

# AN ETHICAL JOURNEY



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Higher Education Compliance Conference  
Breakout Session 302  
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## This Session Uses Polling

### To participate in polling:

Download the "SCCE Mobile" in your app store.

Then under agenda find this session,  
scroll to the bottom and click

"Poll Question" or go to **[www.PollEv.com/HCCA](http://www.PollEv.com/HCCA)** to answer the  
active poll



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## Program Objectives

- Discuss how we talk about “ethics” (as opposed to compliance) within our institutional communities
- Describe how the University of Colorado is developing and implementing ethics-related initiatives, at system and campus levels
- Share challenges, lessons learned, and tools developed

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### 302: Where do you see your ethics and compliance program?

Just getting started.

My ethics and compliance program  
isn't developed.

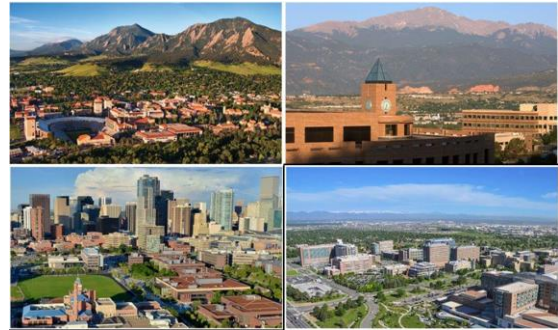
My ethics and compliance program  
has been around for some time,  
but it needs to be refreshed.

My ethics and compliance program  
is very well developed.

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## CU: Numbers

- 4(5) campuses; 3(4) executive administrations
- 67,002 students (Fall 2018)
- 3,886 tenured faculty; 3,335 non-tenure track instructors (Fall 2017)
- 35,000 employees
- \$4.5B operating budget for 2018-19 fiscal year
- Less than 5% support from state funds
- 9 elected Regents comprise governing board

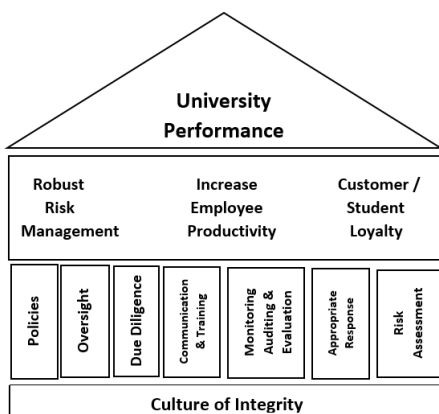


## CU: “Personality”

- Each campus has its own personality (“sibling rivalry”)
- “System” not always viewed as a friend
- Resistance to the “C” word (centralize)
- E&C efforts at each campus traditionally decentralized; different models on each campus
- Authority and responsibility aren’t always well defined or aligned
- Many with compliance responsibilities isolated in “silos”; little opportunity to connect, develop supportive relationships, build trust



# Federal Sentencing Guidelines



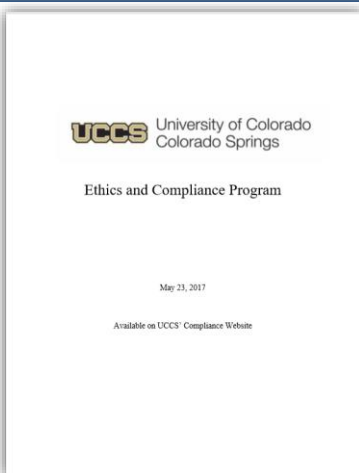
It's not just a compliance program –  
it's a compliance *and ethics* program!

<http://compliance.uccs.edu/wp-content/uploads/2017/05/Ethics-and-Compliance-Program-Final-5.23.pdf>

## Ethics and Compliance Website

<http://compliance.uccs.edu/>

# UCCS Ethics and Compliance Program



## Structure

- Campus Compliance Council
  - Leadership Across Campus
  - Meets bi-monthly
- Compliance Liaisons
  - Representation Across Campus
  - Meet Monthly
- Ethics Committee
- Faculty Ethics in Action



## Polling Question

When you see these words, do you think “ethics” or “compliance”?

- Values (E or C)
- Culture (E or C)
- Rules and regulations (E or C)
- Subjective (E or C)
- Objective (E or C)
- Leadership (E or C)
- Management (E or C)
- How (E or C)
- What (E or C)
- Yes (E or C)
- No (E or C)
- Trust (E or C)
- Integrity (E or C)



## Compliance vs Ethics

Ethics are not necessarily to do with being law abiding. Compliance with the law and ethics may conflict.



*In civilized life, law floats in a sea of ethics.*

- Earl Warren

# Ethics vs Morals

(Prof. Steven Mintz, aka Ethics Sage)

- External, socially imposed norms vs individual conscience
- Concrete and practical vs abstract, perhaps linked to religion
- “Morals is about how we deal with people we know while ethics is about how we deal with people we don’t know. The *Golden Rule* is instructive and applies to both: *We should treat others the way we want to be treated.*”
- Moral questions tend to deal with how we view others’ behavior (based on our core values)
- Ethical questions tend to deal with deciding correct conduct (“*Categorical Imperative*”)

## Intersection of Morality and Ethics

“If you have integrity, nothing else matters.  
If you don’t have integrity, nothing else matters.”  
-SENATOR ALAN SIMPSON

# Characteristics of Ethics

- Ethics involves learning what is right and wrong, and then doing the right thing
- Most ethical decisions have extended consequences; ethics requires weighing the consequences of alternative courses of action
- Most ethical situations are not black or white, but rely on reasoning through conflict situations using some standard of guidance
- Most ethical decisions have personal implications
- Ethical decisions should respect the rights of those who are affected by our actions

• From Prof. Steven Mintz blog post "Morality v Ethics in Society" 10/27/2015

# Challenges

- Ethics are:
  - Inherently subjective
  - By nature, relational / social (not what you do by / to yourself)
  - Easier said than done; we don't always behave how we think we'll behave
- Shared institutional values?
  - Individual values / morals may (and will) differ
  - Agreement on a set of representative ethics requires real engagement, listening
- Messaging / Communication Pitfalls
  - "Loaded" words?
  - Shared language?
  - "You need ethics training!"

## 302: Is your ethics and compliance program "integrated," or do you have a separate ethics initiative(s)?

Our ethics and compliance program is integrated.

We have implemented an ethics initiative(s) that is distinct from our compliance program.

Start the presentation to see live content. Still no live content? Install the app or get help at [PollEv.com/app](https://PollEv.com/app)

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## Food for thought . . .



The first line of defense for any society is always going to be its guardrails—laws, stoplights, police, courts, surveillance, the FBI. . . .

All of those are necessary, but they are not sufficient for the age of accelerations. Clearly, what is also needed. . . is to think more seriously and urgently about “sustainable values”: honesty, humility, integrity, and mutual respect. This is opposed to . . . “situational values”—“just doing whatever the situation allows.”

- Thomas Friedman, *Thank You for Being Late: An Optimist's Guide to Thriving in the Age of Accelerations*

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# What are our values?



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## CU GUIDING PRINCIPLES

- Article 1, Part C of the Laws of the Regents establishes the mission of the University of Colorado. Consistent with the legal obligations and responsibilities of the University of Colorado community, the university will:
1. Encourage and provide access to the university for all qualified students.
  2. Maintain a commitment to excellence.
  3. Promote and uphold the principles of ethics, integrity, transparency, and accountability.
  4. Be conscientious stewards of the university's human, physical, and financial resources.
  5. Encourage honor, respect, and diversity to ensure the rich and varied experiences of our community.
  6. Promote faculty, student, and staff diversity to ensure the rich and varied experiences of our community.
  7. Encourage and support innovation and entrepreneurship in our academic and creative activities.
  8. Engage in the needs of the State of Colorado, and the needs of our community.
  9. Ensure that the university is an economic, social, and cultural force for the betterment of our community.
  10. Support and encourage collaboration to improve our community and other educational institutions, and responsive to the needs of our community.
  11. Provide an outstanding, respectful, and responsible educational experience.
  12. Foster meaningful measurable results.

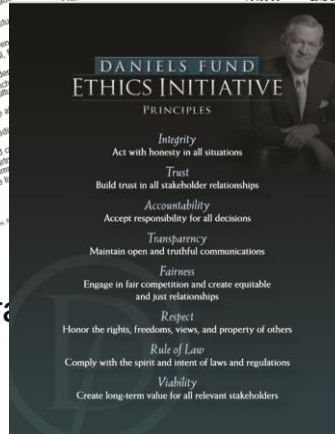
(Regents Priority 1.B, University of Colorado Legal Offices, Guiding Principles)

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## UCCS Core Values

We see these values of excellence as our guiding principles



## Values

At the sum of its parts, University of Colorado Denver | strives excellence in:

**Academic Excellence**  
Academic freedom and the rigorous quest for knowledge and knowledge foster student success through a continuous learning, reflection, collaboration and application.

**Health and Human Experience**  
A synergistic, collaborative and creative environment where we heal and thrive. Our entrepreneurial culture enables us to bridge and human experience.

**Health and Community**  
Well-being and sustainability of communities and our cultural, social, and environmental health. Our entrepreneurial culture enables us to bridge and human experience.

**Health and Leadership**  
The university serves Colorado and the world as a recognized source of talent, knowledge, informed judgment, exemplary health care and professional practice. We are responsible stewards of the resources entrusted to us and utilize them with integrity for the betterment of our community.



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## And Many, Many More ....

- Department Values
- Division Values
- College Values
- Program Values
- Class Values



## voicing ethical values

■ INTEGRITY ■ TRUST ■ RESPECT ■ ACCOUNTABILITY ■

- Integrity
  - We value honesty, fairness and strong moral values
- Trust
  - We value positive and productive relationships
- Respect
  - We value all members of our campus community
- Accountability
  - We value individual and institutional accountability

## Ethical Tips for Organizations



- Develop a code of ethics
- Communicate code and set the tone at the top
- Treat ethics as a process
- Create open lines of communication
- Set good examples
- Educate employees – frame issues through storytelling
- Value forgiveness

## Causes of Unethical Behavior

- Following boss's directives
- Meeting overly aggressive business/financial objectives
- Helping the organization survive
- Meeting schedule pressures
- Be a team player ("group think")
- Rationalizing that others do it
- Resisting competitive threats
- Advancing own career



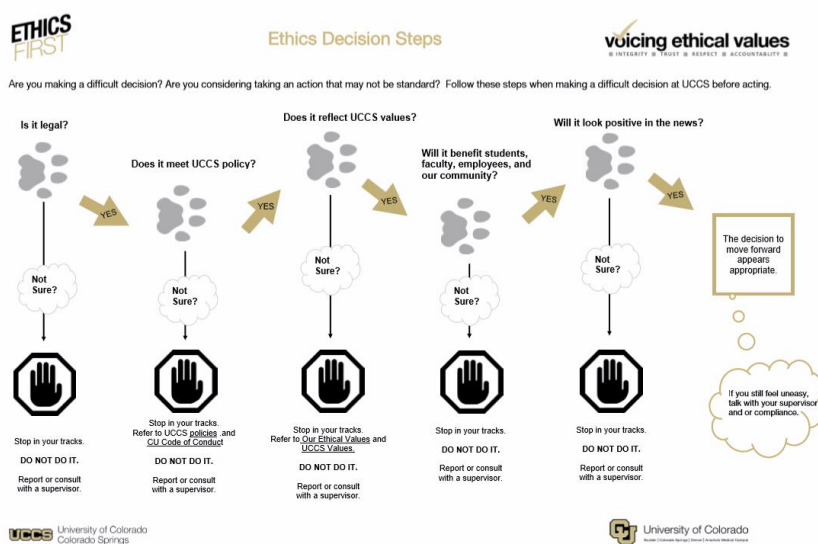
# Ethical Dilemmas

Making decisions under stress or dealing with complex issues that have no clear indication of what is right or wrong.



*There are NO simple ethical dilemmas... all have layers of meaning and effect.*

## Tools



# Tools



## How Do I Voice Our Ethical Values?

Once we have decided to act on our values, it can be difficult to determine what our next steps should be. We may feel strong emotions like betrayal, anger, or fear that can lead us to act impulsively or to choose not to act at all. Thinking ahead about how we will handle an ethically challenging situation prepares us to offer our best response.

Here are five effective techniques for voicing ethical values:

### 1. Ask Questions

- Make inquiries, not accusations
- Don't assume you know others' motivations
- Try to obtain a clear picture

Asking questions can help you understand the situation. Maybe you misunderstood something, and there is not actually a problem. Or perhaps the other person's motive is not what you imagined it to be. Asking questions can help clarify the situation and help the other person rethink their choices.

You might say, "Could you walk me through the steps that led to this decision?" or "I'm wondering how this situation came about. Could you give me some background?"

### 2. Gather Information

- Look for relevant data
- Document events
- Find examples

Gather all the information you can. Take notes to document conversations, phone calls, etc. Objective data can assist you and others in making ethical decisions and can be used to support your position.

You could share information by saying, "We can learn from XYZ University's handling of a similar issue" or "I've done some research. It looks like the last time we faced this issue, we went in another direction and had a good outcome."

### 3. Seek Input

- Identify reliable coworkers whose judgment you trust
- Do they agree with your assessment of the situation?
- Ask how they might proceed in your shoes

Talk through the situation with trusted coworkers. They may have useful insights and ideas that can provide moral support as you step outside of your comfort zone. Often simply voicing your concerns out loud can help determine your next step. You can also visit the [EthicsPoint](#) resource webpage for assistance. Remember, you are not in this alone.

You might say, "Could I run something by you? I'm looking for an outside perspective on a situation" or "Could I get your thoughts on a hypothetical?"



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# Measure Ethical Culture

- Manager and Employee Surveys
  - Easy to conduct
  - Focus on regions, lines of business and high risk activities
  - Keep questions to a minimum and make completions easy
- Focus Groups
  - Maintain confidentiality – assure employees that no one be identified.
- Proactive confidential interviews: senior managers, middle managers and cross-section of employees
- Establish exit interview program with HR
- Internal audits include cultural measurement / questions



There are many ways to gather information – what is best for your company? What does your company already do?



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# Annual Climate / Culture Assessment



## BE HEARD.

Complete the UCCS Employee Ethics Survey.

ISSUES RELATING TO ETHICAL CONDUCT ARE BECOMING EVER MORE CRITICAL TO OUR SHARED VISION AND CONTINUED SUCCESS. OUR BEST AND MOST ACCURATE GAUGE FOR HOW WE ARE DOING ETHICALLY COMES FROM YOU, THE PEOPLE WHOSE DAILY ACTIONS AND DECISIONS ARE THE FOUNDATION OF OUR REPUTATION.

YOU WILL RECEIVE AN EMAIL INVITATION FROM A THIRD-PARTY CALLED THE ETHICS RESEARCH CENTER ON 9.12.18.

YOUR RESPONSES ARE CONFIDENTIAL.

Please direct questions to [comply@uccs.edu](mailto:comply@uccs.edu).



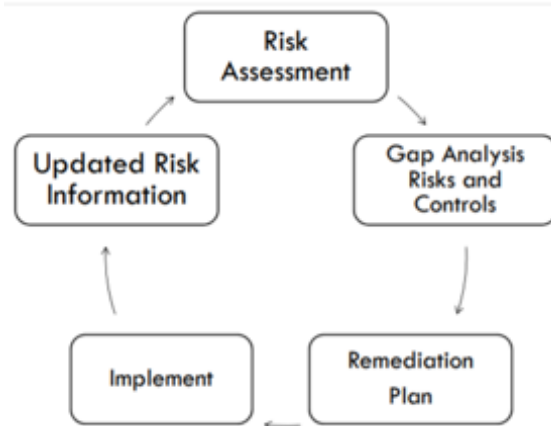
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# Risk Assessment and Continuous Process



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# “CUC2”



- Forum to convene university-wide compliance community of practice
- Goal to further develop collaborative relationships, share timely information, and support each other in our work and professional growth
- Collective venue for open discussion of efforts to address ethics and compliance infrastructure, implementation and training issues
- Share expertise, experience, informational resources and practical tools



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## CUC2 #1 Format

August 2017



- Central (“neutral”) location
- Short (3 hour) program (including lunch)
- Open to any employee interested in participating
- Series of “mini talks” on topics of broad interest
- Speakers from variety of functions across the system
- “Low expectations” – this is an informal gathering, make a new friend!
- Chatham House Rule



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# CUC2 #1 Format



TOPIC	PRESENTERS
Leading with Ethics: An Integrative Approach to Ethics and Compliance Programs	Mark Meaney, Executive Director Center for Education on Social Responsibility (CESR) Leeds School of Business, UCB
The Seven Elements of an Effective Ethics and Compliance Program: A Quick Review	Kathleen Sutherland, Audit Manager – Compliance, Department of Internal Audit
CU Compliance Risk Matrix: Introduction and Feedback	Kathleen Sutherland
UCCS Ethics and Compliance Program: An Overview	Debi O'Connor, Director of Campus Compliance / Privacy Officer, UCCS
Compliance Resources: What's in Your Tool Kit?	Kathleen Sutherland
Update on Compliance Resources and Tools Available through Employee Learning & Development	Erin Russell, Program Manager ELD Employee Services
CU Boulder's Approach to Raising Awareness of Ethics and Compliance in Research Administration	Denitta Ward, Assistant Vice Chancellor for Research & Director Justin Mack, Compliance Officer Office of Contracts and Grants, UCB
Hot Topics in Higher Ed Compliance: A Report from the SCCE 2017 Higher Ed Conference	Panelists: Debi O'Connor, Pam Rosse, Greg Brown, Denitta Ward Facilitator: Kathleen Sutherland

## CUC2 #1: Lessons Learned



- Take a risk – throw the party!
- Participants were enthusiastic, appreciative
- Some were suspicious, concerned about “hidden agenda”
- Allow plenty of time for networking
- Ensure sufficient outreach, communication, and coordination with key stakeholders in advance

# CUC2 #2 Format

November 2018



- New central location that facilitated community and conversation
- Longer (7 hour) program (including breakfast & lunch networking opportunities)
- Keynote speakers to open and close; short talks with speakers from all campuses participating together
- Visibility for compliance leaders system-wide



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# CUC2 #2 Format



TOPIC	PRESENTERS
Responding to Emerging Legal and Regulatory Frameworks in a Volatile, Uncertain, Complex and Ambiguous Environment	Patrick O'Rourke, Vice President, University Counsel & Secretary of the Board of Regents, CU System
How It's Made: Policy at CU and Why Your Participation Matters	Dan Montez, Director, CU Office of Policy and Efficiency Campus Policy Liaisons: Louise Vale (UCB), Mark Heredia and Nella Viveiros (UCD   AMC), Aaron Burton (UCCS)
Privacy Basics: A Pragmatic Approach to Surviving the Regulatory Wilderness	Kathleen Sutherland, Audit Manager – Compliance, CU Dept. of Internal Audit
Data Privacy	Brad Judy, Information Security Officer, CU Office of Information Security
Who Wants to be a Security Star?	Sarah Braun, Assistant Information Security Officer, CU Office of Information Security Sean Clark, Director of IT Security, Office of Information Technology, UCD   AMC Tom Conley, Information Security Officer, Office of Information Technology, UCCS
Overview of CU Boulder's Integrity and Compliance Program	Louise Vale, Director of Integrity and Compliance, Office of Integrity, Safety, and Compliance, UCB
Reframing and Revising APS 5014 – Sexual Misconduct Policy	Lien Pomeroy, Assistant Vice Chancellor and Deputy Title IX Coordinator, Office of Institutional Equity and Compliance, UCB Will Dewese, Director of Title IX / Title IX Coordinator, Office of Equity, UCD   AMC Laura Emmot, Investigator, Office of Institutional Equity, UCCS
Ethics & Compliance Resources: <ul style="list-style-type: none"> <li>EthicsFirst Initiative</li> <li>How It Works: CU EthicsLine</li> <li>Principles of Ethical Behavior Web Site</li> </ul>	Debi O'Connor, Director of Campus Compliance/Privacy Officer, Ethics and Compliance Program, UCCS Karen O'Dell, Director of Internal Audit Services, CU Dept. of Internal Audit
"I saw not this year so merry a company": Compliance, Authority, and Community	William Kuskin, Vice Provost and Associate Vice Chancellor for Strategic Initiatives, UCB



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## CUC2 #2: Lessons Learned

- Coordination with other stakeholders critical to ensure collective ownership and support of effort
- Commit to spirit of collegiality, transparency, and inclusivity
- Break the silos down when composing speaker panels
- Ensure plenty of time to network
- Engage leadership and your faculty – do something different!



# Tools

## THE VOICE

There is a voice inside of you  
That whispers all day long,  
"I feel that this is right for me,  
I know that *this* is wrong."  
No teacher, preacher, parent, friend  
Or wise man can decide  
What's right for you—just listen to  
The voice that speaks inside.



## Our journey continues . . .



# ETHICS FIRST

## Questions

## Contact Information

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