

# Compliance Matters

Office of the President / Office of Compliance and Risk Management / Office of Equal Opportunity



## Spotlight on University Resources- A View from AFAR

Faculty, students and others engaged in externally funded research or activities that take them across international borders, particularly to places where NYU does not have a presence, have many bridges to cross, some known but some unknown.

AFAR – Advisors on Foreign Activities and Research – is a working group composed of administrators with expertise in each of the key areas that come into play. Coordinated by the [Office of Sponsored Program's](#) Global Projects Officer, Cormac Slevin, the purpose of AFAR is to provide guidance to international research and activities from proposal review to completion of the engagement.

International research and activities are woven into the fabric of the University. AFAR recognizes and encourages this view with the goal of building the many bridges to get there.

A researcher contemplating an international project need only reach out to the Global Projects Officer, or to any member of AFAR, and the process will bring in all necessary areas that need to be addressed.

### **When to consider AFAR**

Three distinct scenarios should bring AFAR to mind:

- NYU faculty, students and staff are directly engaged in externally sponsored research or activities taking place, in whole or in part, outside the U.S.
- Sub awards or consulting agreements with foreign individuals or institutions, or with U.S. based individuals or institutions, who will be engaged in externally sponsored research or activities taking place, in whole or in part, outside the U.S.
- Projects submitted to a foreign sponsor regardless of where the research or activities are to take place.

Each of these scenarios gives rise to a number of activities that are secondary to the research but essential to it, such as employing individuals in the country where the research is to be conducted, leasing facilities, managing cash, hiring a driver, leasing a car, obtaining visas, obtaining export licenses both from the U.S. and the foreign country if required, addressing safety and others.

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## **Why consider AFAR**

International research and activities give rise to a number of potential legal, compliance and operational issues that must be addressed at the outset. These include the following:

*Is registration required in the country where the research or activity is taking place?*

*Has the proper visa been obtained for the particular work or activity?*

*How are intellectual property issues being addressed?*

*How is cash flow to be arranged?*

*Can a bank account be set up?*

*Can property be leased?*

*Can people be hired in the host country?*

*How are tax matters to be handled?*

*Is safety an issue?*

*Is local Institutional Review Board approval required?*

*What are the contractual and sub contractual requirements?*

*Are material transfer agreements and non-disclosure agreements required?*

*Can equipment, technology and software be sent abroad freely or are there applicable U.S. Export Control and local Import Control requirements necessitating a license?*

*Is travel permitted to the country in question? Is the kind of activity to be engaged in permitted?*

*Have Human Subject and Animal Welfare laws of the U.S. and the country in question been taken into consideration?*

## **How the AFAR process works**

AFAR convenes as needed to review international projects. [AFAR working group members](#) engage in a dialogue to determine the questions to be asked and answered and to make recommendations on ways in which project-specific risks can be reduced, eliminated or managed.

Principal Investigators and researchers participate by providing necessary information. Administrators provide expertise, determine resource allocation and present their assessment to the decision makers – the Provost, Executive Vice President for Finance and Information Technology, Senior Vice Provost for Research and the Deans.

For more information, please visit the AFAR webpage by [clicking here](#).

## Addressing Unconscious Bias in the Search Process

With locations in New York City and around the world, NYU is dedicated to ensuring that its faculty, staff and students experience, understand and embrace diversity. The University Community includes individuals from all 50 states and more than 140 countries around the world. While NYU has seen steady growth in ethnic and racial diversity, diversity encompasses a variety of beliefs, viewpoints, and perspectives that can shape behavior. Enhancing diversity requires an understanding of those obstacles that impede diversity, namely bias.

Mahzarin R. Banaji, renowned Professor of Social Ethics in the Psychology Department at Harvard University, has written: “Even the most well-intentioned person unwittingly allows unconscious thoughts and feelings to influence apparently objective decisions.”

Research studies show that each one of us has a lifetime of experiences and a cultural history that influence our thoughts and considerations during the search and review process of applications. A first step toward ensuring fairness in this process is to recognize that these unconscious biases exist and that they may influence our expectations (or assumptions) of candidates.

When it comes to faculty recruitment and hiring activities, bias can impede the efforts in searching for the right candidate. In order to help combat unconscious bias in the faculty search process, the Office of Equal Opportunity partnered with Dr. Charlton McIlwain, Associate Professor of Media Culture and Communication at the Steinhardt

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# Internal Audit: Transition to Trusted Advisor

Have you heard of NYU's [Office of Internal Audit](#)? If not, you are not alone. Historically, NYU's Internal Audit department was a behind-the-scenes function working to provide additional assurance to the University's financial and transaction-oriented activities. Internal Audit's scope of work resulted in limited interaction with the NYU community.

Last Spring, NYU's Internal Audit team took a step out from behind-the-scenes with encouragement from the new Assistant Vice President of Internal Audit and Financial Compliance, Jasmine de Nully. Jasmine came to NYU from Forest Laboratories where she was Chief Audit Executive and Assistant Vice President of Internal Audit.

It was there where she implemented and directed an internal audit function focused on a risk-based approach. Jasmine is enthusiastic about the new direction of NYU's Internal Audit Program and wants the NYU Community to know that, "We are not your typical auditors and are very excited to build strong relationships across the University."

According to the *International Standards for the Professional Practice of Internal Auditing*, a risk-based audit approach is one where there is consideration of the organization's risk management framework and risk appetite. Internal Audit will focus its activities on areas that are deemed to be high-risk that will add value to the organization and will assist and partner with stakeholders.

NYU's Office of Internal Audit believes collaboration is key to understanding the University's audit risk profile and building trust with constituents. Internal Audit is engaging with the Office of Compliance and Risk Management as well as the Office of Insurance and Enterprise Risk Management to leverage previously identified risks and coordinate future endeavors to create synergies. Together, these offices are working to proactively detect and mitigate risks or inappropriate activities.

Internal Audit's transformation extends beyond its audit approach to its operating model. The team is breaking down silos and developing active relationships and partnerships with different business and academic units across the NYU Community. Internal Audit's Senior Director, Michael Wigcherink, suggests that, "when a department thinks about changing a process or its internal controls, they should consider Internal Audit as a resource for guidance."

The Office of Internal Audit hopes that, by the end of its transformation, members of the NYU Community will not only view the Office of Internal Audit as a valuable resource, but also as a trusted advisor.

For additional information, please contact Internal Audit at (212) 998-2775 or by email at [jasmine.denuilly@nyu.edu](mailto:jasmine.denuilly@nyu.edu).

## Policy Post

Policy Post is a new addition to *Compliance Matters* that brings awareness to the University Community about new and updated University-wide policies and guidelines. Each newsletter will cover any significant new and revised University policies.

The [Sexual Misconduct, Relationship Violence, and Stalking Policy](#) was revised in September 2015 to reflect New York State's new campus sexual assault law, known as "Enough is Enough," that went into effect on October 5, 2015. The law governs how colleges and universities in New York State handle sexual assault, dating violence and stalking.

You can also find revised Resource Guides and related material at the Policy and Guidelines website by [clicking here](#).

*Compliance Matters* is published by the Office of the President and provides updates about important compliance, risk management, equal employment opportunity, and University policies.

We welcome feedback and suggestions from the NYU Community for articles in future issues. Please send your ideas or submissions to Diane Delaney, Associate Compliance Officer, at [diane.delaney@nyu.edu](mailto:diane.delaney@nyu.edu), or Jessica Wasserman, Assistant Compliance Officer, at [jessica.wasserman@nyu.edu](mailto:jessica.wasserman@nyu.edu).