

Introducing the Office of Compliance and Risk Management and the Office of Equal Opportunity



The Office of Compliance and Risk Management (OCRM) which was originally part of the Office of Legal Counsel, joined the Office of the President in 2009.

NYU encourages a culture of conduct consistent with laws, regulations, and internal ethical and business policies. The mission of the OCRM is to promote and support a working environment which reflects NYU's commitment to the highest level of integrity and ethical standards.

OCRM staff offers consultation in identifying and resolving concerns about the adequacy of internal system controls, compliance processes, and ethical issues such as conflicts of interest to units and programs around the University. In response to requests, we provide internal reviews and confidential fact findings. OCRM also works with the Office of General Counsel on the annual conflicts of interest process.

We have consulted with NYU schools and business units on a variety of compliance issues and presented targeted training on the NYU Code of Ethical Conduct for a range of audiences.

The OCRM is staffed by Chief Compliance Officer Bob Roach,

Associate Compliance Officer Rebecca Holland, Manager of Compliance Diane Delaney-Sheehan, Associate Director Sunita DeSouza, and Executive Assistant Joann Consuegra. Maggie Bavuso serves as the Chief Compliance Officer at NYU Abu Dhabi (*see article, pg.3*).

Contact Bob Roach at 212-998-2075, Rebecca Holland at 212-998-2753, or OCRM by email at NYUCompliance@nyu.edu. We encourage you to contact us with any compliance questions or concerns.

The Office of Equal Opportunity (OEO) was established in Fall 2009 and collaborates with the NYU community in promoting diversity, cultural sensitivity, and equal opportunity in academic excellence, scholarship, teaching, and service. The OEO is also NYU's American with Disabilities Act (ADA) and Title IX Coordinator, serving as a resource regarding reasonable accommodations (*see article below*).

The OEO assists in the development of policies, procedures and programs related to equal opportunity and disabilities, and conducts harassment prevention seminars for faculty and staff.

To date, seminars have been provided for the Athletics Department, Tisch Asia, and the Graduate School of Arts & Science. The OEO also advises faculty search committees and Human Resources on how to achieve Affirmative Action goals in recruitment, promotion, and retention.

The OEO has responded to, assisted in, and/or investigated multiple complaints and inquiries concerning discriminatory and sexual harassment, and has reviewed and evaluated numerous requests for ADA accommodations.

The OEO is staffed by Executive Director Mary Signor and Deputy Director Craig Jolley. This year, Dr. Sherri-Ann Butterfield, a tenured professor at Rutgers University, Newark, has joined us as a 2010-2011 American Council on Education (ACE) Fellow. You may contact the OEO at 212-998-2375, or by email at mary.signor@nyu.edu.

Both offices report to Diane C. Yu, Chief of Staff and Deputy to the President.

Accommodating Disabilities at NYU by Mary Signor

The Americans with Disabilities Act (ADA), enacted in 1990, is sometimes referred to as the civil rights law for people with disabilities. The ADA protects people with disabilities from discrimination in employment, public accommodations, transportation and telecommunications, and state and local government services. The ADA Amendments Act of 2008, or ADA-AA, went into effect in January of 2009, and broadened ADA protections, expanding eligibility to include additional categories of disabilities.

At NYU, the Office of Equal Opportunity (OEO) serves as the ADA Coordinator and is responsible for evaluating employees' requests for accommodations under the ADA. Reasonable accommodations are modifications made to remove workplace barriers and enable qualified individuals with disabilities to perform their jobs.

The interactive process of requesting reasonable accommodations, in writing or verbally, can be initiated by an employee or applicant, or by someone acting on that person's behalf. Requests for accommodation are often made by an employee's manager or a hiring official during the selection process. When a request is made, the OEO secures and reviews the employee's medical documentation in support of the request, and then makes a recommendation based on the health care provider's suggested accommodation.

Accommodations under the ADA can require NYU to consider ways of altering the manner in which a job is done in order to allow a disabled employee to perform the essential functions of his or her job. (*Article continued on page 3.*)

New Regulations from U.S. Citizenship and Immigration Services (USCIS) by Lisa Vogel

What is Compliance?

A compliance program promotes an organizational culture that encourages ethical conduct and a commitment to compliance with the law. At NYU, compliance with the law and NYU policies is everyone's responsibility.

The primary objective of compliance is to provide direction, guidance and resources to optimize ethical and compliant behavior. NYU's compliance program assists in the University's endeavors to fulfill its responsibilities in an ethics-based environment that is consistent with applicable internal policies, laws, rules and regulations.

NYU's day-to-day compliance activities are conducted by the local academic and administrative units. These activities include:

- Helping to identify and implement best practices to ensure excellence in fulfilling NYU's legal, ethical and regulatory obligations.
- Developing and implementing policies.
- Promoting training and communication about compliance activities.
- Monitoring the performance of each unit's functions for compliance with best practice standards, policies, and legal and regulatory obligations.
- Identifying and addressing deficiencies and recommending improvements.
- Periodic risk assessments to establish compliance program priorities.

On February 20, 2011, new federal regulations went into effect concerning the information employers must provide to the federal government when petitioning for certain visas for foreign nonimmigrant workers, such as H-1B, L1 and O-14 visas. Last year, NYU sponsored approximately 800 foreign scholars, 200 of whom were on H-1B visas and 12 who were on O-1A visas. Under the new regulations, when NYU petitions for foreign national employees' visas with the revised Form I-129, we must certify that their employment will comply with *deemed export* rules of the U.S. Departments of State and Commerce, which govern release of controlled technology to foreign persons.

Certain technological information and data developed or used in research may have a military purpose, or dual civilian and military uses, and therefore be subject to export controls. An export is *deemed* to have occurred if controlled information is revealed to foreign nationals, including those working for employers within the United States.

Scientific and engineering research conducted at NYU is almost always considered *fundamental research*, which is exempt from export control laws because its results are widely published among the scientific community and are made available to the public.

NYU assures that research is eligible for this

exemption by ensuring that contracts and grants do not contain restrictions on publication and/or limitations on who may participate. However, some research in which foreign employees participate may be considered deemed exports based on the specific terms of contracts or grants or the type of technology or being used.

On the revised Form I-129, NYU must certify that it has reviewed applicable export control regulations for technology used in projects on which foreign nationals are employed.

The Office for International Students and Scholars (OISS), with the Offices of Research Administration and Compliance, General Counsel, and Compliance and Risk Management, developed an effective system for NYU's compliance with the new regulations. Accordingly, foreign nationals' supervisors and/or Deans or Deans' designee must complete an internal form to instruct OISS on proper completion of the H-1B or O-1A visa petition. If questions arise about whether an employee is subject to deemed export rules, a secondary review by the Office of General Counsel may be required.

For more information, contact Lisa Vogel in OISS at 212-998-4727, or Marti Dunne in Research Administration and Compliance at 212-998-2115.

The Compliance Process at NYU

In order for New York University to continue to provide a supportive environment in which to explore new ideas, engage in teaching, research, learning, and provide health care, it is critical that we perform our work with integrity and in compliance with applicable laws and regulations.

The University Compliance Steering Committee (UCSC), made up of NYU's senior executives who have primary responsibility for approving our ethics, compliance, and training priorities, has oversight responsibility for the University's compliance efforts, including the fulfillment of these priorities.

Our academic and administrative units are the primary locus of compliance with applicable laws and regulations at NYU and have authority for policy development and responsibility for implementing compliance activities.

To ensure the development of an effective compliance program, the UCSC has appointed compliance officers who have day-to-day responsibility for key compliance areas to participate in the Compliance Officers Working Group (COWG).

The COWG members provide leadership in their areas of expertise and, together with the Chief Compliance Officer and the OCRM, assure effective communication and collaboration among individuals at NYU who are responsible for compliance activities.

Risky Business by Michael Liebowitz

Every year, a university in California that was built in an olive grove spent thousands of dollars cleaning the olive-covered grounds, which created a risk that people would slip and fall. The campus grounds manager came up with an idea to address the problem — instead of deploying his staff to pick up the mess, they would harvest the olives, press them into olive oil, and sell the finished product under the university's label to benefit the school.

As this story demonstrates, good risk management is not just about avoiding losses, it is also about creating opportunities. Everybody engages in risk assessment and management every day, often without realizing it. The process may be as simple as looking to see if a car is coming before crossing a street. Risk management is just good management.

Insurance officers were the first to adopt risk management principles. Then operational managers began to use them to evaluate safety and environmental issues. Now, many types of organizations use risk management techniques to protect themselves and improve organizational performance. Modern risk management techniques are flexible. They can be used to assess and improve an entire organization or adapted to meet the needs of an individual unit or activity.

We do not have to contend with fallen olives on the sidewalks of Greenwich Village at NYU, but we do maneuver around government regulations, economic uncertainty, and other external factors that may seem to create barriers to achieving our goals. Risk management principles can help us design comprehensive frameworks in which to deal effectively with barriers and risks, and improve our ability to best meet the needs of students, faculty, staff and the rest of our community.

To test the effectiveness of risk management techniques for NYU, the Office of Insurance and Risk Management has partnered with the OCRM and a number of operational and administrative offices. The goal of this project is to build a program that can be easily tailored to NYU's unique goals and needs. We will be updating the community as the process moves forward. For more information, contact Michael Liebowitz, Director of Insurance and Risk Management, at 212-998-2757.

Accommodating Disabilities (Cont. from pg. 1)

To date, NYU has provided accommodations such as improving facilities' accessibility, offering modified work schedules, acquiring equipment, modifying workstations, altering training materials, and providing qualified interpreters or readers for meetings and public events.

As the term implies, NYU is not required to make an "unreasonable" change or modification, meaning one that would cause an "undue hardship" to the University based on significant expense or difficulty in implementing. Often the cost of necessary accommodations is incidental rather than substantial.

"Undue hardship" may also be found when an accommodation would be disruptive to the business needs and operation of a business unit or school. NYU's OEO assesses whether a particular requested accommodation would pose an "undue hardship" on a case-by-case basis in consultation with the employee's immediate supervisor.

To ask additional questions, or to schedule an informational session on the ADA for your unit or school, please contact OEO Deputy Director Craig Jolley at 212-998-6886.

Compliance in Abu Dhabi

This year, NYU Abu Dhabi (NYUAD) admitted its first class of students, who are now completing their first semester. Construction of the school's permanent campus proceeds.

As the first comprehensive liberal arts and science campus to be established in the Gulf Region by a leading Western university kicks into gear, NYUAD can expect to face some compliance and ethics issues that are unique to its environment and some that are similar to what we experience at NYU in New York.

To address the nuances of operating in Abu Dhabi, NYUAD hired a Chief Compliance Officer who works collaboratively with the OCRM to ensure that the campus maintains NYU's commitment to integrity and ethical standards. Maggie Bavuso began as NYUAD's Chief Compliance Officer in the summer of 2010. She has extensive experience working in compliance, risk management and ethics with companies both within the U.S. and abroad. She works in consultation with Associate General Counsel Caroline Dimitri, who is also based at NYUAD.

Questions or concerns about compliance and ethics at NYUAD can be addressed to Maggie by phone from an NYU landline, at extension 51-8-4149, or by email at maggie.bavuso@nyu.edu.



The Compliance Process (Cont. from pg. 2)

The COWG meets regularly and helps coordinate implementation and maintenance of an effective compliance program. By identifying new and emerging areas of compliance risk, the COWG keeps NYU's compliance program current and ready to address areas of concern.

The COWG also advances the quality and currency of the University's compliance practices and policies by frequently reviewing and monitoring ongoing compliance activities and recommending creative and corrective solutions when necessary.

The Chief Compliance Officer chairs the COWG and, with the advice of the UCSC and COWG, regularly reports to the Audit and Compliance Committee of the NYU Board of Trustees regarding the NYU compliance program.

This process helps to ensure that NYU has an effective compliance program and creates an open avenue of communication about compliance issues among senior management, the various compliance officers and the Chief Compliance Officer.



Compliance Reporting Line

If you have questions regarding ethics, compliance or best business practices, or if you observe conduct at NYU that is inconsistent with expectations of an ethical learning and working environment, we encourage you to contact the Office of Compliance and Risk Management. You may do so by directly calling our office or through the NYU Compliance Reporting Line at **877-360-7626**. You can also make an inquiry via the web. For more information, please email our office at NYUCompliance@nyu.edu.

The Compliance Reporting Line is operated 24 hours a day, 7 days a week, by an outside vendor, whose trained staff will ask you questions and provide a report to the Office of Compliance and Risk Management. Callers may choose to remain anonymous, but must provide sufficient information about the nature of the conduct that raised their concern and the participants in that conduct to enable us to undertake an investigation.

Examples of matters that you may report include: conflicts of interest; financial and business integrity issues; misuse of University property or assets; and research or academic misconduct.

All reports will be handled by the appropriate University officials as promptly and discreetly as possible.

Reports of alleged sexual, disability, or discriminatory harassment should be directed to the Office of Equal Opportunity at 212-998-2375.



Pictured:

Far left: Robert F. Roach, Chief Compliance Officer, Office of Compliance and Risk Management. *Middle:* Mary Signor, Executive Director, Office of Equal Opportunity, *Right:* Maggie Bavuso, Chief Compliance Officer, NYU Abu Dhabi

Compliance Matters is a newsletter issued by the Office of the President. *Compliance Matters* will be issued to the NYU community three times a year and provide updates on important compliance, equal employment opportunity, and disability issues. The editors welcome articles on compliance and OEO matters for possible inclusion on future issues. Please send your ideas or submissions to Robert Roach at robert.roach@nyu.edu or Mary Signor at mary.signor@nyu.edu.