

COMPLIANCE & ETHICS PROGRAM REGULATION AND POLICY REVIEW GUIDE

Introduction

The System Administration Compliance & Ethics Program (“Program”) reviews System regulations and System Administration policies to identify compliance risks associated with the function(s) addressed by the policy. This review assesses the identified compliance risks and determines whether the policy contains adequate controls to mitigate the risks. The *Compliance & Ethics Program Regulation and Policy Review Guide* describes the scope of the compliance review.¹

Policy Owner Responsibilities

System Administration senior management officials are responsible for identifying and managing risks associated with the functions and activities performed by their business units. This responsibility includes exercising administrative oversight of policies that relate to the functions and activities they manage by ensuring these policies:²

1. are not contradictory with, duplicative of or cannot be incorporated into existing System Administration policies;
2. are consistent with Regents Rules and System regulations;
3. satisfy accrediting bodies and external industry/professional association requirements, as applicable;
4. are sufficiently clear so that substantive questions concerning execution of or compliance with the policy can be answered;
5. provide the guidance necessary to achieve the policy objective(s); and
6. clearly explain any decision-making processes required by the policy.³

Scope of the Compliance Review

The Program assists senior management officials fulfill their compliance responsibilities by reviewing proposed policies before they are adopted and reviewing existing policies when they are being revised. This review occurs during the early stages of the policy adoption and revision process, and includes:

1. assessing whether the policy addresses a function or activity that could result in criminal, civil, or regulatory sanctions against the organization or one of its officials;
2. assessing whether a policy aligns with applicable laws, Regents Rules and System regulations (in consultation with the Office of General Counsel);⁴

¹ For purposes of this guide, “policy” refers to both System regulations and System Administration policies unless stated otherwise.

² UNTSA Policy 01.100.

³ UNTSA Policy 01.100, sec. II.A.1.

⁴ The Office of General Counsel is solely responsible for determining whether regulations and policies comply with applicable laws, Regents Rules, System regulations and System Administration policies. Regents Rule 01.206 and UNTSA Policy 01.00, sec. I.B.

3. recommending measures/controls that can be included in policies to prevent and detect possible violations of applicable laws, Regents Rules and System regulations;
4. evaluating the adequacy of proposed measures/controls in managing compliance risks;
5. evaluating the impact, likelihood and velocity of compliance risk(s) addressed in the policy to determine the frequency with which the policy should be reviewed; and
6. identifying areas where policies can facilitate ethical and value-based decision-making and conduct.

Compliance & Ethics Program Policy Recommendations

Recommendations made by the Program are intended to facilitate compliance with applicable laws, regulations, and policies. Recommendations may include:

- suggestions regarding administrative and operational processes to prevent violations before the occur or detect them as soon as possible afterwards;
- whether training related to a policy should be mandatory and the frequency of such training;
- whether specific actions or processes included in the policy to address compliance risks should be subject to periodic sampling or review; and
- whether there is an opportunity for a policy to include requirements or guidance that advance the System Administration's commitment to System values and to ethical decision-making and conduct.

References

SAI360 Whitepaper. "Bridging the Gap Between External Regulations and Internal Guidelines." <https://www.sai360.com/wp-content/uploads/2022/06/bridging-the-gap-between-external-regulations-and-internal-guidelines-sai360-whitepaper.pdf>. Accessed March 5, 2024.

UNT System Office of General Counsel "Policy Legal Sufficiency Review Guide." March 2022.

Texas Education Code, section 51.971 – Compliance Program.