

Compliance for Faculty Chairs

The University of California, Riverside (UC Riverside) is subject to myriad federal and state laws and regulatory regimes that govern the way it is “Living the Promise.” Every employee at UC Riverside is responsible for understanding when and how such laws apply to their job duties. Faculty, staff, and students who work on behalf of UC Riverside are responsible for conducting themselves within the law and adhering to the [UC Riverside Principles of Community](#).

The Office of Compliance serves to foster a culture of ethics and compliance throughout the campus community. The Office is intended to assist members of the campus community in the performance of that responsibility by providing information about and offering guidance concerning compliance-related resources and materials. This presentation, in addition to providing a brief introduction to the Office of Compliance, identifies twenty compliance areas all faculty should understand, along with campus resources for assistance in these areas.

The UC Riverside Office of Compliance (2018)

- 1. Equal Opportunity/Discrimination/Diversity.** The University of California is an equal employment opportunity employer. The University does not discriminate on any basis prohibited by applicable Federal and/or State law including race, color, religion, sex, national origin, disability, age, citizenship status, Vietnam era or special disabled veteran status in recruitment, employment, promotion, compensation, benefits, or training. It is also the policy of the University to maintain a work environment free from discrimination on the basis of sexual orientation. UC Riverside remains committed to seeking the best-qualified individual to fill each available position and appropriately recognizes the contributions of each employee based on his or her job performance. The prohibition against sex discrimination encompasses the obligation to prevent sexual violence, including the requirement that training is completed by faculty and students as to what constitutes sexual violence and how to prevent it.
 - [UC Equal Employment Opportunity and Affirmative Action website](#)
 - [UC Discrimination, Harassment, and Affirmative Action in the Workplace Policy](#)
 - UCR Academic Hiring Toolkit (AY 2017-2018)
 - [UC Sexual Violence and Sexual Harassment Policy](#)
 - [UCR Equal Employment & Affirmative Action website](#)
 - [UCR Title IX Office website](#)
- 2. Workplace Harassment & Bullying.** It is the policy of University of California to provide an educational and working environment for students, faculty, staff and visitors that is free from illegal and/or inappropriate workplace conduct, including violence, harassment, sexual misconduct, threats, and hazing. The University encourages students, faculty, staff and visitors to promptly report incidents of misconduct and will respond appropriately, including taking disciplinary action when warranted, in response to misconduct by its students, faculty, staff, visitors and contractors.
 - [UCOP Guidance on Abusive Conduct and Bullying in the Workplace](#)
 - [Guidance from the UCR Provost Regarding Abusive Conduct and Bullying Involving Faculty and Academic Appointees](#)
- 3. Threats/Students in Need of Assistance.** It is important that all faculty members know there are resources on campus if they develop a concern about a student who may need of assistance, or who has made threats against classmates or the faculty member. UC Riverside offers a comprehensive set of Counseling and Psychological Services.
 - [UCR Responding to Distressed Students website](#)
- 4. Mandatory Reporting – Discrimination & Certain Crimes.** Federal and State law and UC policy require all faculty members to report instances of discrimination that occur on campus, during a University activity, or impact University students or employees. The faculty member does not need to evaluate the truth of the report and should not investigate it – making the report meets the faculty member’s obligation. Some faculty members are also considered “Campus Security Authorities” (CSAs) for the purpose of the Clery Act, which requires that CSAs report certain serious crimes that occur on campus to law enforcement. CSAs include advisors to student groups and faculty primarily responsible for student activities outside of teaching and research. Human Resources

identifies CSAs. The Clery Act Coordinator, in collaboration with the UC Police Department, maintains a list of “Clery crimes” that must be reported and provides forms for that purpose.

- [UC Campus Safety and Crime Reporting: Requirements of the Clery Act website](#)
- [UCR Clery Act Campus Security Authority \(CSA\) Training presentation](#)

5. **Anti-Discrimination Laws – ADA.** The Americans with Disabilities Act and other federal and state laws require the University to provide reasonable accommodations for students with disabilities. Every student at UC Riverside deserves the opportunity to make the most of their university experience. That is why UC Riverside works hard to ensure that students with disabilities have equal access to educational programs and can fully participate in all aspects of campus life. As a student or faculty member using R’Ability for the first time, the Student Disability Resource Center has created some short, easy guides.
- An important component of ADA compliance, is “tech accessibility” – providing teaching materials and other information technology in alternative formats so that it can be accessed by students with disabilities. If a faculty member has a student with a disability in class who needs such accommodations, he or she works with ODS to prepare alternative texts and accessible media. Even if a faculty member does not currently have a student enrolled who needs such accommodations, he or she should nevertheless ensure tech accessibility for any class that is introductory or required for a particular program. All websites and other public facing media must be accessible. Vendors are getting better about accessibility, but even some commonly-used programs are not fully accessible. Faculty should not assume that a product is accessible just because it is widely used.
- [UCR R’Ability by SDRC: Test Booking Training for Faculty presentation](#)
 - [UCR Students with Disabilities website](#)
6. **Religious Accommodations.** UC Riverside strives to provide reasonable accommodations for religious observance, including reasonable alterations in attendance policies and exam schedules.
- [UCR \(Registrar\) Policy on Religious Accommodations](#)
7. **Political Activity.** Federal and state law prohibit the University from participating in political activity. Faculty members must take care to ensure that their personal political activity is not interpreted as University action and no University resources may be used for a political purpose. The Offices of Campus Counsel and Governmental Relations have developed guidance that addresses many of the common questions about political involvement.
- [UC Restrictions on the Use of University Resources and Facilities for Political Activities Policy](#)
8. **Conflicts of Interest.** A conflict of interest exists in a situation where an employee of the University allows outside personal interest to influence his or her decisions at work. Outside interests, such as professional activities, personal financial interests, or the acceptance of gifts from third parties, can create conflicts between the interests of the University and private interests of an employee and may prevent the employee from making decisions that are in the best interest of the University. Some outside relationships are prohibited even if those outside interests do not actually impair an employee's ability to act in the best interest of the University, because it may appear to the public that the employee's independence of judgment or loyalty has been affected. The University intends to preserve the public trust in the integrity of University employees by preventing bias or the appearance of bias in decision-making.
- [UC Office of General Counsel \(Current Conflict of Interest Code\) website](#)
 - [UC BFB-G-39; Conflicts of Interest Policy and Compendium Policy](#)
 - UCR Academic Hiring Toolkit (2017-2018AY)
9. **Gifts & Gratuities.** In general, state employees may not accept or solicit any gift, favor, or service that might reasonably tend to influence him or her in the discharge of official duties or that he or she knows or should know is being offered with the intent to influence official conduct. Further, a state employee who makes recommendations or decisions about financial transactions for the University and who accepts a gift from a party who is interested in the transaction may be committing a criminal offense. A gift is anything of value, including tickets to entertainment or sporting events, expenses for a trip, and food. In addition, even though the acceptance of a gift may not constitute a crime or violation of the general standard of conduct law, it may appear to the public that a gift has influenced an employee in performing his or her job. Employees should not accept a gift that could reasonably appear to influence official conduct, even if the gift is technically legal.

- [UC PPSM-82; Acceptance of Personal Gifts and Gratuities by Employees under California's Political Reform Act Policy](#)
10. **Outside Employment.** Individuals are expected to treat their employment at UC Riverside as their primary job. Employees should not accept other employment or compensation that could reasonably be expected to impair their independence of judgment in performing official duties, or which interferes with their job performance. Regents' Standing Order 103.1(b)* provides that no one in the service of the University shall allow outside employment to interfere with primary University duties. It is interesting to note that the UC Policy on Outside Professional Activities of Faculty Members states that faculty members are expected to contribute to their professions and to the community and that, for purposes of academic review, the same standards of performance should be applied to their outside professional activities as to any other areas of academic endeavor. In fact, it requires faculty members to submit annual reports to their department chairs on those outside professional activities which are related to their academic specialty whether or not they are undertaken for compensation.
- [APM-025; Conflict of Commitment and Outside Activities of Faculty Members Policy](#)
11. **Family Members (Nepotism).** To prevent conflicts of interest and appearances of favoritism, no University employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary or supervision of a close relative. Employees are further required to disclose the existence of any relationship that may create a conflict of interest at the time of employment or that develops at any time during employment.
- [PPSM 21; Selection and Appointment Policy](#)
12. **Conflict of Interest in Research.** It is the policy of the University of California that research is conducted with integrity and free from any actual or apparent institutional or personal conflict of interest. An employee of the University who applies for grants or cooperative agreements from the federal government for research or other educational activities or who otherwise submits a proposal for sponsored research funding from any entity must insure that there is no reasonable expectation that the design, conduct, and reporting of the research will be biased by any significant financial interest of an investigator responsible for the research or other educational activity.
- [UC Research Policy Analysis and Coordination \(Conflicts of Interest\) website](#)
 - [UC Research and Technology Transfer Memos website](#)
13. **Purchasing/Contracts.** Federal and state law and many research grants require faculty follow the University of California purchasing policies when procuring goods or services. In many cases, vendors request that a faculty member approve a contract, license agreement, or terms and conditions. All these documents are a form of contract that must be approved by the Office of Campus Counsel before being signed. Faculty members are responsible for understanding the business terms in a contract and submitting it for approval in a timely fashion.
- [UC Procurement Services website](#)
 - [UCR Procurement Services website](#)
 - [UC Contract and Grant Manual website](#)
 - [UCR Sponsored Programs Administration website](#)
14. **Use of Intellectual or Copyrighted Property.** Copyrighted material, which includes almost everything written or recorded in any medium, including software, is protected under the Federal Copyright Act and, generally, may not be copied or used without the permission of the owner. Such materials may be copied without the permission of the copyright owner only within narrow exceptions under the Act. Any copying or reproduction of copyrighted software on University computing equipment must comply with the Act and any applicable software license agreement. Further, faculty, staff and students may not use unauthorized copies of software on University-owned computers or networks or computers located on campus. However, one exception, known as "fair use," allows copyrighted materials to be copied or otherwise used without the copyright owner's permission.
- [UC Copyright website](#)
 - [UC Copyright and Fair Use Policy](#)
15. **Export Controls.** Export control laws govern the shipment, transmission, or transfer of regulated items, information and software to foreign countries, persons or entities. The application of these laws is broader than many faculty members realize. For example, a "deemed export" of technology or services occurs when the

technology or service is provided to a foreign national on campus. Information sharing with colleagues in certain countries may also constitute the export of services or technology. Traveling with sophisticated programs or apps on a laptop, tablet, or cell phone may also be restricted in some circumstances. The University has put together a [website covering export controls](#) providing information about the laws and the exceptions.

- [UCR Sponsored Programs Administration Export Controls website](#)

16. **Records.** State law requires the University to maintain its “records” in a manner that they can be identified and provided when requested by members of the public. UC has adopted a [Records Management and Retention policy](#) to meet these requirements. Faculty research is not a “record” for the purposes of this requirement, but documents related to department business, faculty committees, and employees generally are. Each department chair is responsible for identifying the types of records they have and maintaining them in such a way that they can be retrieved. Records may only be destroyed pursuant to UC [records retention schedule](#). The [Office of Campus Counsel](#) is responsible for processing [public records requests](#) and faculty may refer any such requests to that office.

- [UC ITS Records Management website](#)

17. **Information Security & Confidentiality.** It is the policy of the University of California to protect information resources based on risk against accidental or unauthorized disclosure, modification, or destruction and assure the confidentiality, integrity, and availability of University data; to appropriately reduce the collection, use, or disclosure of other confidential data including but not limited to social security numbers, credit card numbers, *etc.*, contained in any medium, including paper records; to apply appropriate physical and technical safeguards without creating unjustified obstacles to the conduct of the business and research of the University and the provision of services to its many constituencies; and to comply with applicable state and federal laws and U System rules governing information resources.

- [Security@UCR website](#)

18. **FERPA.** With limited exceptions, the Family Educational Rights and Privacy Act (FERPA) provides that student records may not be released without a student’s written consent. Public display of grades or exam results, discussions with a student’s parents, or release of class lists to vendors or outside groups are all prohibited under FERPA. The UCOP Office of General Counsel (OGC) has put together a guide entitled [FERPA 101 – FERPA at the University of California](#) that can serve as a ready reference. Additionally, [PACAOS 130: Policies Applying to the Disclosure of Information from Student Records](#), describes the University’s policies applying to the disclosure of information from student records. Finally, the [UCR FERPA Policy](#) website provides comprehensive guidance.

19. **Obligation to Report Wrongdoing.** All University employees have a personal and professional obligation to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, the following (collectively referred to as “wrongdoing”): Illegal or fraudulent activity; financial misstatements, or accounting or auditing irregularities; conflicts of interests or dishonest or unethical conduct; violations of the institution’s code of conduct; and violations of other laws, rules, or regulations.

- [UCR Academic Senate By-Laws website](#)
- [UCR Reporting Academic Misconduct website](#)
- [UCR Research Misconduct website](#)
- [UCR Title IX Office website](#)

20. **Reporting.** Every UC Riverside employee is responsible for making sure that the University conducts its business with honesty and integrity. To help, all instances of possible violations of law, regulations, or University policy should be promptly reported. The Office of Compliance provides several ways to report a potential violation without fear of retaliation.

What is a reportable violation? Examples of violations include illegal or fraudulent activity, financial misstatements or irregularities, conflicts of interest, unethical conduct, and violations of laws, rules or regulations. If you have questions as to whether an action is reportable or not, please contact the Office of Compliance.



UNIVERSITY OF CALIFORNIA

**WHISTLEBLOWER
HOTLINE**
800-403-4744

universityofcalifornia.edu/hotline

What You Can Report:

Any activity by UC or a UC employee that;

- violates University policy
- violates a state or federal law or regulation, such as;
 - corruption
 - malfeasance
 - bribery
 - theft or misuse of government property
 - fraud
 - coercion
 - conversion
- wastes money, or
- involves gross misconduct, gross incompetence, or gross inefficiency.

Where To Report:

- Your Supervisor
- UC Riverside Whistleblower Website
<http://help.ucr.edu/whistleblower.html>
- Locally Designated Official: Elizabeth Boyd
elizabeth.boyd@ucr.edu or 951-827-1128
- Local Human Resources: Nicole Butts
nicole.butts@ucr.edu or 951-827-2673
- Local Audit & Advisory Services: Gregory Moore
gregory.moore@ucr.edu or 951-827-1428
- Local Academic Personnel: John Andersen
vpar@ucr.edu or 951-827-4383
- System-Wide Whistleblower Hotline
800-403-4744
universityofcalifornia.edu/hotline
- Senior Vice President & Chief Compliance & Audit Officer
ECAS@ucop.edu or 510-987-9090
- Academic Personnel: Amy K. Lee
amy.lee2@ucop.edu or 510-987-9503

How To Report:

- In writing or orally
- Provide as much specific factual information as possible, but do not investigate; leave that to the experts.
- Anonymously, if preferred

Protection from Retaliation:

If you believe you have been retaliated against for blowing the whistle on improper activity, you may file a complaint with your supervisor, Locally Designated Official, Human Resources, Audit & Advisory Services, or Academic Personnel.

For More Information:

The University's Whistleblower and Whistleblower Protection policies, and additional information, can be found online at <http://www.ucop.edu/uc-whistleblower/>.

Other Reporting Mechanisms:

- State Auditor's Whistleblower Hotline:
800-952-5665
www.auditor.ca.gov/hotline
- California Attorney General's Hotline:
800-952-5225

You may also report fraud, waste & abuse involving specific federal programs directly:

- Recovery Act Fraud Hotline (Misuse of Stimulus Spending):
877-392-3375
- Department of Defense Hotline:
800-424-9098
- Department of Homeland Security Hotline:
800-323-8603
- Rights & Remedies for Whistleblowers under the Federal Acquisition Regulation (FAR) Pilot Program:
<http://ucal.us/far>
- Rights & Remedies for Whistleblowers under the Defense Federal Acquisition Regulation Supplement (DFARS):
<http://ucal.us/dfars>
- Enhanced Whistleblower Protection under the NASA Federal Acquisition Regulation Supplement (NFS):
<http://ucal.us/nasa>

The [Higher Education Compliance Alliance \(HECA\) website](http://www.heca.org), created by the National Association of College and University Attorneys (NACUA) in partnership with thirty other higher education associations, provides the higher education community with a centralized repository of information and resources for compliance with federal laws and regulations. There is a helpful [Compliance Matrix](#) listing key federal laws and regulations governing colleges and universities. It includes a brief summary of each law, applicable reporting deadlines, and links to additional resources. Users can sort by topic area or by date to plan for upcoming reporting requirements. Users can filter by topic, to limit the matrix to certain topics of interest.