



# **NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY**

SEC. 1—COMPLIANCE 1.0

## **COMPLIANCE PROGRAM AND STANDARDS OF ETHICAL CONDUCT**

### **UNIVERSITY POLICY**

#### **I. PURPOSE**

This policy documents what North Carolina A&T State University (A&T) has generally been doing with compliance and more formally establishes a Compliance Program (which is part of the established Enterprise Risk Management Program). This policy sets the expectation that all members of the University community conduct operations and activities ethically, act honestly, with the highest level of integrity, and in compliance with legal and regulatory requirements. The Compliance Program provides the means to co-ordinate compliance across the University, manage, and monitor the internal and external risks associated with legal and regulatory compliance. It follows generally accepted standards for establishing and maintaining an effective compliance program, including the following key elements:

- Effective oversight with a designated compliance officer and Board committee;
- Written policies and procedures;
- Training and education;
- Effective lines of communication;
- Standards enforced through well-publicized disciplinary guidelines;
- Internal auditing and monitoring;
- Response to detected offences and corrective action plans; and
- Periodic risk assessments.

The Compliance Program helps maintain A&T's reputation for integrity and high standards in the educational and business community. It also helps protect the University from regulatory errors, omissions, and failures by improving communication and information.

## II. SCOPE

The program describes conduct expected of all members of the A&T community, which includes: trustees, senior administrators, faculty, other staff, students, student employees, student leaders and university-authorized volunteers acting on its behalf. It is expected that A&T affiliated entities will adhere to the requirements of this policy.

## III. EFFECTIVE COMPLIANCE PROGRAM STRUCTURE

- A. **Governance:** The University's governing body, the Board of Trustees, through its Risk Management, Audit, and Compliance Committee, will be kept informed about the content and operation of the University's Compliance Program and will exercise reasonable oversight over its implementation and effectiveness.
- B. **Executive Oversight:** Through a University Compliance Steering Committee, chaired by the Compliance Officer, high-level management exercises overall responsibility for the Compliance Program. The Compliance Steering Committee is appointed by the Chancellor.
- C. **Day-to-Day Oversight:** Designated responsible compliance liaisons in their respective areas exercise day-to-day responsibility for their parts of the Compliance Program.
- D. **University's Compliance Officer:** The Compliance Officer assists in coordinating the University's compliance activities and reports regularly the results of these activities directly to high-level management and the Board's Risk Management, Audit, and Compliance Committee.
- E. **University Community:** The University's faculty, other staff, students and others who perform work at the request of the University will understand and follow principles of conduct in the execution of their University obligations; ensure that they and the staff who report to them are aware of and operate in compliance with applicable laws, regulations, and policies; and report incidents of non-compliance or concerns.

## IV. WRITTEN POLICIES AND PROCEDURES

### A. Code of Conduct

This Code of Conduct sets forth overarching behavioral principles for members of the A&T community to follow. These principles provide a foundation for conduct in support of the University's mission and should be used as a general guide in making decisions that affect the University.

These principles also can be found in various forms in separate codes of conduct, policies and procedures of A&T, including the University's Core Values, the Strategic Plan - Preeminence 2020, The Code of Professional Ethics in the Division of Business and Finance, Academic

Integrity in the Student Handbook and Undergraduate Bulletin, and The Research Policies and Procedures Guide.

A&T expects all of its employees to conduct themselves ethically, honestly and with integrity in all dealings. Activities, pursuits or interests that detract from the ability to perform our duties or affect independence and objectivity of judgment should be avoided. It is impermissible to use positions of authority to secure private, personal advantage or gain. This means that principles of fairness, good faith and respect, consistent with laws, regulations and University policies, govern our conduct with others both inside and outside the University.

The University is subject to many of the same laws as other enterprises, as well as those particular to public entities. There are also additional statutes and regulations unique to higher education. University policies and procedures are designed to guide our everyday responsibilities, to set minimum standards, and to give University members notice of expectations and expected actions. All members of the University are expected to comply with applicable laws, regulations (often set out in our policies) and University policies. Failure to comply can have serious negative consequences both for individuals and for the University, and those consequences can adversely affect the institution's reputation, financial stability, and the health and safety of the University. When these laws, regulations or policies are unclear, A&T employees are expected to obtain clarity. Confidentiality of individuals reporting violations of laws, rules or policies will be maintained to the extent practicable, and individuals reporting violations in good faith will be protected from retaliation.

Managers and supervisors are responsible for knowing the legal and regulatory requirements that apply to their areas of oversight and responsibility. They are responsible for determining and ensuring that each University member has adequate knowledge in order to do his/her work correctly and receives appropriate information and training on an ongoing basis. All employees and students are responsible for familiarizing themselves with University policies.

The University prohibits research misconduct. Researchers shall not falsify data or their results, or alter or knowingly omit data or results so as to misrepresent their results. They shall not intentionally misappropriate the ideas, writings, research, or findings or others. Researchers are expected to advance knowledge while meeting the highest standards of honesty, accuracy, and objectivity. They are also expected to be accountable for sponsors' funds and to comply with the terms and conditions of contracts and grants.

We should demonstrate sensitivity in identifying potential conflicts of interest or commitment, whether of a financial, personal, or professional nature. Employees are expected to devote their primary employment focus on their A&T job. Any outside employment must not interfere with their University duties. Employees should be sensitive to actual and perceived conflicts of interests between their employment and outside professional activities, personal financial interests, or benefits received from third parties.

## **B. Areas for Compliance**

Because of the wide variety of activities which occur at A&T, hundreds of laws and regulations apply, resulting in a need for compliance. Some of the most common areas for a focus of compliance are listed below. The web site references give more information about some of the requirements, to what they apply, and how A&T complies with them. Most policies related to faculty, staff, and students can also be found at the following websites:

- Faculty Handbook: <http://www.ncat.edu/legal/policies/sec2-acad-affairs/index.html>
- Human Resources Policies: <http://www.ncat.edu/hr/policies/index.html>
- A&T Policies: <http://www.ncat.edu/legal/policies/index.html>
- Student Policies: <http://www.ncat.edu/student-affairs/student-services/dean/assets/downloads/student-handbook.pdf>

As in the past, compliance training will continue to be done in each of the following units, unless University-wide training is conducted on the subject matter of the unit.

### **1. Athletics**

It has been and is always the goal of the A&T Department of Athletics to operate all of our varsity sports with the upmost character and in compliance to the NCAA rules and regulations. [https://admin.xosn.com/fls/24500//Game%20Notes/NCATStudent%20Athlete%20Handbook%202014.pdf?\\_ga=2.162755385.44552922.1509646615-1198515370.1504189348](https://admin.xosn.com/fls/24500//Game%20Notes/NCATStudent%20Athlete%20Handbook%202014.pdf?_ga=2.162755385.44552922.1509646615-1198515370.1504189348)  
Office of Compliance: contact them at (336) 334-7686 or [comply@ncat.edu](mailto:comply@ncat.edu)

### **2. Business and Finance**

Proper stewardship of university funds is the responsibility of all employees involved in financial transactions. A&T funds may only be used for necessary and reasonable business-related expenses incurred in the furtherance of the University's missions. Dishonesty in all forms--fraud, theft and similar behaviors--are all failures of integrity that undermine the whole A&T community. <http://www.ncat.edu/divisions/business-and-finance/comptroller/ethics.html>

### **3. Confidentiality in Student Affairs, Student Health, Human Resources**

A&T creates and retains confidential records for a variety of business and University purposes, which must be kept confidential as a matter of federal and state law. Members of the University community are expected to protect A&T's information by properly safeguarding it whether it is in use or not, and discussing the information only with those who have a legitimate University need to know. This information includes student records, medical records, and employee records.

### **4. Conflicts of Interest and Commitment Policies (Academic Affairs and Human Resources)**

Community members should familiarize themselves and comply with the A&T policies on Conflicts of Interest and Conflicts of Commitment and disclose potential conflicts as required by these policies.

- Purchasing Conflict of Interest - <http://www.ncat.edu/divisions/business-and-finance/purchasing/policies/conflict.html>.
- PHS Financial Conflict of Interest - <http://www.ncat.edu/legal/policies/sec5-res-econ-dev/DORED%20PHS%20FOI%20policy.pdf> .
- Conflicts of Commitment, Staff - <http://www.ncat.edu/hr/forms/>.
- Conflicts of Commitment, Faculty - <http://www.ncat.edu/provost/Faculty%20Resources/index.html>.
- Conflict of Interest, Governing Board - [http://sacs.ncat.edu/index.php?view=article&catid=86%3A30-narratives&id=180%3A323-board-conflict-of-interest&tmpl=component&print=1&page=&option=com\\_content&Itemid=15](http://sacs.ncat.edu/index.php?view=article&catid=86%3A30-narratives&id=180%3A323-board-conflict-of-interest&tmpl=component&print=1&page=&option=com_content&Itemid=15).

## **5. Advancement**

To assure that philanthropy at A&T merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the University, A&T adopts the Donor Bill of Rights. <http://www.ncat.edu/giving/ways-to-give/annual-giving/donor-bill-of-rights.html>.

## **6. Environmental Health and Safety**

A&T complies with laws that preserve the environment and promote workplace safety. It must operate its facilities with all necessary permits, approvals, and controls, especially with respect to handling and disposing of hazardous materials and waste. Anyone working with or around these materials must be familiar with the statutes, regulations and policies that apply to them. <http://www.ncat.edu/divisions/business-and-finance/facilities/safety/policies.html>.

### **Additional Health and Safety Information**

- Biological and Biohazardous Materials Safety Guide: <http://www.ncat.edu/research/dored/biosafety-guide.html>
- Radiation Safety Manual: <http://www.ncat.edu/research/dored/rsc-manual.html>

## **7. Export Control (DORED)**

The Division of Research and Economic Development (DORED) is the administrative authority for export control compliance for A&T. DORED works in conjunction with other administrative offices regarding export control matters and the administration of the University's export control plan. <http://www.ncat.edu/hr/rec-staffing/fn-emp/export-controls%20.html>.

## 8. Human Resources and Personnel

A&T is committed to a work environment free of harassment and disruptive behavior and to an equal opportunity work environment where every member of the campus community is treated with fairness, dignity, and respect. No one shall discriminate against any individual on the grounds of race, color, genetic information, national origin, sex, sexual orientation, gender identity, religion, age, disability, political affiliation, veteran or military status, or any other factor protected under law. Specific policies related to these and other human resource issues are on the Human Resources Policy website, <http://www.ncat.edu/hr/policies/index.html>. Policies related to faculty are in the Faculty Handbook at: <http://www.ncat.edu/legal/policies/sec2-acad-affairs/index.html>.

## 9. Information Technology Services

Acceptable use of University services for students, faculty, other, employees, consultants, vendors, guests, and/or alumni is governed by IT policies, standards, procedures, and guidelines. IT policies, standards, procedures, and guidelines protect the integrity, reliability, availability, and confidentiality of University services. University services include but are not limited to computer systems, networks, software, hardware, and data. Acceptable use is defined as behavior compliant with federal, state, the University of North Carolina system, A&T policies, standards, procedures, and guidelines as well as industry standards and contractual agreements:

<http://www.ncat.edu/divisions/its/policy/index.html>

## 10. Property Management (Business and Finance)

Property Management supports the university's mission by assisting departments in keeping track of their assets used for academic and administrative purposes. This is accomplished by ensuring accurate records related to the acquisition, ownership, and disposition of fixed assets are maintained via computerized systems, disposing of surplus property, and establishing internal controls to safeguard assets.

<http://www.ncat.edu/divisions/business-and-finance/facilities/pm/policies.html>.

## 11. Research Integrity (DORED)

Research at A&T is integral to its mission and must always be conducted to the highest ethical standards and in compliance with all applicable laws, regulations, policies, and contractual obligations. The details of how the university supports these efforts are found in the A&T Research Policies and Procedures Guide published by the Division of Research & Economic Development:

<http://www.ncat.edu/research/dored/procedures.html>

### Additional Research Oversight

**Animal Research:** The Office of Research Services and Project Management must ensure that A&T complies with all applicable laws and policies concerning animal

research. Any concerns about animal welfare should be reported as indicated on <http://www.ncat.edu/research/dored/iacuc.html>. If you choose to be anonymous, you may call the University's confidential hotline number, 1 877 507-7313.

**Human Subjects:** A&T faculty and students engage in research involving human subjects. A&T is responsible for ensuring that research with human subjects takes place with the highest levels of protections for the individuals involved and must comply with all applicable laws and policies. Information on these protections is available through the Institutional Review Board: <http://www.ncat.edu/research/dored/irb-manual.html>.

**Sponsored Research:** Faculty and other staff who are involved in federally sponsored research must strictly follow all laws and procedures related to that work. Violations can result in the loss of funds from grants and contracts, and, in some instances, civil fines and criminal penalties. Compliance support is available through the Office of Sponsored Programs. Further information on each can be found on the following website: <http://www.ncat.edu/research/dored/sponsored-programs.html>.

For more information, see the Research Compliance and Ethics site at: <http://www.ncat.edu/research/dored/procedures-compliance.html>

## **12. Student Financial Aid**

The Student Financial Aid Office at A&T has adopted the Statement of Ethical Principles of the National Association of Student Financial Aid Administrators as the standards of conduct for employees. <http://www.ncat.edu/admissions/financial-aid/pdf/ethical.pdf>.

## **13. Plagiarism**

Plagiarism is not tolerated at A&T. See <http://www.ncat.edu/research/dored/compliance.html> for a software resource to check for plagiarism.

As to students, see page 40 of the Student Handbook, <http://www.ncat.edu/student-affairs/student-services/dean/assets/downloads/student-handbook.pdf> and <http://www.ncat.edu/divisions/academic-affairs/bulletin/2017-2018/academic-info-and-regs/academic-dishonesty-policy.html> .

## **V. TRAINING AND EDUCATION**

Training on the University's Compliance Program and its policies and procedures will be provided to the Board of Trustees, high level executives, faculty, other employees and, where appropriate, the organization's volunteers and agents. Proper training typically includes training on the Code of Conduct, and basic components of the compliance and ethics program. In addition, training related to specific compliance areas is offered by the responsible offices. Training will be tracked, attested to, documented, and followed-up. Periodic evaluations of training and education programs will be performed to determine, and if necessary improve, the value, effectiveness, and appropriateness of any such program.

## **VI. COMMUNICATION**

The University's written policies and procedures are clearly communicated to members of the A&T community such that they are capable of integrating them into their daily operations. Methods for accomplishing this include administrative notification, posting of policies and procedures on the Internet, inclusion in documents such as handbooks, position descriptions, performance evaluations, newsletters, and by the provision of training.

There are numerous ways for members of the University community to report suspected unethical, illegal or unsafe activity, as described below.

### **A. Reporting Criminal Behaviors**

Students, faculty, other employees, and visitors are to report accurately and immediately any criminal offense, or suspected criminal activity directly to the University Police Department. The UPD can be reached via email: [upd@ncat.edu](mailto:upd@ncat.edu), or by calling on (336) 334-7128; the 24 Hour Emergency Number is (336) 334-7675. A report may also be made via the Internal Auditor's Anonymous Tip Line at (336) 334-7879.

### **B. Reporting Other Violations or Concerns**

You are responsible for your decisions, both for reporting violations, and for failing to report them. You may neither ignore/disobey laws or policies simply because you disagree with them, nor avoid compliance by seeking loopholes.

If you see or suspect unethical, illegal, or unsafe activity, do not ignore it--tell the University. You could prevent a potentially serious situation from harming the University. Talk to your manager—as your first point of contact. Managers have a special duty to adhere to the standards set forth in this document, to recognize violations, report through applicable channels, and to enforce the standards. Violations of applicable laws, University policies and standards, and retaliation against anyone who reports possible violations may result in an adverse employment action, as well as civil and criminal charges.

### **How to Report a Violation or Discuss a Concern**

In most cases, you should report violations or concerns to your immediate supervisor or department head, if appropriate. You also may directly contact A&T's Office of Legal Affairs, Human Resources, or the Compliance Officer listed below. You may also choose to contact one of the specific support areas discussed above.

Compliance Officer: Deputy General Counsel  
336-285-3084



If you do not feel comfortable speaking with a manager or other administrator, you may call The Network, an independent reporting service that allows you to communicate your concerns anonymously and confidentially by way of the internet or telephone any time of the day or night from any location. The information provided will be referred to the University for follow-up and appropriate action.

Report online:            [reportlineweb.com/NCATSU](http://reportlineweb.com/NCATSU)  
Call toll-free            877-507-7313

Reports submitted to The Network will be handled promptly and discreetly.

### **C. Non-retaliation**

Retaliation against any person who in good faith reports a concern regarding potential or actual unethical or illegal conduct is strictly forbidden and will not be tolerated.

## **VII. ENFORCEMENT THROUGH DISCIPLINARY POLICIES**

The Compliance Officer monitors disciplinary action taken pursuant to the University's existing disciplinary policies and procedures to assure the punishment for non-compliance was taken fairly and firmly—proportional to the conduct.

In addition, the Compliance Officer will propose strategies and policies to encourage good faith participation in the compliance program by all affected individuals, including policies that articulate expectations for reporting compliance issues and assist in their resolution. These policies may outline sanctions for:

- Failing to report suspected problems, which reporting is hereby required
- Participating in non-compliant behavior, which participation is hereby prohibited
- Encouraging, directing, facilitating, or permitting non-compliant behavior, all of which is hereby prohibited
- Failing to perform any obligation or duty required of employees relating to compliance with this Program or applicable laws or regulations, which failure is hereby prohibited
- Failure of supervisory or management personnel to detect non-compliance with applicable policies and legal requirements and this Program, where reasonable diligence on the part of the manager or supervisor would have led to the discovery of any violations or problems, which failure is prohibited.

## **VIII. INTERNAL AUDITING AND MONITORING**

Monitoring provides on-going routine surveillance of actual performance and should be continuous and dynamic. The University shall take reasonable steps, including monitoring and auditing, to ensure that the organization's compliance program is followed, by:

- Periodic evaluation of the effectiveness of the organization's compliance program;
- Routine monitoring of actual performance vs. expected performance; and

- Review and periodic investigation of the current situation, including how the internal and external context is changing, the possible emergence of new risks, and whether controls remain effective for existing risks.

Monitoring may include line management reviews of risks and responses to those risks, implementation of a University-wide compliance calendar, internal auditing and external auditing.

## **IX. RESPONSE TO DETECTED OFFENSES AND CORRECTIVE ACTION PLANS**

After monitoring and auditing of the compliance program, the University will take reasonable steps to:

- Respond appropriately to any violations of the law or policies to prevent future misconduct;
- Modify and improve the organization's compliance and ethics program; and
- Make restitution when appropriate if criminal conduct is found

## **X. PERIODIC RISK ASSESSMENTS**

A primary purpose of the University's Compliance Program is to identify and assess significant compliance risks and implement internal controls to reduce these risks. It builds on the existing University structures and improves the coordination, dissemination and communication of compliance information and identifies gaps in compliance.

The Compliance Officer will coordinate the compliance process identifying the most significant compliance issues facing the University, engaging the managers with day-to-day administrative responsibilities to identify the compliance risks and to develop mitigation plans, and building consensus among multiple departments and functions impacted by the potential risks. Newly identified risks will result in the promulgation of new policies and procedures or revisions to old ones as well as action plans, where necessary, to address those risks.

Date policy is effective: upon approval

Approved by the Board of Trustees

First approved: As an Interim Policy by the Chancellor December 4, 2017

By the Board of Trustees February 16, 2018

Revised: