



Pima County Community College District Administrative Procedure

<i>AP Title:</i>	College Compliance Program
<i>AP Number:</i>	AP 2.18.01
<i>Adoption Date:</i>	7/28/15
<i>Schedule for Review & Update:</i>	Every five years
<i>Review Date(s):</i>	6/14/23, 3/24/26
<i>Revision Date(s):</i>	6/14/23, 3/24/26
<i>Sponsoring Unit/Department:</i>	General Counsel
<i>Policy Title(s) & No(s):</i>	College Compliance, BP 2.18
<i>Legal Reference:</i>	Federal Sentencing Guidelines, Sec. 8B2; False Claims Act; DOJ Evaluation of Compliance Programs
<i>Cross Reference:</i>	Employee Code of Conduct

PURPOSE

The purpose of this Administrative Procedure (“AP”) is to provide a framework for the design and implementation of the College Compliance and Ethics Program, to designate persons and units responsible for the implementation of the Program, and assign roles and responsibilities. The Compliance and Ethics Program shall provide a framework and resources to support and encourage compliance with legal, regulatory, accreditation, and policy requirements; promote and ensure ethical behavior; deter, identify, and prevent fraud or abuse; and remain consistent with guidance from the United States Department of Justice (“DOJ”).

SECTION 1: DEFINITIONS

1.1 "AP" means this Administrative Procedure.

- 1.2 "Chief Compliance Officer" is the person designated by the Chancellor to implement and oversee the College Compliance and Ethics Program. The Chief Compliance Officer shall have the overall responsibility for the College Compliance and Ethics Program.
- 1.3 "Unit" means any department, division, office, or other area of Pima Community College ("College").
- 1.4 "Unit Compliance Head" is the College employee responsible for overseeing a Unit's participation in the College Compliance and Ethics Program.
- 1.5 "Non-compliant Conduct" means, for purposes of this AP, any conduct that does not comply with an applicable federal or state law or that is contrary to College policies and procedures and to any standards prescribed in internal directives for a specific Unit.
- 1.6 "Employee" means any person employed (full-time or part-time, on a temporary or regular basis) by the College, or directly engaged in the performance of work under the provision of a contract with the College.
- 1.7 "Compliance Coordination Team" means the Employees appointed by the Chancellor in consultation with the Chief Compliance Officer to provide ongoing support for the oversight of the College Compliance and Ethics Program and work of the Chief Compliance Officer.
- 1.8 "College Compliance Matrix" is a comprehensive reference tool that identifies applicable state, federal, and local requirements for the College and the responsible Units.

SECTION 2: ROLES AND RESPONSIBILITIES

2.1 Chief Compliance Officer

The Chief Compliance Officer or designee shall have the following roles and responsibilities:

- a. In conjunction with the College Compliance Coordination Team, establish standards, procedures, and guidelines as necessary for implementation of the College Compliance and Ethics Program.
- b. Establish and maintain a College Compliance Matrix.

- c. Provide guidance and support to the Unit Compliance Heads in ensuring that each Unit satisfies applicable College Compliance and Ethics Program requirements.
- d. Establish and periodically conduct effective training about the standards, procedures, and other aspects of the College Compliance and Ethics Program to the College employees and members of the Governing Board, and otherwise disseminate information appropriate to the individuals' respective roles and responsibilities.
- e. Take steps to ensure that the College Compliance and Ethics Program is followed, including monitoring and auditing to detect Non-compliant Conduct. The Chief Compliance Officer shall coordinate this responsibility with the Office of Internal Audit.
- f. Periodically evaluate the College Compliance and Ethics Program to ensure the Program's effectiveness.
- g. Periodically assess the risk that Non-compliant Conduct will occur, based on the nature, size, and history of the College.
- h. Make necessary modifications to the College Compliance and Ethics Program based on the outcomes of risk assessments and the Program's evaluations.
- i. Develop and maintain, in coordination with the Internal Auditor, a system that allows the College employees to report or seek guidance regarding possible or actual Non-compliant Conduct without fear of retaliation. The reporting system shall include mechanisms that allow for anonymity and confidentiality.
- j. Ensure that the College Compliance and Ethics Program is enforced consistently within the College. The Chief Compliance Officer shall coordinate with individual Units of the College and the Human Resources Department on the development and use of appropriate disciplinary measures to address Non-compliant Conduct and for failing to take reasonable steps to prevent or detect Non-compliant Conduct.
- k. Whenever Non-compliant Conduct has been detected, respond appropriately to remedy the harm resulting from the conduct. The Chief Compliance Officer may, with support from the College Compliance Team and Offices of General Counsel and Internal Auditor, take all steps warranted under the circumstances.
- l. Whenever Non-compliant Conduct has been detected, take steps to prevent future similar conduct, including assessing and making necessary modifications to the College Compliance and Ethics Program. To accomplish this, the Chief Compliance Officer may use an outside professional advisor.

- m. Monitor the investigation and resolution by others of possible or actual Non-compliant Conduct.
- n. In cooperation with directors of Contracts and Purchasing, develop and enforce compliance and ethics standards in third-party contracts.
- o. Report fraud or abuse consistent with law and policy.

2.2 College Units

Every Unit of the College shall have the following responsibilities:

- a. Designate one person within the Unit to serve as the Unit's head of compliance. In a Unit that has two or more sub-units, the Unit may designate additional compliance leads, who shall support the work of the Unit Compliance Head. The Unit Compliance Head shall retain responsibility for overseeing the Unit's participation in the College Compliance and Ethics Program.
- b. Develop and maintain a Unit compliance plan, including the following elements:
 - i. Identify Unit's business practices that align with and satisfy the applicable compliance obligations of the Unit.
 - ii. Specify the compliance-related training requirements for employees of the Unit based on their job duties.
 - iii. Establish a process for periodic review and updating of the compliance plan.
 - iv. Establish a method for assessing the effectiveness of the compliance plan on at least an annual basis.
 - v. Designate the Unit Compliance Head and any additional compliance leads.
- c. Participate in training provided by the Unit's Compliance Head and by the Chief Compliance Officer.
- d. Enforce the College Compliance Program consistently through appropriate, case-specific, corrective actions and/or disciplinary measures, with input from the Unit Compliance Head or, whenever the discipline of the Unit Compliance Head is involved, with the input from the Chief Compliance Officer.

2.3 Unit Compliance Head(s)

The Unit Compliance Head shall have the following roles and responsibilities:

- a. Act as a liaison between the Unit and the Chief Compliance Officer.
- b. Engage in day-to-day operational responsibilities applicable to the Unit's area(s) of compliance.
- c. Coordinate the Unit's compliance efforts.
- d. Establish standards and procedures applicable to the Unit's area(s) of compliance, within the guidelines provided by the Chief Compliance Officer and with the input from the College Offices of General Counsel and Internal Auditor.
- e. Maintain the College Compliance Matrix in all areas of compliance applicable to the Unit. Whenever more than one Unit has responsibility for a single area of compliance, the Compliance Head shall coordinate with other Units to ensure regular and consistent maintenance of the Matrix.
- f. In coordination with the Chief Compliance Officer, develop effective training programs for the Unit.
- g. With the support of College Human Resources and Organizational Effectiveness and Development, conduct periodic training of the Unit's employees.
- h. Conduct internal monitoring and assessment of the Unit according to the schedules and format prescribed by the Compliance Officer. The Unit Compliance Head may determine the manner and procedures for conducting such assessment and monitoring.
- i. Provide input and support to the Chief Compliance Officer for implementation of the Compliance and Ethics Program, including in areas of enforcement and disciplinary actions, and in performance of College-wide risk assessments.
- j. Together with Unit's head, promptly take reasonable steps to prevent future similar conduct, including making necessary modifications to the Unit's procedures, whenever Non-compliant Conduct has been detected.
- k. Immediately notify the Chief Compliance Officer whenever a Unit Compliance Head receives notice of a review or audit by an outside organization.

2.4 College Employees

The College employees shall have the following responsibilities:

- a. Participate in training programs regarding the requirements, standards, procedures, and other aspects of the College Compliance and Ethics Programs as required by the Chief Compliance Officer and the employee's Unit Compliance Head.

- b. Take reasonable steps to prevent and report Non-compliant Conduct. Employees are encouraged to use the College Compliance and Ethics Hotline.
- c. Promptly notify the employee's Unit Compliance Head and, when applicable, the Chief Compliance Officer whenever an outside person or entity attempts to investigate or audit the employee's Unit.

2.5 Compliance Coordination Team

The Chief Compliance Officer shall chair the Compliance Coordination Team. The initial membership of the team shall include General Counsel, Director of Internal Audit, a representative from Human Resources, Finance, Provost, Facilities, Information Technology, Records and Information Management, and others as appropriate. The functions of the Team shall include:

- a. Serve as a resource for the Chief Compliance Officer.
- b. Approve the annual report on the Chief Compliance Program prepared by the Compliance Officer.
- c. Perform the functions of the Chief Compliance Officer if the Chief Compliance Officer or designee is unable to perform his or her responsibilities due to an actual or perceived conflict of interest.
- d. Consult with the Unit Head and Unit Compliance Head to prepare the response to any notice of a review or audit by an outside organization.

SECTION 3: ENFORCEMENT

- 3.1 Failure to comply with the requirements of this AP may result in a disciplinary action up to and including termination.
- 3.2 Whenever there is a disagreement within a Unit or between Units regarding a compliance-related matter, the matter shall be referred to the Chief Compliance Officer for resolution. The Chief Compliance Officer may consult with or refer the matter to the College Compliance Team.
- 3.3 Whenever there is a disagreement between a Unit Head and the Chief Compliance Officer regarding a compliance-related matter, either may refer the matter to the College Compliance Team for resolution.