

16.01.01 Ethics and Compliance Programs

Revised [April 16, 2019](#)

Next Scheduled Review: April 16, 2024

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Regulation Summary

Each member of The Texas A&M University System (system) is responsible for establishing an organizational culture that encourages ethical conduct and compliance with its legal obligations, complying with all applicable federal and state laws, and meeting and complying with any reporting requirements required by law and system policy.

This regulation is required to ensure that all members have an infrastructure to systematically identify and address risks so that faculty and staff are aware of and adhere to their ethical and compliance responsibilities.

Regulation

1. SHARED SERVICES

The system ethics and compliance officer (SECO) and member ethics and compliance officers (ECO) will regularly seek guidance from and coordinate with the System Office of General Counsel and System Internal Audit. SECO will work with the member chief executive officers (CEO) or designees to design and implement effective compliance programs (including compliance plans). These programs should maximize efficiencies and promote best practices including, but not limited to, the development and sharing of system-wide subject matter expertise, training and education. SECO has unrestricted access to all operations, records, information, property and personnel to carry out this regulation. SECO is responsible for preserving the applicable confidentiality of the information it gathers or maintains, in addition to preserving the applicable privacy, to the fullest extent possible, of the participants of compliance investigations and reviews. SECO has the independence necessary to be able to carry out duties effectively without fear of retaliation.

2. INVESTIGATIONS AND COMPLIANCE REVIEWS

2.1 INVESTIGATIONS

SECO and the member ECO may conduct compliance program investigations, and/or monitor the investigation conducted by an appropriate designee. The member ECO may make written findings and recommendations to the member's CEO or designee and SECO. SECO is designated to receive, review and investigate complaints against the following: the chancellor, an employee who directly reports to the system Board of Regents (board), a member CEO, or an employee who directly reports to a CEO or the

chancellor. SECO will promptly notify the board after receiving such a complaint. The board chair or designee will serve as the designated administrator in complaints against the chancellor or an employee who directly reports to the board.

2.2 COMPLIANCE REVIEWS

Compliance reviews are SECO-directed reviews of particular system programs or activities to determine whether they comply with applicable legal and regulatory requirements. Compliance reviews are performed in accordance with state law and can only be initiated by SECO.

2.3 PARTICIPATION

All employees are required to fully and truthfully cooperate with those performing an investigation or compliance review pursuant to this regulation, unless expressly prohibited by law. An employee found to have intentionally provided false or materially misleading information, to include false allegations, to an administrator, official, and/or investigative authority, or otherwise interfere with a review or investigation, is subject to disciplinary action, up to and including dismissal. Employees must not discuss investigatory matters with anyone who does not have a need to know and must not alter, delete or destroy any records relating to the investigatory matter. Any retaliatory action taken against an employee for reporting suspected non-compliance issues or otherwise participating in a review or investigation is prohibited.

3. APPOINTMENT OF MEMBER ETHICS AND COMPLIANCE OFFICER AND COMMITTEE

3.1 Each member will appoint an ECO. The member ECO has unrestricted access to the CEO and any other officer or employee necessary to the efficient function of the compliance program. The member ECO has unrestricted access to all relevant operations, records, information, property and personnel to carry out this regulation. The member ECO is responsible for preserving the applicable confidentiality of the information it gathers or maintains, in addition to preserving the applicable privacy, to the fullest extent possible, of the participants of compliance investigations and reviews. The member ECO will have the independence necessary to carry out duties effectively without fear of retaliation.

3.2 Each member will appoint an ethics and compliance committee chaired by the CEO or ECO. The purpose of the committee is to develop a compliance plan specific to the member that identifies risks, establishes mechanisms to systematically address those risks, and monitors the effectiveness of mitigation measures. This plan will be approved by the CEO and SECO. The member ethics and compliance committee will meet quarterly to assess progress on the plan, including the allocation of resources to ensure compliance, and to address any newly identified areas of risk or noncompliance.

4. REPORTING RESPONSIBILITIES OF SYSTEM MEMBERS

4.1 The member ECO must promptly report to the CEO and SECO any suspected compliance violation that has caused or poses an imminent risk of injury or harm to persons, property

or the surrounding community, or reputational harm, as soon as possible after discovering or receiving a report of the suspected violation. In coordination with SECO, the member will determine appropriate action that should be taken to address the suspected compliance violation.

- 4.2 The member ECO will also provide a quarterly report to SECO concerning compliance activities and processes during each calendar year.

Related Statutes, Policies, or Requirements

[Tex. Educ. Code § 51.971, Compliance Program](#)

[System Policy 07.01, Ethics](#)

[System Policy 07.03, Conflicts of Interest, Dual Office Holding and Political Activities](#)

[System Policy 07.04, Benefits, Gifts and Honoraria](#)

[System Policy 07.05, Nepotism](#)

[System Policy 16.01, System Ethics and Compliance Program](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

Ethics and Compliance
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