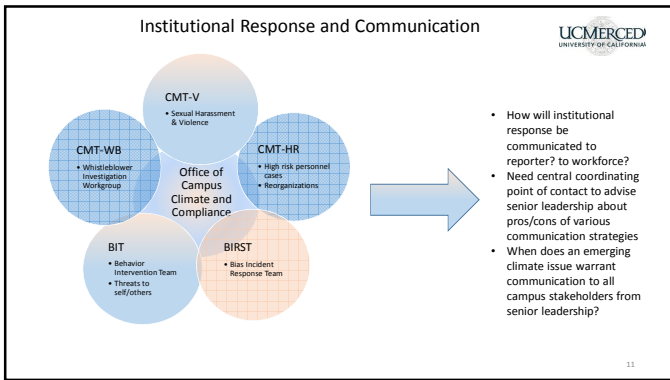
Conflict Resolution Resources (Informal)

Supervisors, managers, staff, faculty, professors, resident assistants (RAs) and teaching assistants (TAs): The best conflict resolution method is to address the conflict early. Start with the people closest to the situation. Reach out to informal resources when needed and know your formal resources.

- Office of the Ombuds - for students, staff and faculty. Confidential, informal, neutral and independent.
- Office of Campus Climate - for students, staff and faculty. Private, conflict resolution and mediation on an informal basis.
- Behavioral Intervention Team (BIT) - for students, staff and faculty when there is a perceived danger to self or others.

Case Management Teams (CMT): Cross-Functional Communication that includes Climate & Compliance

- CMT-V: reviews cases of sexual harassment/violence
- BIRST (Bias Incident Response Team): reviews bias/acts of intolerance cases with goal of addressing campus-wide climate issues
- BIT (Behavioral Intervention Team): reviews potential threats to self or others

Cross-Communication Structures to Mitigate Emerging Climate Issues & Address Formal Complaints

UCMERCED
UNIVERSITY OF CALIFORNIA

CMT-V
- Sexual Harassment & Violence

CMT-WB
- Whistleblower Investigation Workgroup

CMT-HR
- High risk personnel cases
- Reorganizations

Office of Campus Climate and Compliance

BIT
- Behavior Intervention Team
- Threats to self/others

BIRST
- Bias Incident Response Team

Effective use of climate information to mitigate non-compliance starts with coordinated *internal* communication

---

Institutional Response and Communication

UCMERCED
UNIVERSITY OF CALIFORNIA

CMT-V
- Sexual Harassment & Violence

CMT-WB
- Whistleblower Investigation Workgroup

CMT-HR
- High risk personnel cases
- Reorganizations

Office of Campus Climate and Compliance

BIT
- Behavior Intervention Team
- Threats to self/others

BIRST
- Bias Incident Response Team

- How will institutional response be communicated to reporter? to workforce?
- Need central coordinating point of contact to advise senior leadership about pros/cons of various communication strategies
- When does an emerging climate issue warrant communication to all campus stakeholders from senior leadership?

11

Strategies for Building an Ethical and Conflict Competent Campus

UCMERCED
UNIVERSITY OF CALIFORNIA

Challenges
- Mistrust
- Lack of Communication
- Lack of Policies & Procedures
- High Conflict Environment

Strategies
- Communicating Values/Principles of Community
- Responding Timely to Complainants – Sending Strong Message to Would-Be Respondents
- Climate Surveys & Focus Groups – ASK for Feedback
- Provide Opportunities for Formal Dialogue about Controversial Issues
- Policy Development – Provides Platform to Reiterate Values & Expectations

12

Workplace Bullying
UC Merced

UC Merced 2018 Risk Assessment

Risk: Experience discrimination, bias or harassment

○ Definitely/Likely to occur or has occurred   69%

○ Needs Improvement/Not being handled   78%

Comments: Too much bias and nepotism, bigger problem as we grow, issues reported are ignored or not addressed appropriately, observe but do not report due to fear of retaliation

Risk Type: Strategic, Compliance, Operational, Reputation

Risk: Fear of retaliation for reporting improper conduct or other issues

○ Definitely/Likely to occur or has occurred   73%

○ Needs Improvement/Not being handled   100%

Comments: Rumors of retaliation, do not see problems getting corrected or issues addressed, lack of confidentiality, don't want to get involved, campus is too small so everyone knows WHO

Risk Type: Strategic, Compliance, Operational, Fraud, Reputation

---

Workplace Bullying
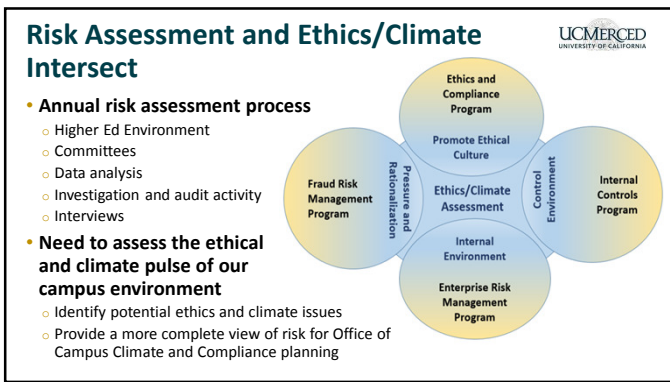## UC Merced

Policy Details

■ Scope: applies to **ALL** University employees, administrators, staff, faculty, other academic appointees, including graduate student employees, fellows and visiting scholars, and non-affiliates.

■ Effective Date: January 1, 2017

■ Purpose:

○ Reinforces UC Merced's dedication to maintaining a respectful workplace environment that is free from violence, threats of violence, harassment, intimidation, bullying or any behavior that a "reasonable person" would find abusive.

○ Includes information about how to report concerns about this type of behavior.

■ http://policies.ucmerced.edu/sites/policies.ucmerced.edu/files/page/documents/policy_on_prohibition_of_abusive_conduct_and_acts_of_violence.pdf

---
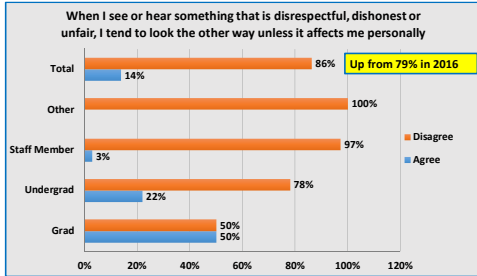
Campus Perception Workshops and Discussion Groups

• How they drive awareness;

• help Identify compliance, ethical issues and control environment risks; and

• enable us to solicit potential improvement opportunities from all levels of the workforce.
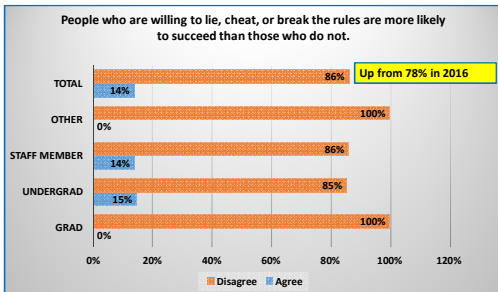
Risk Areas - Governance

UC Merced Ethics and Compliance Program (ECP) - Areas

Entity Risks

ECP Executive Committee/Audit Committee Chancellor, Provost, Vice Chancellors, CECO, Campus Counsel, CIO			
ECP Management Council CECO, Chair and CECO Designee, Vice Chair			
CECO & LDO	Ethics, Financial Compliance, Policy and Accountability	Research Compliance, Integrity & Privacy	Human Resources
Information Technology	Student Health & Wellness	Environmental Health & Safety	AA, EEO, Title IX Compliance
Internal Audit	Safety and Emergency Management	Ad Hoc Member UCOP Office of Compliance	Ad Hoc Member Campus Counsel
Information Privacy and Security Committee (IPSC) Standing Sub-Committee		Financial and Operational Risks Committee (F&O) Standing Sub-Committee	
Ad-Hoc Committees – As Needed for Emerging Risks and Work Plans			

Strategic Risk

Compliance Risk — Reputation Risk

Financial and Operational Risk

Risk Assessment and Ethics/Climate Intersect

UCMERCED — UNIVERSITY OF CALIFORNIA

- **Annual risk assessment process**
  - Higher Ed Environment
  - Committees
  - Data analysis
  - Investigation and audit activity
  - Interviews
- **Need to assess the ethical and climate pulse of our campus environment**
  - Identify potential ethics and climate issues
  - Provide a more complete view of risk for Office of Campus Climate and Compliance planning

Ethics and Compliance Program / Promote Ethical Culture; Fraud Risk Management Program; Pressure and Rationalization; Ethics/Climate Assessment; Control Environment; Internal Controls Program; Internal Environment; Enterprise Risk Management Program

---

Perception Workshops and Discussion Groups Drive Awareness and Help Decrease Risks

UCMERCED — UNIVERSITY OF CALIFORNIA

- **Events**
  - Ethics and Compliance Week
  - Student Integrity Week
  - Risk/Perception Workshops
  - Town Halls
  - Other Forums
- **Value is in discussion and developing relationships**
  - Goal - Focus on the big stuff
  - Perception versus reality
  - Importance of ethical foundation and positive campus environment
  - Head off potential formal complaints?
- **Importance of engagement**
  - Engagement at all levels
  - Open and honest input
  - Request detail to act on

LOW RISK / HIGH RISK

Slide 1

Ethics and Compliance Week Surveys

UCMERCED
UNIVERSITY OF CALIFORNIA

When I see or hear something that is disrespectful, dishonest or unfair, I tend to look the other way unless it affects me personally

- Total — 86% / 14%
- Other — 100%
- Staff Member — 97% / 3%
- Undergrad — 78% / 22%
- Grad — 50% / 50%

Up from 79% in 2016

Legend: Disagree, Agree

Axis: 0% 20% 40% 60% 80% 100% 120%

2017 Participants
- 51% Undergraduate Students
- 45% Staff Members
- 3% Graduate Students
- 1% Other

- 97% of Staff Disagree
- 78 % of Undergrads Disagree
- 50% of Grads Disagree

Slide 2

Ethics and Compliance Week Surveys

UCMERCED
UNIVERSITY OF CALIFORNIA

People who are willing to lie, cheat, or break the rules are more likely to succeed than those who do not.

- TOTAL — 86% / 14%
- OTHER — 100% / 0%
- STAFF MEMBER — 86% / 14%
- UNDERGRAD — 85% / 15%
- GRAD — 100% / 0%

Up from 78% in 2016

Axis: 0% 20% 40% 60% 80% 100% 120%

Legend: Disagree, Agree

2017 Participants
- 51% Undergraduate Students
- 45% Staff Members
- 3% Graduate Students
- 1% Other

- 86% of Staff Disagreed
- 86% of Students Disagreed

Slide 3

Ethics and Compliance Week Surveys

UCMERCED
UNIVERSITY OF CALIFORNIA

If a person in a leadership/authority role directed me to do something I feel is unethical, I would:

- Grad — 100%
- Other — 100%
- Staff — 11% / 89%
- Undergrad — 15% / 85%
- Total — 13% / 87%

Up from 69% in 2016

Axis: 0% 20% 40% 60% 80% 100% 120%

Legend: Follow Directions, Refuse

2017 Participants
- 51% Undergraduate Students
- 45% Staff Members
- 3% Graduate Students
- 1% Other

- 87% would refuse
- 13% would follow orders
- 59% of total would report

2018 Risk Perception Workshop

- 42 Participants
- Still Collecting Data Electronically
- Survey – Risk Perceptions
- Faculty Input from Liaison Workshops
- Specific Risk Scenarios
  - Capital project and internal controls (or lack thereof)
  - Unhappy employee with unique skillset looking for another job
  - Faculty dilemma in understanding process for submitting a grant
  - Hiring dilemma and waiver process

My department function is primarily

- 15%
- 10%
- 75%

Academic • Administrative • Student Facing

My role is primarily

- 3%
- 23%
- 75%

Faculty • Staff • Management
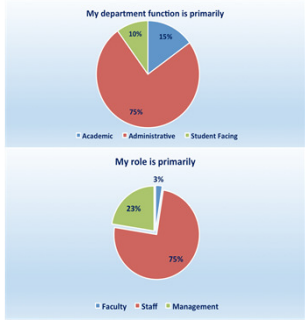
22

Workshop Format – Identifying and Assessing Perception Risks

- Share assessment purpose, value, how information will be used
- Anonymity is key
  - No attendance check or sign-in sheets
  - Clicker software for real time data gathering and anonymous voting
  - Anonymous input sheets for comments, examples and details for clarity
- Value is in discussion and developing relationships
  - Dialogue about questions and scenarios help provide context and invite discussion
  - Ensure attendees are on the same page with topic before voting
  - Reiterate importance of questions and comments before voting
- Anonymous voting on risk questions
  - Is it a risk currently or will it be in the next year
  - Is the risk being handled, does it need improvement, or is it being ignored
- Show results of voting during workshop
- Solicit what we're doing well and potential improvement opportunities

---

Top 10 FY18-19 Risk Perceptions by Highest Risk

Top 10 Risk Perceptions in 2018

Risk	Definitely or Likely to Occur	Needs Improvement or Not Being Handled
Lack of accountability if serious organizational issues are reported.	83%	95%
Lack of ability to retain qualified faculty, staff and management	82%	87%
Lack of clear organizational responsibilities, process maps, policies, or separation of duties that could result in errors, omissions, opportunity for...	78%	85%
Insufficient faculty, staff and management to adequately perform key controls and management reviews	78%	93%
Perception of unfair hiring practices; hiring unqualified staff, faculty, or management	74%	83%
Fear of retaliation for reporting suspected violations of laws, fraud, waste, abuse and noncompliance issues	73%	100%
Pressure to circumvent or override existing policies or controls, or do something you feel uncomfortable about	70%	90%
Experiencing discrimination, bias or harassment?	69%	78%
Lack of ability to recruit qualified faculty, staff and management	68%	79%
Culture/perception of unethical behavior or poor tone at the department management level	60%	85%

0%   20%   40%   60%   80%   100%   120%

■ Definitely or Likely to Occur   ■ Needs Improvement or Not Being Handled

- No. 1 - Lack of accountability if serious organizational issues are reported
- New risk question this year
- 83% Definitely or Likely to Occur
- 95% of attendees stated needs improvement or not being handled

24

Slide 1

Top Risk Perceptions - Putting the Pieces Together UCMERCED | UNIVERSITY OF CALIFORNIA

LACK OF ABILITY TO RETAIN QUALIFIED FACULTY, STAFF AND MANAGEMENT

(chart: 82%, 80%, 78%, 76%, 74% — 81%, 78%, 78%, 82% across 2014, 2015, 2016, 2017, 2018)
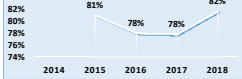
2. **Lack of Ability Retain Qualified Faculty, Staff and Management**
   - No. 1 in 2015 and 2016
   - No. 2 in 2017 and 2018
   - Declined from 2015, but stayed at 78% in 2016 and 2017, and went up to 82% in 2018
   - 87% of participants stated risk Needs Improvement or Not Being Handled

Highest Repeated Risks	Workshop Participant Input Perception or Reality	Audit and Compliance Program Action Plan, Projects/Activities
• Lack of ability to retain qualified faculty, staff and management. • **Scenario: Unhappy employee with unique skillset looking for another job.**	• **Reality** - Know of instances where employees left to get ahead. Many believed employees should be responsible for their own career path. • **Adverse** - University loses out on valuable skills and potential institutional knowledge, more resources needed to recruit and train. • **Mitigate** - Need to find out why people are leaving. Is it money, development, career path, other?	• Research reality, turnover in higher education • Exit Interviews and action plan • Audit employee turnover and success • Workshop feedback/communication

Slide 2

Top Risk Perceptions - Putting the Pieces Together UCMERCED | UNIVERSITY OF CALIFORNIA

LACK OF CLEAR ORGANIZATIONAL RESPONSIBILITIES, PROCESS MAPS, POLICIES, OR SEPARATION OF DUTIES

(chart: 100%, 50%, 0% — 80%, 45%, 49%, 65%, 78% across 2014, 2015, 2016, 2017, 2018)
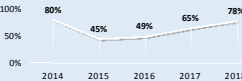
3. **Lack of Clear Organizational Responsibilities, Process Maps, Policies, or Separation of Duties**
   - No. 4 in 2014, No. 10 in 2015
   - No. 5 in 2016, No. 4 in 2017
   - No. 3 in 2018
   - Declined from 2014, but increased steadily since 2015
   - 85% of participants stated risk Needs Improvement or Not Being Handled

Highest Repeated Risks	Workshop Participant Input Perception or Reality	Audit and Compliance Program Action Plan, Projects/Activities
• Lack of clear organizational responsibilities process maps, policies, or separation of duties that could result in errors, omissions, opportunity for inappropriate behavior, miscommunication, noncompliance, opportunity loss, etc. • **Scenario: Faculty dilemma with submitting a grant**	• **Reality** - Know of instances of lost opportunities and internal controls issues. Most believed campus needs better policies, websites, process maps and identification of responsibilities. • **Adverse** - University loses out on grant opportunities, employees can't figure out the right way to do things, different answers from different people when not documented. • **Mitigate** - Need process maps, desk procedures, easy to locate policies and procedures, communication of responsibilities.	• Policy/procedure, delegation of authority and desk procedure projects • Internal control mapping and reviews • Update/improve websites • Training and communication on Key Controls and processes • Workshop feedback/communication

Slide 3
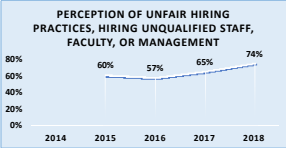
Top Risk Perceptions - Putting the Pieces Together UCMERCED | UNIVERSITY OF CALIFORNIA

INSUFFICIENT FACULTY, STAFF AND MANAGEMENT TO ADEQUATELY PERFORM KEY CONTROLS AND MANAGEMENT REVIEWS

(chart: 100%, 50%, 0% — 95%, 72%, 73%, 83%, 78% across 2014, 2015, 2016, 2017, 2018)
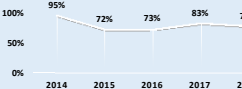
4. **Insufficient Faculty, Staff and Management to Adequately Perform Key Controls and Management Reviews**
   - No. 1 in 2014 and 2017
   - No. 2 in 2015 and 2016
   - No. 4 in 2018
   - Declined from 2014, but increased to 83% in 2017
   - 93% of participants stated risk Needs Improvement or Not Being Handled

Highest Repeated Risks	Workshop Participant Input Perception or Reality	Audit and Compliance Program Action Plan, Projects/Activities
• Insufficient faculty, staff and management to adequately perform key controls and management reviews. • **Scenario: Capital project and internal controls (or lack of)**	• **Reality** - Know of instances where one person has control of end to end process • **Adverse** – Lost opportunities for other contractors and vendors, heightened fraud risk, kickbacks, no oversight. • **Mitigate** – Separate duties, peer review, monitoring and oversight.	• Audit planned in 2018 • Internal controls and policy reviews • Training on Key Controls and Fraud Red Flags

Top Risk Perceptions - Putting the Pieces Together
UCMERCED
UNIVERSITY OF CALIFORNIA

PERCEPTION OF UNFAIR HIRING PRACTICES, HIRING UNQUALIFIED STAFF, FACULTY, OR MANAGEMENT

80% | 60% | 57% | 65% | 74%
60%
40%
20%
0%
2014 | 2015 | 2016 | 2017 | 2018

5. **Unfair Hiring Practices, Hiring Unqualified Staff, Faculty or Management**
   - No. 5 in 2015
   - No. 3 in 2016 and 2017
   - No. 5 in 2018
   - Declined from 2015 to 2016, but increased from 2016 to 2018 even though ranking declined
   - 83% of participants stated risk Needs Improvement or Not Being Handled

Highest Repeated Risks	Workshop Participant Input Perception or Reality	Audit and Compliance Program Action Plan, Projects/Activities
• Perception of unfair hiring practices, hiring unqualified staff/faculty, or management. • **Scenario: Hiring dilemma and waiver process**	• **Reality** – Discussion of purported personal knowledge, and lack of communication around certain hires. • **Adverse** – Poor climate, low morale, turnover affects everyone. • **Mitigate** – Better communicate process around hires and waivers. Open up more jobs instead of moving people into positions without show of interest.	• Audit performed in 2016 and management actions completed • More communication about changes made and new internal promotion/waiver policy • Publish policy article.

Solicit Improvement Opportunities
UCMERCED
UNIVERSITY OF CALIFORNIA

- Workshops enable us to solicit and discuss potential improvement opportunities from all levels of the workforce
- Encourage out of the box ideas for addressing issues
  - Mentorship and job share programs
  - Flexible work options
  - More workshops and safe place to vet issues/concerns
- Help identify other risks and opportunities
- Plans for action

Plans for Action/Moving Forward
UCMERCED
UNIVERSITY OF CALIFORNIA

- Hold feedback session with campus – Share results, comments and additional information on action
- Develop other communication strategies for addressing perceptions
  - Training on policies, procedures, new processes
  - Articles (Cyber risk, Phishing, Smoke free campus, Peaceful Assembly, Abusive Conduct, Reporting outcomes, Hiring and promotion policies)
  - Quiz Games for selected ethics and compliance topics
  - Forums to reinforce what we're doing and communicate new policies and processes
  - Ethics and Compliance Week/Student Integrity Week

Contact Information

UCMERCED
UNIVERSITY OF CALIFORNIA

Luanna Putney, Ph.D., CCEP

Associate Chancellor and Senior Advisor to the Chancellor

Campus Ethics and Compliance Officer (CECO)

UC Merced Office of Campus Climate and Compliance

lputney@ucmerced.edu

(209) 201-3491

Sheryl Ireland, CFE, CPA, CCEP

Director, Ethics and Compliance Program (ECP)

Policy and Accountability

UC Merced Office of Campus Climate and Compliance

sireland@ucmerced.edu

(209) 756-6326