President’s Risk Cabinet Prioritizes Risks for University-wide Focus for 2019-2020

The UAB President’s Risk Cabinet oversees strategic management of risks associated with University activities. In early 2018, leadership teams in the college/schools participated in a facilitated risk assessment to:
- Raise awareness of laws, regulations, and policies that affect the units’ unique activities;
- Assess effectiveness of activities and programs designed to address earlier risk priorities; and
- Promote engagement in addressing compliance risks in daily operations.

The intended result of these compliance risk assessments is to focus attention and resources within each of the units over the next 12-18 months on those risk areas assigned highest priority by the President’s Risk Cabinet.

While risk assessment participants generally perceived the likelihood and impact of most risks were reduced by steps taken in the past two years, the University’s overall risk profile has changed slightly. Safety, information governance/data security/privacy, sponsored programs/grant management, and integrity (e.g., responsible conduct of research and academic honor code), top the list of President’s Risk Cabinet priorities you’ll be hearing more about in 2019 and 2020.

This year, each quarterly issue of Compliance 411 will focus on risk mitigation and monitoring efforts in one of these four areas. In this issue, we begin with sponsored programs and grants management (see article below).

University Leadership Promotes Sponsored Programs & Grants Management Education to Reduce Legal & Regulatory Compliance Risks

The University risk assessment process serves several purposes, including identifying risk areas for focus and promoting dialogue with school leadership about taking steps to mitigate those risks. While individual academic units may rank risk areas differently, they all have some in common that result in University-wide initiatives championed by the President’s Risk Cabinet. One such risk area is Sponsored Programs & Grants Management, including Effort Reporting. The activities shown in the table on page 2 are being undertaken to reduce the likelihood and impact of non-compliance.
You Can Take Steps Now to Protect the Security of U.S. Scientific Research

One of UAB’s greatest strengths is its engagement in international partnerships that have resulted in major advances in scientific research. The diverse backgrounds and perspectives of researchers from all over the U.S. and the world are vital to the success of UAB’s research enterprise. U.S. federally-funded research, however, relies upon a competitive system that is transparent and fair, and threats to the integrity of U.S. research exist.

In August 2018, NIH Director Francis Collins distributed a letter to grant recipient organizations about emerging security concerns related to the integrity of U.S. biomedical research. These problems include the diversion of intellectual property to other entities, including other countries; peer reviewers sharing confidential information on grant applications with other entities, in some cases foreign governments; and foreign governments attempting to influence grant funding decisions. The letter also addressed failure by investigators to disclose foreign sources of support for NIH-funded research and emphasized the NIH Grants Policy Statement requirement that “all applications and progress reports (must) include all sources of research support, financial interests, and relevant affiliations.”

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<table>
<thead>
<tr>
<th>Risk Mitigation Activity</th>
<th>Description</th>
<th>Time Frame</th>
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<tbody>
<tr>
<td>NCURA Financial Research Compliance webinar</td>
<td>Online, three-hour course for research administrators or anyone desiring a better understanding of financial compliance requirements for conducting sponsored research. To take the course, visit the Learning System. Log in, select the Catalog tab, and search for “financial research compliance”.</td>
<td>Available now through the Learning System.</td>
</tr>
<tr>
<td>NCURA Sponsored Program Administration Workshop, Level II</td>
<td>Two-and-a-half day workshop for research administrators with in-depth instruction in four core aspects of research administration: institutional compliance; proposal creation and submission; contract and subaward review; and post-award financial administration.</td>
<td>May 15-17, 2019 If you are interested in participating, please contact your school’s EROC liaison.</td>
</tr>
<tr>
<td>OSP curriculum for award managers</td>
<td>Education &amp; training for sponsored award managers</td>
<td>Currently being planned</td>
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Two federal granting agencies have strengthened guidelines for reporting sexual misconduct and harassment by investigators and key personnel named in a notice of award.

The National Science Foundation and the National Institutes of Health already require funded institutions to implement policies and practices that foster a harassment-free environment, promote those policies to its research community, provide a simple reporting system, and respond promptly to any allegations. A new award term and condition requires institutions to inform the agencies of any administrative or disciplinary actions against senior/key personnel on an award for reasons related to harassment, sexual or otherwise, or sexual misconduct.

According to an NSF notice published in the Federal Register on Sept. 21, 2019, “Any finding/determination, placement on administrative leave or the imposition of any administrative action by the institution made on or after the start date of an award or funding amendment subject to the new term will invoke the new notification requirements.” The NSF requires notice within 10 days of any administrative or disciplinary action and in advance “anytime there is a change in status of the PD/PI or other senior/key personnel where that change will impact his/her ability to carry out the approved research at the location of, and on behalf of, the recipient institution.”

Recent NIH statement

As recently as February 2019, NIH released a statement reiterating their dedication to tackling sexual harassment and “elevating the seriousness with which the agency takes this issue through our actions” by establishing a Working Group of the Advisory Council to the Director on Changing the Culture to End Sexual Harassment. Citing the National Academies of Science, Engineering, and Medicine’s Report on Sexual Harassment of Women, NIH relayed a message to sponsored institutions and researchers that they will continue to follow up on sexual harassment-related concerns and to replace principal investigators who do not comply with their bolstered requirements. Both federal agencies reserve the right to remove or substitute a primary or co-investigator, reduce the award amount, or suspend or terminate the award if a report is received.

UAB’s commitment

“These new requirements are consistent with UAB’s commitment to provide an environment in which faculty, staff and students can live, work, teach, and learn with the respect that every member of our community deserves,” said Vice President for Research Chris Brown. “UAB will respond promptly and effectively to reports of inappropriate behavior and fulfill our obligations under federal law, including Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, this new requirement, and our shared values as an institution.”

Training required

As part of UAB’s reaffirmation of its commitment to equal opportunity and an environment free from discrimination and harassment, all employees are required to complete an online harassment-prevention education program. Some 85 percent of all faculty and staff and 92 percent of all leaders have completed the training requirement to date. The completion rate at this point is very good; however, it is important that each member of the UAB community complete the training.

Follow these instructions for accessing the course in the UAB Learning System:

1. Navigate to the UAB Learning System at https://www.uab.edu/learningsystem/.
2. Log in using your BlazerID and password.
3. Select Student/Campus.
4. Click on To Do at the top left.
5. Select the course titled, Prevent Discrimination and Harassment – Faculty & Staff.

A list of related policies, procedures, and resources is included in UAB’s Title IX Sexual Violence and Sexual Misconduct Policy and the Equal Opportunity and Discriminatory Harassment Policy. Questions should be referred to the Office of Compliance & Risk Assurance, 996-6540, or Human Resources, 934-4458.

Portions of this article were published in the December 22, 2018 edition of the UAB eReporter.
UAB is currently undertaking a major revision of the Indirect Cost Reimbursement Policy. While the old policy, dated December 1999, establishes the responsible and equitable reimbursement of indirect costs and overhead for extramurally sponsored projects including clinical trials, the proposed policy provides detailed definitions of the specific rates that determine such reimbursement. For those who work with indirect costs and overhead, the revised policy will codify all rate types in one place and expand upon their application to university operations associated with extramurally funded projects, hence the proposed new policy title, Facilities & Administrative Rate Policy. Responsibility for implementation of this policy will be held dually by the Offices of the Senior Vice President for Finance & Administration and the Vice President for Research through the Office of Sponsored programs.

Compliance Questions Contact List

The Office of Compliance & Risk Assurance (C&RA) has compiled a list of UAB team members who can serve as helpful resources for questions related to laws, regulations, or policies in particular topic areas. You may access this list by visiting https://www.uab.edu/compliance/compliance-program/contacts-for-compliance-questions. Under most circumstances, it may be appropriate to first contact your supervisor or school/department administrator to raise an issue or address a compliance concern. For information on the University’s overarching Compliance & Risk Assurance Program, contact C&RA at (205) 996-2006.

ACROSS
1. UAB program designed to prevent discrimination, harassment, and misconduct on the basis of sex in UAB educational programs and activities.
2. Short for the title of the institutional official to whom allegations of scientific misconduct must be reported.
3. Acronym used to describe camera systems installed in buildings and spaces throughout campus to promote public safety.
4. Moral principles that govern a person's behavior or the conducting of an activity.
5. UAB employees with documented disabilities may request accommodations through this office in Human Resources.
6. Amount of time spent on a sponsored project measured as a percentage of total University appointment.

DOWN
7. This law replaced previous circulars to require a strong system of internal controls that promote appropriate stewardship of federal funds for education and research.
8. Required training on responsible conduct of research may be completed using these online modules.
9. Along with public and restricted/PHI, a category of data described in UAB's Data Classification Standard.
10. Used for building access and must be worn by employees while on campus.
11. Act passed in 1996 containing a privacy rule that protects privacy and security of individuals' identifiable health information.
12. Misleading statements made to the Federal government that show reckless disregard for the truth or falsity of the information.

See answers on page 9.
Take Steps Now to Protect U.S. Scientific Research
Continued from page 2

According to the Council on Governmental Relations, a number of U.S. research institutions have received a letter from the National Institutes of Health noting foreign affiliations and funding that may not have been disclosed. Many of these were identified when NIH reviewed publications and the Thousand Talents Program websites and compared what they found to Other Support pages, Biosketches, and Progress Reports for adequacy of disclosure.

At a February 6, 2019 Council on Government Relations meeting it was reported that the NIH had recently referred to the Inspector General for the Department of Health and Human Services for investigation a dozen allegations of noncompliance related to medical research. These referrals primarily dealt with the failure of researchers to disclose foreign affiliations.

Protection begins with research community

In the letter, Dr. Collins appeals to the entire biomedical research community to take initiative in reducing such threats to U.S. biomedical research:

“While we depend on the major national security agencies and the Department of Health and Human Services’ broad national security efforts to protect our national security interests, NIH and the U.S. biomedical research community at large have a vested interest in mitigating these unacceptable breaches of trust and confidentiality that undermine the integrity of U.S. biomedical research.”

How can you help right now?

At UAB, there are processes in place to support good stewardship of intellectual property and confidential information related to research projects and activities. To do your part in ensuring the security and confidentiality of UAB research, you can take the following actions now:

1. Obtain approval for all external activities with foreign sources of support and commitments of time (even if not receiving salary support) for your UAB appointment, any international affiliations or collaborations, support from entities outside the U.S., outside relationships with foreign institutions, and other adjunct or part-time appointments.
2. Before traveling outside the U.S. or Canada on UAB business, complete the UAB-Related International Travel Registration Form.
3. If your work involves the shipment, transfer, or transmission of export-controlled items or information, you must obtain an export control license. Contact the Office of Compliance & Risk Assurance for more information and next steps.
4. If in doubt, contact the Office of Sponsored Programs or your school’s executive administrator.

Additional resources

Foreign Influences on Research Integrity
NIH Biosketch Instructions
Other Support Instructions

Compliance CHALLENGE

Read the hypothetical scenario below, and click on an answer A.-D. to enter a drawing for one of two $10.00 Barnes & Noble gift certificates to be held May 24, 2019. Only those with addresses ending in uab.edu or uabmc.edu qualify.

Dr. Gregg submitted an industry clinical trial proposal to the Office of Sponsored Programs and has been issued a pending account by Grants and Contracts Accounting. Which of the following does not describe the purpose of this pending account?

A. As simply a placeholder, with no action needed until the account becomes active when the industry contract is finally executed.
B. To begin allocating all pre-award study start-up expenses incurred since the beginning of study activities.
C. To reflect total cost of conducting the industry clinical trial, including those incurred during start-up.
D. To begin accounting for project employees’ time and effort and allow them to appropriately certify their effort reports.
In early 2017, as part of an overarching data security initiative, UAB launched a campaign to reduce the number of sensitive records stored in servers across campus by 25 percent that year and 10 percent annually thereafter. If you have stored Restricted/Personal Health Information (PHI) data, such as Social Security Numbers (SSNs), on your computer, departmental server, UABFile drive, or in cloud storage such as OneDrive or Box, you should review your files and delete or redact any such information that is no longer needed.

Legal requirements and University policies

Due to the increasing threat of identity theft and fraud, State and Federal governments have created privacy laws, and UAB has adopted internal policies and guidelines that require the institution and its employees to take steps to secure an individual's Social Security Number.

Examples of Legal Requirements

- Privacy Act
- Gramm-Leach-Bliley Act

University Policies

- UAB Data Protection and Security Policy
- Data Classification Rule
- Data Protection Rule
- Identity Theft Prevention Policy
- Data Access Policy

University guidelines advise against:

- Collecting, storing, or processing SSN data unless there is a need to do so;
- Transmitting SSN information over public networks without encryption;
- Retaining SSN data beyond its useful life; and
- Storing SSN data without encryption.

Records Retention

While UAB retains paper and electronic records in accordance with its Records Retention Policy and Records Retention Schedule, any records which are not required by law or policy for retention should be securely destroyed. It is the position of UAB that it is lawful and permissible to redact SSNs from archived electronic or paper records for the purposes of identity protection.

Data reduction

Four options are available for dealing with Restricted/PHI data, such as SSNs:

1. Removing: If you do not need the file, delete or shred it. According to the UAB Records Retention Schedule, coursework only needs to be retained for a semester after it is submitted if the grade is uncontested.

2. Redacting: If the file is necessary, but the SSN is not, redact it out by replacing it with Xs or using a black marker on paper documents.

3. Replacing SSN identifiers and authenticators: Any SSN serving as an identifier (a unique name or number used in a business process to ensure a specific person is linked with a file or document, for example, using a student ID on exams or projects, or including a SSN on financial documents or tax forms) should be replaced with another appropriate identifier. Any SSN serving as an authenticator (a password paired with a user ID to grant access to a service and intended to prevent unauthorized visitors from accessing specific resources) should be replaced by a different authenticator.

4. Retaining: Where the SSN must be kept, additional security measures must be taken to ensure the SSN cannot be easily compromised. Please follow the UAB Information Security Policies, Standards, and Guidelines. For more information, refer to the Data Protection and Security Policy and Data Classification Rule.

How to find SSNs in your electronic data and files

To find SSNs, start by looking in the places most likely to contain them. Use the regular search tool that comes with Windows or Mac to help find more SSNs. Be sure

Continued on page 9
The overall objective of the Office of Compliance & Risk Assurance (C&RA) is to provide assurance to University leadership that applicable regulations, policy requirements, and standards are met. An integral step is monitoring prioritized risk areas, including internal controls established for appropriate stewardship of UAB resources on sponsored projects, regardless of the type sponsor. This year, the Office of the Senior Vice President for Finance & Administration has charged C&RA with monitoring and reviewing processes related specifically to subrecipient agreements and effort reporting.

Subrecipient Agreements

Because the University, rather than an individual PI, is responsible for appropriately classifying third-party agreements in accordance with Uniform Administrative Requirements, the objective of this upcoming review is to provide reasonable assurance that applicable standards for third-party grant management, third-party determination, related processes, and internal controls are being met. Also, mischaracterization of third-party agreements, whether unintentional or not, can result in misapplication of the federal indirect cost reimbursement rate agreement with the University and other breaches of terms/conditions and regulations.

Effort Reporting

Both employees and the University must adhere to federal regulational and institutional policy regarding proper allowability, allocability, and responsibilities of salary charged to sponsored awards. At UAB, this is governed by Effort Reporting policy & procedures. Non-compliance or ineffective internal controls may result in penalties to both the individual and UAB. Specifically, C&RA will monitor and review the following:

- Decertification of previously certified effort reports;
- Effort reports certified after the deadline;
- Effort reports for tenured/tenure-track faculty with effort greater than 95%;
- Effort reporting for faculty with salary greater than the federal salary cap;
- At-risk accounts; and
- Other aspects of PI effort on both industry- and federally-funded projects.

Which subrecipient agreements and effort reports will be selected for review?

Subrecipient agreements will be selected randomly for review from among those projects submitted to the Office of Sponsored Programs during 2018.

Effort reportable employees’ reports will be selected for review using a scoring system based on data extracted from Oracle and IRAP and sorted by school. This system assigns one point for each effort reporting category satisfied (e.g., over-the-federal-salary-cap, >95% sponsor funded). The reviews of each effort report will include measures for activity (e.g., completed training vs. non-completion) and quality (e.g., consistency between effort report and other UAB information sources and supporting documentation).

See UAB’s policy on Establishing a Subrecipient Agreement and both the policy and procedures for Effort Reporting for more information. The Office of Sponsored Programs can provide guidance on subrecipient agreements. For effort reporting guidance, contact your Departmental Effort Officer.

Code of Conduct Corner: Standard of Conduct:

Safeguard & Accurately Account for UAB Resources

Responsible stewardship of UAB resources is an obligation of every member of the University community. UAB resources must be used for UAB business purposes and not for personal gain. All UAB accounts, financial reports, tax returns, expense reimbursements, time sheets, and other documents including those submitted to government agencies must be accurate, clear, and complete. UAB community members are expected to:

- Use UAB property, data, equipment, finances, materials, electronic and other systems, and other resources only for UAB purposes;
- Prevent waste and abuse;
- Promote efficient operations;
- Follow appropriate protocols for obligating UAB entities by contract/agreement;
- Follow sound financial practices, including accurate inventory accounting, financial reporting, responsible fiscal management, and internal controls; and
- Engage in appropriate accounting and monitoring.
In February 2017, the President’s Risk Cabinet chartered a taskforce to assess UAB’s culture, processes, and resources for visiting international scholars and to provide recommendations for overarching goals and potential improvements. The taskforce is championed by Dr. Pam Benoit, Dr. Chris Brown, and Ms. Alesia Jones and is comprised of representatives from academic and administrative units across campus that support or interact with visiting international scholars at UAB.

“UAB is hosting 358 visiting international scholars for spring semester 2019,” says UAB Senior Vice Provost Suzanne Austin, “and this is a testament to UAB’s reputation as a leading international research university. Our goal is to ensure that all of our visiting international scholars have a positive and productive experience during their time with us.”

Final recommendations from the taskforce to the cabinet are pending. However, in discussions among taskforce members and faculty sponsors, a few clear priorities emerged:

- Formalizing and building efficiency in recruitment, onboarding, and support processes;
- Organizing community resources available during period of stay; and
- Clarifying roles and responsibilities for individuals and units involved.

Stay tuned for more information about new approaches to addressing these priorities. In the meantime, if you have questions or concerns about the work of the task force, contact Katie Crenshaw in the Office of Compliance & Risk Assurance or Catherine Crowe in the International Student and Scholar Services Office.

Congratulations to Compliance Challenge Winners!

By participating in last issue’s Compliance Challenge, Heather Patterson and Jonathan Adams entered and won a drawing for two $10.00 Amazon gift certificates. To participate in this issue’s Challenge and enter a drawing for one of two $10.00 Barnes & Noble gift certificates, see the Compliance Challenge on page 5. This issue’s Compliance Challenge topic is pending accounts (formerly known as at-risk accounts).

UAB employees who are supervisors, whose job includes management of state funds in certain capacities or who meet a salary threshold of $75,000 are required by the State of Alabama to complete an annual Statement of Economic Interests form. Employees whose primary assignments are in the UAB Hospital or UAB Hospital LLC are exempt.

DEADLINE FOR ANNUAL ETHICS FILING: APRIL 30

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to search files "Containing Text" and not just file names of what you are searching. To save time, make sure the location where you are searching is limited to the places you listed in the above step. Unfortunately, Windows and Mac search cannot find SSNs that do not include the search terms you use. Here are some search terms to try:

- Social Security
- SSN
- last four

For an advanced approach, you can search for all of these at once by typing the following (if using OR or AND, they must be all capital letters to work right in Windows): "Social Security" OR "SSN" OR "last four"

The first task is to determine where to look. Where do you store documents or spreadsheets? What kind of files might have SSNs? Do you have any network folders or websites that might contain SSNs? While the locations and file types below are good places to start, they may not include other locations particular to your work that contain SSNs.

### Scope of UAB’s Data Reduction Initiative

Although storing and processing partial SSN data (e.g., the last four digits of a SSN) can reduce the risk of identity theft, residual risks do remain in instances where partial SSNs are used in conjunction with other identifying information such as address or birthplace. Many laws and UAB policies still apply to instances where partial SSN data is stored, processed, or transmitted. Consequently, partial SSN data are included in the scope of UAB’s data-reduction initiative.

The focus of UAB’s Data Reduction Initiative has been placed on the removal of SSNs from information systems and business processes. Therefore, any business process that includes the active use of SSNs in paper documents are also in the scope of the UAB’s SSN elimination efforts.

Archived paper records that are not currently used in a business process have been out of scope for these efforts, but it is the recommendation of the Office of Information Security to destroy or redact these documents if feasible (see Records Retention section above). If these documents do need to be retained without redaction, ensure that they are stored in a secure fashion.

### Locations to Search for SSNs

- My Documents folder
- Backup or storage folders
- Network drives or storage folders
- Emails or listservs
- Any websites, especially old versions
- Files no longer in use
- Old CD backups of past works

### File Types to Search for SSNs

- Word documents
- Spreadsheets
- Grade rolls
- Student exams, papers, homework, etc.
- Tax & financial forms
- Archived email
- Database backup files
- Website backup files

### Further Questions?

If you have any questions, first ask for advice from your departmental or unit Information Security Liaison (ISL) or the IT staff in your department. If you, your ISL, or IT staff still have questions, please feel free to contact the AskIT help desk. AskIT should be able to answer frequent questions or refer your question to the Office of Information Security if they cannot answer your question. Please visit the UAB Information Security website to access Data Reduction and other Information Security resources.

### CROSSWORD ANSWERS

**Across:** 1. Title IX; 2. RIO; 3. CCTV; 4. Ethics; 5. AWARE; 6. Effort