411 Compliance

THE UNIVERSITY OF ALABAMA AT BIRMINGHAM

Knowledge that will change your world

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Compliance 411 is a quarterly newsletter published by the University Compliance Office at The University of Alabama at Birmingham. We welcome feedback and suggestions from the UAB community. Please email compliance@uab.edu to join our distribution list.

Objectives of *Compliance 411*:
★ To raise awareness
★ To communicate important developments
★ To foster transparency

Congratulations to New Effort Reporting Training Participants: Goal Achieved!

We congratulate all who completed the refreshed online Effort Reporting training course on schedule. As of the March 31st deadline, the overall University completion rate was 96%. Between the deadline and the publishing of this *Compliance 411* issue, the completion rate increased to 99%. A special acknowledgement goes to all administrators, DEOs, and executives who helped to communicate and champion the initiative. Great job!

Effort reporting is an important element of UAB's overall process for sponsored project management and helps to support a system of internal controls to assure that awards are charged appropriately.

The training course is required of all employees who must certify effort on sponsored project(s) (UAB Project Employees, excluding non-exempt/biweekly paid employees) and Departmental Effort Officers (DEOs). If you are required to complete the training, and the course is not currently in your LMS "To Do" list, please contact the fiscal officer in your dean's office and request the course entitled "Effort Reporting: Principles, Process, and Certification" be assigned to you.

The school/college deans' offices may also elect to assign this training to other employees who may benefit from the course information. The expectation is this course be completed *prior to certifying effort or distributing effort reports*.

For more information, please refer to UAB's **Effort Reporting Policy**, **Procedures**, and the **Effort Reporting Training Course Reference Materials**.

Compliance Challenge

Read the hypothetical scenario below, and then click on an answer A.-E. to enter a drawing for one of two $10.00 Publix gift certificates to be held Friday, June 2, 2017. You don't have to select the correct answer to be entered into the drawing – you only need to participate. Only individuals with addresses ending in uab.edu or uabmc.edu qualify.

Gwen is a financial analyst for a large University department. Over the past month, she has had to fend off both verbal and physical sexual advances by Robert, another financial analyst, with whom she works in close proximity. Her position requires frequent collaboration with Robert on projects. Though she has told him more than once to cease and desist, he continues to make lewd jokes in her presence and attempts to touch her arm or her cheek in conversations.

In this scenario, to whom can Gwen report this sexual harassment?

A. Her supervisor/department chair

B. A compliance officer

C. University Title IX Officer

D. The Ethics Hotline

E. Any of the above

Lisa Schwiebert Brings Mentoring and Multidisciplinary Experience to New RCR Coordinator Role

UAB is committed to the continued success of its research programs and to upholding public trust in research endeavors by helping ensure integrity and ethical conduct. With the support and approval of President Watts and the President's Risk Cabinet, in late 2016, the Office of the Vice President for Research (VPR) established a comprehensive Responsible Conduct of Research (RCR) assurance program, not just to meet regulatory and sponsor requirements, but also to promote the importance of research integrity.

Lisa Schwiebert, PhD, Associate Dean for Graduate and Postdoctoral Affairs for The Graduate School, Professor of Cell, Developmental & Integrative Biology, and of Medicine, has been appointed as UAB's RCR Coordinator. She will work with the office of the VPR and all schools to ensure educational programs that meet the University's objectives are developed and implemented for research students and trainees for all disciplines and programs.

Dr. Schwiebert's multidisciplinary experience, especially around mentoring, serves the RCR program well. She explains, "Through my years of service as a faculty member, graduate program director, and associate dean, I have developed an extensive network of colleagues across campus. I tap into these connections, which cross disciplines, for feedback and guidance regarding RCR training needs and best approaches from a variety of perspectives. For me, mentoring is a thread that runs through all aspects of RCR; it provides a framework for RCR-related instruction and discussion."

Each dean has appointed a repre-

Responsible Conduct of Research Coordinator Lisa Schwiebert, PhD, Associate Dean, The Graduate School, Professor of Cell, Developmental & Integrative Biology, and of Medicine

sentative to serve as an RCR liaison with the responsibility to work with Dr. Schwiebert on this initiative. The resulting RCR Advisory Committee convenes regularly to share information, provide input, and discuss matters related to RCR training and related resources from the schools' diverse viewpoints and programs.

According to Dr. Schwiebert, "The mission of the RCR Advisory Committee is to develop and disseminate information regarding UAB's expectations for RCR training across campus. Currently, we are working with UAB IT to identify and attain resources that will further strengthen the University's research integrity program, for example, to provide faculty and researchers with tools to self-screen text and images prior to

Code of Conduct Corner
Standard of Conduct: Raise Ethical Concerns

Included in UAB's **Code of Conduct** are eight standards of behavior to which all UAB employees must adhere. But there is an additional principle that crosses all eight standards that supports employees' commitment to the Code: the duty of every individual to raise ethical concerns.

Adherence to the Code requires UAB community members to bring suspected violations of applicable laws, regulations, policies, and standards to the attention of the appropriate office. UAB treats every notice of suspected compliance violation seriously and considers reports of suspected noncompliance to be a service to UAB. Information about instances in which ethical standards may not have been upheld allows the institution to do the right thing by correcting deficient past practices and improving processes moving forward.

Reporting a compliance concern in good faith does not jeopardize one's employment; UAB prohibits retaliation against an individual for making such a good-faith report, consistent with UAB's Code of Conduct, the **Duty to Report and Non-retaliation Policy**, and UAB's commitment to maintaining an environment of trust and transparency.

There are many avenues for reporting such ethical concerns. It is generally best to communicate the issue first to your immediate supervisor or manager. Here are some other avenues to report circumstances that you suspect may be a violation of a law, regulation, policy, or standard:

- **Directory of UAB Contacts for Compliance Questions,**
- UAB Ethics Hotline (1-866-362-9476, 24 hours a day, seven days a week),
- **File a UAB Ethics Hotline report online**, or
- **Contact the University Compliance Office**

Here are some hypothetical examples of compliance concerns that should be reported. For more information on ethical concerns, responsibility to report, and how and what to report, visit UAB's **Ethics Matter website**.

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Personal Responsibility is Foundation of New Student Conduct Code

An important component of the college experience is the willingness to assume and exercise personal responsibility for one's actions as a member of the UAB academic community. The University expects students to at all times comport themselves in a mature, ethical, and honorable manner, and to demonstrate sincere consideration for the other members of this community. The expectation of appropriate student conduct also applies to students in their roles as employees of the institution.

UAB's *Student Conduct Code* promotes the honesty, integrity, accountability, and responsibilities expected of students consistent with the core missions of the University.

These values form the basis of the UAB *Student Conduct Code*:

- **Integrity:** UAB students exemplify honesty, honor, and respect for the truth in all of their dealings.
- **Community:** UAB students build and enhance their community.
- **Social Justice:** UAB students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.
- **Respect and Civility:** UAB students show positive regard for each other, for property, and for the community. Students will conduct themselves and treat others in a polite, reasonable, and respectful manner.
- **Responsibility:** UAB students are given and accept a high level of responsibility to self, to others,

and to the community.

The *Code* also describes the rights to which all student are entitled should any allegation of violation of the *Code* arise. Processes for adjudicating alleged violations are outlined in the *Code* as well.

The administrative procedures described in the *Code* are designed to create opportunities for members of the campus community to investigate and evaluate alleged violations and determine appropriate sanc-

> UAB's *Student Conduct Code* demonstrates UAB's commitment to providing an environment that respects the dignity of its students, faculty and staff.

tions if necessary. These procedures do not attempt to determine whether a student has violated the law, but whether a student has violated the UAB *Student Conduct Code*. They are not legal proceedings, nor are they intended to resemble such proceedings. However, alleged violations of the University's *Student Conduct Code* that are also violations of state or federal laws can be prosecuted separately through the legal system and, if the student is found guilty, can result in civil or criminal penalties such as probation,

fines, jail, and/or prison.

This past November the University implemented the *Title IX Sexual Violence and Sexual Misconduct Policy*, which, in concert with the *Student Conduct Code*, demonstrates the University's commitment to providing an environment that respects the dignity of its students, faculty and staff, free from discrimination based on sex. This policy prohibits gender-based assault, harassment, exploitation, dating and domestic violence, and stalking, as well as discrimination based on sex, sexual orientation, gender identity, gender expression, pregnancy, and parenting. The University also prohibits related retaliation for raising a Title IX concern. The University expects individuals who live, work, teach, study within, or visit this community to contribute positively to the environment and refrain from behaviors that threaten the freedom or respect that every member of our community deserves.

The University's Title IX Office enforces the *Title IX Sexual Violence and Sexual Misconduct Policy* and provides support for all affected students, including those who are pregnant and parenting. For more information on reporting gender-based misconduct or requesting pregnancy related accommodations, please visit the webpage of the **UAB Title IX Office**.

For more information on student conduct responsibilities, rights, and reporting violations, please visit the **webpage of the UAB Office of Student Advocacy, Rights and Conduct**.

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Ethics matter at UAB.

Multiple avenues exist for raising ethics or compliance concerns at UAB. If you're not comfortable reporting a concern directly, or feel that doing so has been unsuccessful in resolving an issue, you may do so by calling the UAB Ethics Hotline toll-free at **1-866-362-9476** or by submitting a report to the UAB Ethics Hotline **here**. You may choose to withhold your identity, although providing contact information often helps to facilitate an investigation into the issue.

The hotline is staffed 24 hours a day, 7 days a week, by professionals outside UAB who take calls and ensure reports are made to appropriate university personnel for follow-up. The hotline is for use by all members of the UAB community and is administered by The Network, Inc. (TNI), a third-party organization that has provided confidential hotlines for 25 years. Reports submitted to TNI are handled promptly and discreetly. TNI employees sign a confidentiality and non-disclosure agreement as a condition of their employment.

If you choose to report concerns through the UAB Ethics Hotline, please be prepared to provide details about the incident or circumstances and whether there are others with information helpful in conducting a review to arrive at a determination. To maintain your anonymity, you'll be assigned a report number which you'll need when you call back to add information or check the status of your report. <u>FOR ANONYMOUS REPORTS MADE BY PHONE, IT IS VERY IMPORTANT TO MAKE THE FOLLOW-UP CALL IN CASE OTHER INFORMATION IS NEEDED</u>.

UAB prohibits retaliation for making a report in good faith. Retaliation is not tolerated under UAB's **Code of Conduct** and supporting policies.

You can make a difference.

Schwiebert, RCR *Continued from page 2*

submission for publication" to avoid issues of plagiarism and image manipulation.

The RCR Advisory Committee has recently finalized training program structures for undergraduate, masters plan I, and doctoral students. These training programs will go into effect in fall 2017. In brief, these programs include a blended approach of online and in-person training components. The online component consists of CITI RCR Basic training modules, which are provided online at no cost to UAB trainees and employees. The in-person component includes in class attendance and discussion of RCR-related case studies that are applicable across research disciplines.

If you have questions regarding Responsible Conduct of Research education and training, please contact the RCR Advisory Committee Liaison for your school/college:

School/College	RCR Advisory Committee Liaison
Collat School of Business	Dr. Molly Wasko
College of Arts & Sciences	Dr. Mary Whall
School of Education	Dr. Melanie Shores
School of Engineering	Dr. Tim Wick
The Graduate School	Dr. Dan Bullard
School of Dentistry	Dr. Mary MacDougall
School of Health Professions	Dr. David Allison
School of Medicine	Dr. Chad Steele
School of Nursing	Dr. Jennifer Frank
School of Optometry	Dr. Michael Twa
School of Public Health	Dr. Ryan Irvin
Faculty Senate	Dr. Karen Gamble

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Information Security Update: Revised Policy Strives for Simplicity

It takes a village — data security, that is. Responsibility for creating, storing, sharing, and maintaining data belongs to individual faculty, staff, students, volunteers, and anyone with access to UAB electronic information, in addition to the subject matter experts in IT. UAB's revised *Data Protection and Security Policy*, is intended to simplify what can often be complex security requirements.

As Brian Rivers, Chief Information Security Officer, states, "Our goal is to make complying with security requirements as simple and straightforward as possible. That requires that we convey important security information campus-wide in ways that are easy to understand. Our customers should be able to easily consume what we communicate to them. Complex messages are barriers to workflow and timeliness; we want to remove those barriers."

Finalized in February 2017, the policy was drafted and vetted through IT, Human Resources, Financial Affairs, Research Administration, Provost, the University Compliance Office, University Counsel, and the Faculty Policy and Procedures Committee. The result is a briefer, overarching statement reflecting the UAB IT security team's clear, direct approach, and then referencing more detailed rules about how to classify UAB data based on their characteristics and how to protect them based on that classification.

Specifically, two new rules work in tandem with the policy to assist all members of the UAB community in protecting data and systems based on UAB's new data classification structure:

1. **Data Classification Rule**: Assists in classifying data and systems to determine the necessary level of security. Three basic tiers of data apply: public, sensitive, and restricted/PHI (e.g., personal health information, social security num-

bers, credit card numbers, etc.).

2. **Data Protection Rule**: Assists in identifying the security controls or requirements needed based on the classification of data.

Stewardship of information is a responsibility of each individual member of the UAB community. For more information and guidance on safeguarding data in your area, visit **UAB IT's Security website**.

Important Compliance Deadline
CMS Open Payments Review & Dispute Deadline: May 15

UAB physicians, dentists, and optometrists are encouraged to review Open Payments data reported about them by applicable manufacturers to the Centers for Medicare & Medicaid Services (CMS). **The deadline for both review and dispute of Open Payments information is May 15, 2017.** Learn more about the review, dispute, and data correction process using this **quick reference guide** provided by CMS. For additional information, visit the University Compliance Office's **Federal Open Payments Law webpage**.

Congratulations to Compliance Challenge Winners!

Congratulations to January 2017 Compliance Challenge winners Alfreda Lewis and Cheryl Perry. By participating in the Compliance Challenge, they were entered into a drawing and each won a $10.00 Panera gift certificate. To participate in the Compliance Challenge and enter a drawing for one of two $10.00 Publix gift certificates, see p. 1 of this *Compliance 411*.

Suzanne Bradley, UCO, and Alfreda Lewis, Clinical Trials Administrator, Comprehensive Cancer Center

Cheryl Perry, MPH, PhD, Research Grants Director, Pediatrics, and Suzanne Bradley, UCO