Office of Compliance, Risk, and Ethics

Annual Report
January – December 2018

MC MONTGOMERY COLLEGE

MONTGOMERY COLLEGE

The staff of the OCRE will align itself with the College's mission of supporting student success by considering how all activities lead to that end.

We will spark and nurture a culture of respect guided by ethical values.

With core responsibilities in oversight, monitoring, and tracking of new laws and regulations, the OCRE will build a framework of assurance for the Board of Trustees, the President, all College constituents, and the Montgomery County community.

OUR VISION
The Office of Compliance, Risk, and Ethics (OCRE) will lead the Montgomery College community by shining light on our shared risks and opportunities, providing direction, and supporting the enforcement of rules and standards. We will hold ourselves accountable for our success and thread ethical values throughout our work. The College will seek us out for guidance to do the right thing the first time.

We will know we are successful when employees practice and value effective risk management.

Our investigations will be timely, thorough, and fair.

We will prioritize inclusion, neutrality, transparency, and accountability.

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Executive Summary

This Annual Report presents the College's Office of Compliance, Risk, and Ethics' major areas of responsibilities and informs the College community of how the Office supported the institution's goals through compliance and risk oversight, advisory services, compliance monitoring and execution, investigations, an ethics program, and internal audit services in 2018. While we have existed as a distinct Office since 2012, the work we do continues to be measured by accountability, ethical values, and a strong set of principles aligned with the College's mission towards student success. Therefore, the Office's program goals for 2019 are also included at the end of this report and highlights our ongoing commitment to serve the staff and students.

The Office of Compliance, Risk, and Ethics is responsible at Montgomery College for:

- oversight, monitoring, and coordination of regulatory compliance including applicable county, state, and federal laws, regulations, and other requirements;
- development, implementation, and management of an Employee Code of Ethics and Standards of Conduct program;
- response to and case management of the College's third-party reporting line;
- development and implementation of an Enterprise Risk Management program;
- performance of internal audits;
- risk advisory services;
- execution of compliance with Americans with Disabilities Act for students;
- execution of compliance with Title IX;
- application of a youth protection program; and
- reporting for Maryland State Ethics Commission Financial Disclosure.

These responsibilities are achieved through multiple layers of programs and initiatives.

As Montgomery College was forward thinking in the decision to create a compliance office in 2012, the College has also been forward thinking in the plans for an enterprise approach to risk management. As higher education institutions face increasing pressures, a reasonable response is for more proactive, effective enterprise risk management. Institutions benefit from diminishing negative risk and inviting positive risk, also known as opportunities. In doing so, institutions increase their chances of achieving mission and goals. A trend exists for risk management practices in more deliberate and thoughtful ways across college campuses. Risk management has progressed from traditional claims and loss management through insurance, to a disciplined approach to managing the highest risks and opportunities to achieving strategic goals and directing appropriate institutional resources to them. Enterprise risk management ("ERM") practices, once thought reserved for large corporations, are now used in higher education for the same purposes as any organization: to increase the odds of success.

The Office of Compliance, Risk, and Ethics takes a holistic approach to the work it does. At any junction, there is a carry-over from ethics to compliance to assurance, thus bringing an **actual** practice of managing risks Collegewide, not just in silos. This work is allowing us to develop a more comprehensive ERM program that touches all the College's risks and opportunities and can be deployed by decision makers to help break down more silos.

One of the ways that the Office of Compliance, Risk, and Ethics informs and oversees regulatory compliance risks throughout the College is through a compliance watch list. The watch list is shared with risk owners and senior leadership to communicate the status and trends to reduce current compliance risks. The watch list is also used to identify areas of critical compliance concerns to promote institutional focus to reduce the risk levels. Twice during the year, compliance matters are added, moved, or removed from the watch list. The matters become areas of risk based on a risk ranking category assigned to them. In 2018, the Fair Labor Standards Act was the sole new item added to the watch list. Also in 2018, three compliance matters were reduced to a lower risk because management effectively changed how it enacted compliance. Conversely, two compliance matters increased in risk ranking during last year as a result of repeated missteps and noncompliance. Lastly, four regulatory areas were removed from the watch list after having been reduced to a risk level that was acceptable to the College.

Outreach, training, and awareness is a critical component of any compliance program. Collegewide compliance newsletters, *Compliance Matters*, are developed and distributed each fall and spring semester. The newsletter covers the areas of higher compliance risk and provides guidance and information to manage and prevent compliance risks at the College. As a means of outreach to both students and employees, the office holds annual compliance fairs on each of the three campuses in honor of National Compliance Week. The compliance fairs include the participation of compliance partners from across the College and are a means of outreach and education on the current issues. Compliance training, both in-person and online, are available to employees and students. In 2018, 401 College employees attended compliance awareness and training presentations, predominantly in the areas of Title IX and ethics.

An essential piece of any compliance program is to establish, maintain, and enforce effective policies. This year, the Office of Compliance, Risk, and Ethics supported the updates for College Policy and Procedure 61008—Reporting Suspected Acts of Wrongdoing, 31001—Sexual Misconduct, 39003—Protection Against Retaliation, and 39002—Volunteers and Interns. These updates clarified the positions and the responsibilities for staff and for students around these areas.

In 2018, the Office of Compliance, Risk, and Ethics Internal Audit and Advisory services performed internal audits to provide independent and objective assurance to leadership and other management that a system of effective and efficient governance, risk management, and controls were in place. An audit of the College's cybersecurity program provided recommendations for strengthening controls and managing risks. In addition, advisory services were provided to support the College's actions to mitigate risks. Ad hoc risk reviews were conducted for three College programs and the recommendations were used by management to create more effective processes.

The Office of Compliance, Risk, and Ethics continues to provide self-assessments of its work to ensure that we are advancing the mission of the College towards student success. One way we reviewed our work was through the first Ethics Climate survey in order to establish a baseline for the effectiveness of the Ethics Program, and to determine how strong the College community's awareness of the College's ethical values were. The survey informed our program, and leadership, that the Code of Ethics training and awareness has brought heightened awareness to the values espoused by the College. In addition, the Office of Compliance, Risk, and Ethics developed and implemented mandatory ethics training in 2018, and rolled out two types of training in this area. The feedback on the training has been positive, and there has been an increased awareness of the institution's expectations for conducting the work of the College with ethics, value, and integrity.

Higher Education Trends in Compliance and Risk Management

Over the past decade, colleges and universities saw the rise of regulations governing higher education and the serious consequences from lapses or lack of oversight to the law. The trend in the rise of regulations was due to a number of factors, i.e., concern surrounding the viability of for-profit schools, rising cost of an education, government oversight and protection of students as consumers, increase of online learning programs, and concern over students' physical safety on campuses. In response to the increased regulations and enforcement, many compliance programs at colleges and universities were established and expanded. In addition to compliance programs, schools responded through the passing of internal policies and procedures to help clarify internal processes and effectively abide by the mounting regulations.

In 2018, colleges and universities found themselves in a continued state of uncertainty regarding proposed changes to federal laws and regulations as a result of the change of direction with the current administration at the Department of Education. The US Department of Education continues to review the past decade of laws and regulations surrounding Title IX, Electronic Accessibility, Higher Education Opportunity Act, and the Clery Act, and the impact these laws have on higher education institutions and student success. Colleges need to be in a position to respond to the change in federal guidance with potential revisions to both policy and practice. Some colleges have chosen to uphold the policies they put in place to align with the regulations of the last decade or longer, as long as they do not negate the newly revised federal regulations. We anticipate guidance will be forthcoming in 2019 which will require colleges and universities to possibly adjust both policy and practice to be in compliance.

Concurrent with the rise of federal regulations, the state of Maryland also passed regulations that govern State public institutions of higher education. The State regulations have included protection from gender discrimination, college completion, voter registration, and drug addiction prevention. As federal regulations potentially change, the College must navigate the changes at the federal level with consideration of the State laws we are required to uphold.

The Office of Compliance, Risk, and Ethics Capabilities and Focus Areas

The Office of Compliance, Risk, and Ethics has steadily broadened its areas of responsibility since its inception as an office in 2012. The functions coalesce around risk management and oversight. Combining the collective risk functions in one area of the College reflects a trend in higher education as colleges and universities strive to more effectively diminish risks and increase the opportunities to achieve organizational goals.

The Office of Compliance, Risk, and Ethics reports directly to President DeRionne Pollard. The placement of the compliance function reporting to the chief

Figure 1: Office of Compliance, Risk, and Ethics Responsibilities

executive of the organization is consistent with the Federal Sentencing Guidelines and promotes an independent and empowered oversight function. The chief compliance, risk, and ethics officer has a dotted line to the Audit Subcommittee of the Montgomery College Board of Trustees, a relationship established in 2017.

The office consists of Vicki Duggan, chief compliance, risk, and ethics officer; Rosa Trigo, executive associate; Maria Davidson, compliance and ethics specialist; Emmilee Racek, compliance and ethics specialist; Christopher Moy, director of ADA compliance and Title IX coordinator; Kristen Roe, deputy Title IX and youth protection coordinator, and Goli Trump, internal audit and advisory services director.

Regulatory Compliance

The Office of Compliance, Risk, and Ethics provides oversight of institutional regulatory compliance efforts by working with compliance risk owners across all college units. In collaboration with College compliance risk owners and with the General Counsel, the Office of Compliance, Risk, and Ethics works to assure compliance requirements are being adhered to by the institution. This is done by tracking the applicable laws, interpreting the legal requirements with the assistance of General Counsel, identifying the responsible individuals within the College who fulfill the compliance requirements, clarifying expectations among the responsible parties, and assuring the requirements are fulfilled. There is also a strong education and awareness component to the compliance program with ongoing efforts to provide training and information necessary to maintain awareness of the law to raise the institutional level of compliance of all employees. The Office of Compliance, Risk, and Ethics works diligently to track changes to laws and regulations, observe trends in enforcement of the laws among our peer institutions, and provide solutions to the College used successfully by other colleges.

In addition to the federal laws, the past couple of years have seen an increase in the bills regulating higher education passed by the state of Maryland. These include HB 16, regarding the Maryland Community College Promise Scholarships program; the Colonel Todd J. Hixson Memorial Resource Center Act; Maryland Safe to Learn Act of 2018; and Higher Education–Sexual Assault Policy–Disciplinary Proceedings Provisions. We respond to both the federal and state laws, comparing the requirements, to meet both as efficiently as possible.

Montgomery College successfully completed preparation for the Middle States Self Study reaccreditation in spring 2018. Part of the reaccreditation process involved the submission of a compliance report, the Verification of Compliance with Accreditation-Relevant Federal Regulations Report. The Office of Compliance, Risk, and Ethics led a College workgroup to develop the report for the Board of Trustees to review and approve submission to the Middle States Commission on Higher Education. Part of the workgroup charge was to assure that clear and direct processes are in place for students to bring complaints forward. The workgroup created a student complaint resolution webpage and supporting processes for a more streamlined and efficient student complaint process. The webpage offers opportunities for more students to understand how to report concerns. In addition, the Middle States Self Study reaccreditation process included a series of recommendations for institutional improvement. The Office of Compliance, Risk, and Ethics is shepherding response to the recommendation in Standard II regarding assessment of the ethics program.

The Office of Compliance, Risk, and Ethics identifies compliance risks multiple ways. New and changing laws are identified by information shared through the Department of Education, the state of Maryland, professional associations, the College General Counsel, and through information shared from College compliance partners. The staff in the Office of Compliance, Risk, and Ethics attend professional conferences and engage in ongoing professional development to stay current in their fields. As we become aware of new or changed compliance requirements, we evaluate the requirements and assures plans are in place to fulfill compliance. Specific compliance risk owners are our compliance partners and are the key to maintaining a compliant organization. The compliance partners fulfill the compliance requirements. The Office of Compliance, Risk, and Ethics helps to clarify the expectations and facilitates a coordinated effort by the responsible offices and individuals to fulfill the compliance requirements.

The Office of Compliance, Risk, and Ethics team continuously reviews College policies and procedures to determine alignment with current laws and regulations and to reflect practices among leading institutions.

Compliance Watch List

Compliance risks are monitored and reported using the compliance watch list, a prioritized report that ranks the College's current compliance risks on scales of impact and probability. Impact measures the scale of effect if the risk were to occur. Probability measures the likelihood that the risk will occur. Compliance risk mitigation efforts are focused on those risks ranked with the higher levels of both impact and probability. The Office of Compliance, Risk, and Ethics meets with the responsible senior leaders and managers over a particular regulation or law and determines what the appropriate risk ranking needs to be. Consideration for risk ranking is given to the existence of negative events, continuous improvement initiatives, the external pressures that heighten vulnerability, and finally, the subjective analysis of the responsible leaders and managers.

Changes in rankings, as well as additions or deletions of several laws and regulations were part of the watch list in 2018. The most meaningful addition to the watch list was the Fair Labor Standards Act. This law was added in May 2018 as a medium-probability and medium-impact risk level because it effects the entire College, and also because we identified some events that currently put the College at greater risk. These combined factors warranted increased assurance audit engagements last year, which have carried over into 2019.

During 2018, the following risks were reduced to a lower risk level but remained on the watch list because of the risk mitigation activities of the departments responsible for adherence to compliance of these laws:

- Bond Compliance;
- Maryland Heroin and Opioid Education and Community Action Act; and
- Maryland College and Career Readiness and College Completion Act of 2013.

Conversely, two risk areas increased in risk level during the year because of repeated negative events:

- Clery Act: Annual Security Report; and
- Clery Act: Unified Emergency Notifications.

The following risks were removed from the watch list after having been reduced to a risk level that was acceptable to the College:

- Title IX: Athletics;
- Drug and Alcohol Prevention for Employees;
- Affordable Care Act; and
- Criminal Background Checks.

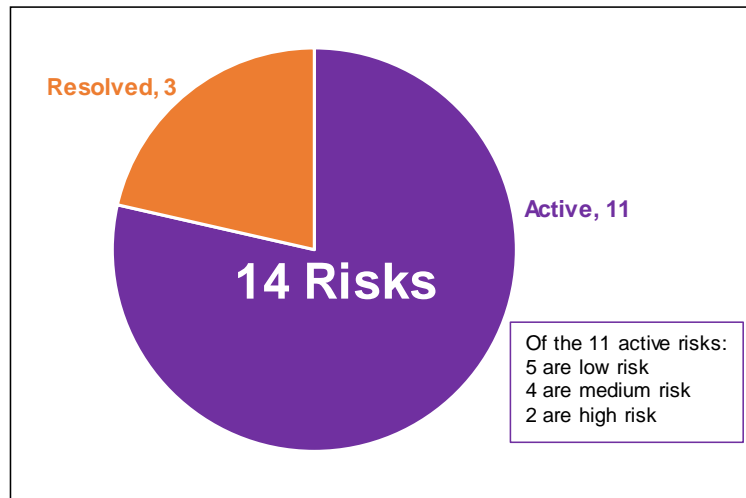The chart below shows the number of active vs. resolved compliance risks on the watch list.

Resolved, 3

Active, 11

14 Risks

Of the 11 active risks:
5 are low risk
4 are medium risk
2 are high risk

Figure 2: Identified Compliance Risks

Americans with Disabilities Act (ADA) & Section 504 of the Rehabilitation Act of 1973

Montgomery College is committed to providing equal access to educational opportunities for students with disabilities. The College recognizes that individuals with disabilities may need reasonable accommodations to have equally effective opportunities to participate in or benefit from college educational programs, services, and activities. Montgomery College shall adhere to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act (1990), ADAAA 2009, with respect to providing reasonable accommodations as necessary to afford equal access to our programs, goods, and services for qualified persons with disabilities.

Reaffirming our responsibility to comply with Section 504 at 34 C.F.R. § 1.4.4(a), Montgomery College recognizes its obligations to provide adjustments to its academic requirements and educational auxiliary aids to qualified students with disabilities to ensure that they are not denied the benefits of or excluded from participation in the College's educational programs. The College further recognizes its obligation under Title II regulation at 28 C.F.R. § 35.130(b)(7) to make reasonable modifications when necessary to avoid discrimination based on disability, unless it can demonstrate that making the modifications would fundamentally alter the program.

The Office of Compliance, Risk, and Ethics oversees the compliance of ADA and Section 504 to ensure equal access to College goods, programs, and services. To ensure this access, the Office of Compliance, Risk, and Ethics, through the director of ADA compliance, has updated the College's Policy and Procedure 41002—Equal Education Opportunity Non-Discrimination to reflect current regulations and leading practices in the field.

Additionally, the Office of Compliance, Risk, and Ethics is collaborating with the Office of Information Technology to ensure the College's electronic information technology is accessible to all. The College policy governing IT accessibility is Policy and Procedure 66004—Electronic Information Technology Accessibility. The policy provides definition and establishes what is expected of the College in regards to information accessibility. Support mechanisms are in place to guide College employees to assure accessibility of electronic information. The Office of Compliance, Risk, and Ethics will continue to collaborate with both, the Office of Information Technology and Advancement and Community Engagement, to increase the overall percentage of accessible technology resources.

The Office of Compliance, Risk, and Ethics—in collaboration with the Office of Information Technology—created the website Accessibility@MC. This webpage provides information to guide students, employees, and visitors towards College support services, information, and resources to create accessible material. There is also a function for reporting accessibility barriers in facilities, electronic technology, and instructional material.

Title IX Act

Title IX of the Education Amendments of 1972 states that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..." 20 U.S.C. § 1681.

The College's Title IX Advisory Committee, under the leadership of the Title IX Coordinator, meets twice a semester to provide guidance and support for the College's Title IX efforts. The Title IX Advisory Committee assists the Title IX Coordinator with Title IX compliance efforts; provides the College with advice on promoting a campus culture of respect and responsibility; and in identifying and deploying effective measures to prevent and address sexual misconduct. The Title IX Advisory Committee is charged with the following:

- advise and guide on Title IX programmatic goals and ongoing development of the College sexual misconduct prevention program;
- identify the needs, issues, trends, and climate of the campus around sex discrimination issues;
- develop, implement, and monitor approaches and efforts to address those needs;
- inform and provide feedback on Title IX policies, initiatives, programming, and materials;
- advise and guide on Title IX training for students and employees;
- serve as a resource on Title IX and sex discrimination issues for all campus constituents;
- provide oversight and quality assurance for sex discrimination reporting/response systems; and
- ensure Title IX related work is compliant and consistent with identified best practices.

In 2018, the Title IX Advisory Committee completed a two year initiative as a member of the first cohort in NASPA's *Culture of Respect Collective.* Participating in the initiative provided an opportunity for rigorous self-assessment, identification of targeted improvements, and access to technical assistance, both by NASPA staff and peer institutions with all efforts aimed at creating and ensuring a holistic response to sexual assault on campus. Through the work of the Title IX Advisory Committee, the College has been able to identify and respond to key areas of our sexual misconduct response and prevention efforts. These areas include:

- multitiered education,
- survivor supports,
- clear policies,
- public disclosure,
- schoolwide mobilization, and
- ongoing assessment.

Over the next year, the Title IX Advisory Group will continue to utilize the subcommittees that were developed around the Six-Pillar Framework outlined by NASPA. These subcommittees will work to complete a handful of objectives that were initiated during the project period and strategically disseminate the results of the two year project. As the Title IX Advisory Committee continues its work to create a Culture of Respect at the College, efforts will focus on increasing student engagement and the reach and dosage of prevention education programming for students, staff, and faculty.

The College Title IX Coordinator, Christopher Moy, oversees compliance with Title IX law. Title IX protects students, faculty, and staff against gender based discrimination, including sexual misconduct and sexual violence. It addresses protection for pregnant and parenting students, including lactating mothers. Gender equity in athletics remains an additional area of focus within Title IX. The Title IX office consists of a full-time Title IX coordinator and a full-time Deputy Title IX coordinator, who splits her time between youth protection and Title IX investigations. The Title IX office collaborates with other College partners (e.g., Deans of Student Affairs, Counseling, Student Life, Public Safety, etc.) in support of campus Title IX response; prevention and awareness; programming; and services to prevent gender bias.

Youth Protection Program

Each year, thousands of minors engage in programs and activities on Montgomery College campuses, including special events and routine community partnerships, such as Montgomery County Public Schools usage of College pools for their swimming and diving teams. The Office of Compliance, Risk, and Ethics provides the oversight necessary to ensure the protection of minors on Montgomery College campuses from abuse or neglect, including sexual abuse. This is primarily accomplished by ensuring that all events are reviewed by the College's youth protection coordinator and added to a registry of approved events. The College's comprehensive approach to creating safe events for minors includes three key strategies: background screening for College employees and volunteers who interact with minors, training on identifying and responding to child abuse, and providing a framework of behavioral expectations for how to appropriately interact with minors.

In 2018, 73 programs serving more than 7,200 minors registered through the youth protection program. Each year the number of events and minors served increases, due to increased awareness of the Protection of Minors College Policy and Procedure 75005, and the associated requirements.

In its fourth year of operation, the College's youth protection program continues to maintain a registry of events involving minors, facilitates background screening for those who interact with minors, provides training on mandatory reporting of child maltreatment, and serves as the campus resource for youth protection concerns. The youth protection coordinator also serves in an advisory capacity on the development of initiatives that bring minors to campus.

The youth protection coordinator planned the second collegewide Take Our Daughters and Sons to Work Day event. At each campus and at the Central Services Building, the event included four hours of programming, varying in career focuses such as energy management or cybersecurity that provided real life examples and hands-on activities. Participant evaluations showed that parents valued the opportunity to have conversations with their children about their future careers while also having an opportunity to highlight the many exciting programs available at the College.

Internal Audit and Advisory Services

The College's internal audit and advisory services director engaged in activities to engineer an audit function that provides independent and objective assurances to College departments and to leadership about the governance, controls, and risk management activities at the College. There were different types of audits performed and, in addition to rigorous audits, internal audit provided support to the College through consultations and advice by participating in College initiatives. The types of work that internal audit performed in 2018 included:

- Advisory/Review: Activities that are consultative in nature and the objectives and scope of which are agreed with the client, are intended to add value and improve an organization's governance, risk management, and control processes without the internal auditor assuming management responsibility. Examples include review, counsel, advice, facilitation, and training. In 2018, the President's Taskforce on the Improvement of Internal Investigations Protocols and Practices was facilitated and led by internal audit in a consultative role. The Taskforce undertook and completed a charge of bringing consistency across the ten different College offices that perform investigations. Internal audit also provided advice to the President's office on the risks and opportunities in the student enrollment management plan.

- Assurance: Activities that follow a prescribed lifecycle, initiated by a formal or issue-specific risk assessment in order to identify the objectives and scope of the audit. These engagements adhere to standards set by The Institute of Internal Auditors. An objective examination of evidence for the purpose of providing an independent assessment on governance, risk management, and control processes for the organization. Examples may include financial, performance, compliance, system security, and due diligence engagements. In 2018, internal audit completed a cybersecurity audit of the College's controls and practices safeguarding information of employees and students. An audit of the lifecycle of payroll processes was also performed.

- **Monitoring**: Follow-up reviews conducted by internal audit to assess the status of corrective actions that management/operations have undertaken to control or mitigate risks identified from a prior internal or external audit. Also in 2018, internal audit reviewed the actions and plans over prior audit findings in the College's P-Card and C-Card programs, federal grants compliance, inventory management, and student enrollment reporting related to the College's financial aid obligations.

With the new internal audit and advisory services function at the College starting in December 2017, customer surveys are an integral component of internal audit's continuous monitoring and improvement goals. In 2018, internal audit completed one assurance audit, providing the College recommendations on improving its governance, controls, and risk management of the cybersecurity program. A survey was sent out to key stakeholders and leadership after the audit report was completed, and the results of the survey are

Figure 3: Internal Audit Post-Audit Customer Survey Results 2018

here. Internal audit strives for transparent, objective, relevant, and equitable audits and recommendations for its clients and the College community as a whole. In 2018, we received "agree" or "strongly agree" in all four categories: clear expectations, audit technical skills, meaningful audit reports, and value-added services.
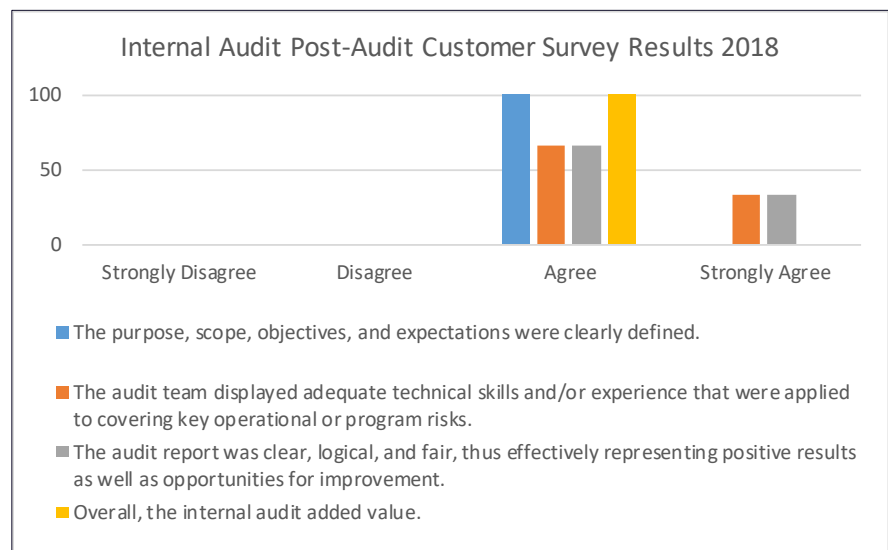
A risk-based internal audit plan for FY19 was presented to the President's office and senior leadership. The plan highlights the ongoing work of internal audit, including additional audit areas in benefits claims recovery, construction management, time reporting, and vendor and contract performance monitoring

Maryland State Ethics Commission Reporting

Montgomery College employees are subject to the Maryland State Ethics Commission reporting requirements. The state of Maryland requires certain College employees, selected by the position they hold, to file an annual disclosure as a means to monitor any potential conflicts of interest. Currently there are 140 positions at the College required to file an annual financial disclosure with the State. In 2017, all employees, with the exception of one, completed the disclosure form by the April 30 deadline. The Office of Compliance, Risk, and Ethics coordinates the identification of the employees who by position duties are required to file disclosures. The Office of Compliance, Risk, and Ethics also monitors the timely submission of the disclosures. The responsibility to file belongs to the individual, not the College.

Beginning in 2018, and applied to the reporting for 2017, new state legislation requires Montgomery College to list financial institutions that do business with the College. This list is sent to all College filers so that they can indicate indebtedness with any of the listed entities. Previously, the state of Maryland supplied this list for the entities doing business with the State. The change was made so that employees can indicate financial businesses dealing more directly with the employee's agency.

Ethics Program

The Office of Compliance, Risk, and Ethics is responsible for executing and overseeing the College's ethics program through Policy and Procedure 31000—Code of Ethics and Employee Conduct.

The ethical expectations expressed in the College's policy help to focus the institution on our shared values. These ethical expectations form the core of the employee ethics program.

The Office of Compliance, Risk, and Ethics communicates broadly with employees and management about the Code of Ethics. It is essential for managers to be familiar with Policy and Procedure 31000—Code of Ethics and Employee Conduct, follow it as an example for others, and enforce the ethical standards when concerns arise. Employees may bring an ethical concern to a manager's attention or refer a concern to the College's confidential, and optionally anonymous, reporting line. Managers should proactively address perceived ethical concerns and provide guidance to their teams on upholding the College ethical standards.

Figure 4: Montgomery College's Ethical Expectations

The Office of Compliance, Risk, and Ethics takes seriously its mission to cultivate awareness for an ethical climate. We provide training and support of the College's Code of Ethics and how anti-ethical behaviors and practices can be addressed appropriately.

Mandatory Ethics Training

The Compliance, Risk, and Ethics Office shepherded new ethics trainings in 2018: online and in-person. Both types of training are required for employees in all divisions, including full-time credit faculty, staff, temporary employees with benefits, department chairs, and administrators. Part-time credit faculty, WD&CE part-time non-credit faculty, student workers, and casual or other temporary employees are welcome and encouraged to take the training, but are not required.

The interactive online ethics training is labeled Ethics@MC and provides College employees with the opportunity to learn more about ethics and the Montgomery College Code of Ethics and Employee Conduct policy. Employees attest to adhering to the Code of Ethics as part of the training. The training includes four distinct topic areas: conflicts of interest, discrimination, workplace harassment, and workplace violence and abusive conduct and is approximately one hour in duration and available through MC Learns. Micro-learning modules are also available on the Office of Compliance, Risk, and Ethics webpage. The micro-learning modules available this year are reporting hotlines and prevention of retaliation.

The in-person training is called Focus on Ethics and is meant to be delivered by supervisors as facilitators with their teams. Supervisors experience the training as learners first, and then the supervisor is prepared to facilitate the same training with their direct reports. Supervisors are the primary facilitators of the in-person ethics training as an opportunity for employees to experience their manager as an ethical role model, for managers to hear employee concerns, and for managers to coach employees how to navigate ethical dilemmas.

Administrators received the in-person ethics training during the summer of 2018 as part of the ethics training rollout and were expected to cascade the training throughout their team. In addition, the Office of Compliance, Risk, and Ethics has developed a team of employees who can assist with training, serving as facilitators, co-facilitators, or coaches. Training materials, including a detailed facilitator guide, have been developed specifically for this Focus on Ethics training. The training materials include working through the resolution of typical ethical dilemmas present at the College. The structure of the training rollout is designed to highlight the importance of "tone at the top."

Both the online and in-person ethics trainings set the foundation for the College's Ethics program by expressing the ethical expectations for all employees. Both trainings include resources for employees, such as an ethical decision making framework, a Roadmap for Employees to Address Issues, and the information regarding the confidential reporting line.

Student Success and Ethics

Protecting students against discrimination of any nature is fundamental to student success. Student success is a guiding principle in the work and efforts of the Office of Compliance, Risk, and Ethics. The work to launch and implement the ethics program is integral to institutional effectiveness and enhances our ability to foster student success. We enable student success when we practice ethical standards routinely and transparently. College Policy and Procedure 41000—Student Success highlights the critical role that the ethics program plays to cultivate an ethical culture of that promotes student success:

> *III.C. Student success is enabled when faculty and staff are committed to:*
> 1. *providing a positive, welcoming climate that reflects an ethical, caring college community;*
> 2. *taking a personal interest by encouraging, assisting, and respecting the individual potential in each student; and*
> 3. *setting personal performance expectations that reflect their commitment to student success.*

The Office of Compliance, Risk, and Ethics disseminates information to students regarding their rights and the laws in place to protect them, their safety, and the value of their education. Disclosure of information to students is mandated by many federal laws and regulations. A series of required disclosures are sent to students in the fall and spring semesters, including the Clery Act mandated Annual Security Report, drug and alcohol abuse prevention, FERPA (Family Educational Rights and Privacy Act), and Title IX and non-discrimination. Disclosures are posted on our website as well.

As mentioned earlier, Title IX is a federal law that prohibits discrimination based on sex or gender. Through the prevention and response to gender based discrimination, we are ensuring that students are able to participate and benefit in the educational program or activity. For example, the College provides academic adjustments and a space for lactation for the student who is pregnant or nursing the newborns. This allows students to continue to care for their babies while participating in their education. We prevent sexual

violence by educating our students on being pro-social bystanders and we hold those accountable who perpetrate sexual violence on our campuses. These activities create a safe and welcoming college climate that promotes student success.

We know that when students experience sexual misconduct—dating, sexual assault, stalking or sexual harassment—it is probable that there will be an impact on their ability to participate in and benefit from the educational opportunities afforded at the College. To ensure students who experience sexual misconduct are able to persist, the Title IX Program is able to enact interim measures, such as academic adjustments. These interim measures are enacted to ensure student success even in the face of dealing with the aftermath of experiencing sexual misconduct.

Ethics Climate Survey and Program Measurement

The College's first ethics climate survey was developed and administered for all employees during spring 2018. Ethics survey results provided baseline data to better understand and measure the College community's awareness of the College's Code of Ethics, expectations of ethical conduct and standards of conduct, perceptions of misconduct, and a clearer picture of the ethical culture at Montgomery College.

In 2018, 89.29% of employees who completed the ethics climate survey indicated that they agree or somewhat agree with the statement "Am Aware of / Understand College's Employee Ethics Code." Moreover, 55.46% of employees who completed the survey agree or somewhat agree with the statement "Am Aware of College Ethics Reporting Line / Where Can Find Toll-Free Number." The results of the ethics survey were released to employees in May 2018 through a memo from President DeRionne Pollard. The next ethics climate survey will be administered during 2020, which will provide us opportunities to compare data and measure progress.

The survey was administered through Quantisoft, the third party survey company the College employs. Quantisoft also administered the 2017 Equity and Inclusion survey and the 2018 Employee Engagement survey. The ethics climate survey was open for two weeks, from February 28 to March 10, 2018, and 971 employees, or 32% of the employee population, responded. All survey responses were collected anonymously by Quantisoft.

After the Ethics Climate survey, the Equity Inclusion survey, and the Employee Engagement survey results were analyzed, the Office of Compliance, Risk, and Ethics, together with the Ombuds, the Chief Human Resources Officer, and the Chief Equity and Inclusion Officer, compared the multiple instruments' data including the three employee surveys and the 2017 Ombuds report. A cross-walk of the results from the Ombuds Report, Equity and Inclusion survey, Employee Engagement survey, and the Ethics survey, resulted in institutional recommendations to address the survey findings. The recommendations were provided to the President in fall 2018.

Confidential Reporting of Concerns

Organizations embrace a speak-up culture by encouraging people to share concerns including ethics, compliance, policy violations, fraud, or any issue, and protecting them against retaliation when they do. The Office of Compliance, Risk, and Ethics functions as a confidential point of contact for any employee that wishes to bring forth an issue, concern, or suspicion of wrong-doing. A new College policy, 39003— Protection Against Retaliation, was passed by the Board of Trustees in June 2018, which prohibits retaliation against employees who report a concern in good faith.

Employees with concerns have multiple options to share information. Employees are encouraged to confide in their supervisor as the first point of contact. For employees who prefer other ways to raise their concerns, they may contact the Office of Compliance, Risk, and Ethics or the College office relevant to the concern. The College also has a confidential reporting line that allows employees to report via phone or online, anonymously if preferred. All reports submitted to the reporting line are handled in a confidential manner with a goal to investigate legitimate concerns in a timely manner. September 2018 marked the one year anniversary of the College's confidential third-party reporting line, EthicsPoint. Report data from submissions to the confidential reporting line are measured and analysis of the data helps to inform future work in the Ethics program.

The Office of Compliance, Risk, and Ethics serves as a collegewide triage point for all reports submitted through the confidential reporting line. Staff in the Office of Compliance, Risk, and Ethics promptly respond to, refer, follow-up on, and track reported concerns to the reporting line. In addition, case management includes extensive collaboration with Employee and Labor Relations. The collaboration helps to identify institutional concern trends including emerging issues, matters surrounding specific units or individuals, and to assure College efforts are coordinated to the extent appropriate.

Of the reports handled by the Office of Compliance, Risk, and Ethics, the average time to resolve a report was 45.3 days from the date of submission, with a range of 6 days to 124 days.

Employee's comfort to speak up regarding concerns is a positive indicator of a strong organizational ethical culture. As the ethical culture at the College matures, the Office of Compliance, Risk, and Ethics anticipates that the number of reports will increase. Submitted reports provides an opportunity to demonstrate effective, timely, and impartial resolution of identified concerns. This, in turn, reinforces the College's commitment to equitable enforcement of the College policies and procedures and accountability for all.
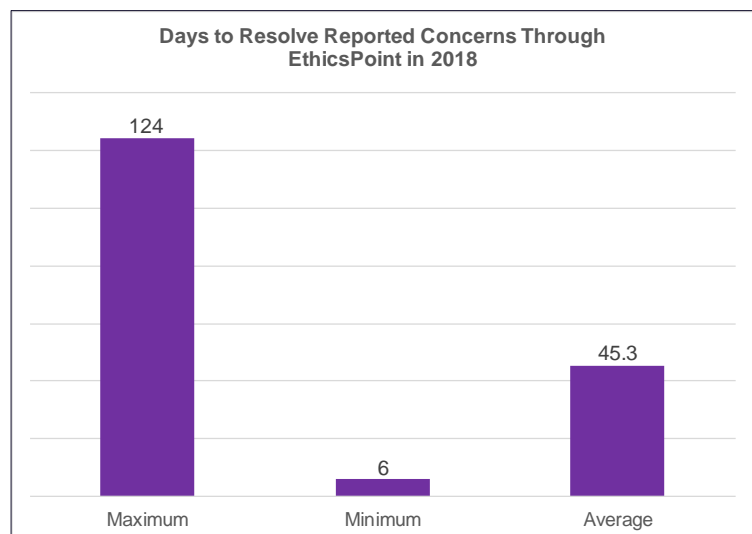

Figure 5: EthicsPoint Reports Resolution Timeframe

In addition, the Office of Compliance, Risk, and Ethics developed a [Roadmap for Employees to Address Issues](). The Roadmap is designed to help employees better identify and understand where to go for assistance to resolve concerns of varying nature. The Roadmap document has been distributed to each employee as part of the Focus on Ethics mandatory training to use as a resource for effectively addressing concerns to the appropriate College office. Concerns of any nature can also be submitted to the Office of Compliance, Risk, and Ethics directly or through the confidential reporting line.

Compliance, Risk, and Ethics Office Outreach and Training

The Office of Compliance, Risk, and Ethics conducts training and awareness efforts for both employees and students including presentations, the *Compliance Matters* newsletters, compliance fairs, online training, face-to-face training, and informational sessions.

College Employee Required Compliance, Risk, and Ethics Training

Training Title	Required for:
Child Abuse and Molestation Awareness and Prevention in Maryland	Employees and volunteers in all divisions who come in contact with minors associated with any College program or activity that serves minors
Title IX Bridges: Building a Supportive Community	New Employees in Academic Affairs and Student Affairs divisions
Family Educational Rights and Privacy Act (FERPA)	New employees in Academic Affairs and Student Affairs divisions (within 12 months of hire). From 2013 to 2018, a total of 5,346 completed FERPA training sessions by employees have taken place.
ADA: Accommodating Students with Disabilities in Higher Education	New employees in Academic Affairs and Student Affairs divisions
Preventing Sexual Harassment and Workplace Discrimination	All new Administrators, Department Chairs, and Supervisors in all divisions
A Manager's Guide to Diversity, Inclusion and Accommodation	All new Administrators, Department Chairs, and Supervisors in all divisions

College Student Compliance Training

As part of the sexual violence prevention efforts for students, the College has an online training program that all new students are expected to complete. The course, *Sexual Violence Prevention for Community Colleges,* alerts students about issues of sexual violence and each student's critical role in keeping the campus safe.

Montgomery College continues the "Bringing in the Bystander" program. The program uses a community of responsibility model to teach bystanders how to intervene safely and effectively in cases where sexual assault may be occurring or where there may be risk. Its main message is that "everyone in the community has a role to play in ending sexual violence."

In the summer and fall of 2018, College-trained faculty conducted 31 bystander intervention trainings to approximately 575 students. In total, close to 1,000 students have received bystander intervention training in the first two years of this program.

Collegewide Outreach by the Office of Compliance, Risk, and Ethics

The chart below shows the number of students and/or employees attending presentations made by members of the Office of Compliance, Risk, and Ethics each year since the inception of the Office. These presentations have been on a variety of compliance and/or internal audit related topics and have been presented to a wide range of audiences from specific College units to all administrators and academic department chairs. In 2013, the 795 employees who received training were mainly as an education effort on the role of the Office. The increased outreach in 2016 was predominantly in the high-risk areas of Title IX and youth protection. The increase continued in calendar year 2017, with efforts to raise awareness of Title IX and youth protection, and the newly implemented ethics program and Code of Ethics and Employee Conduct policy and procedure. In 2018, the Employee Code of Ethics was the predominant outreach, but also included informational sessions on the new internal audit activity and role.
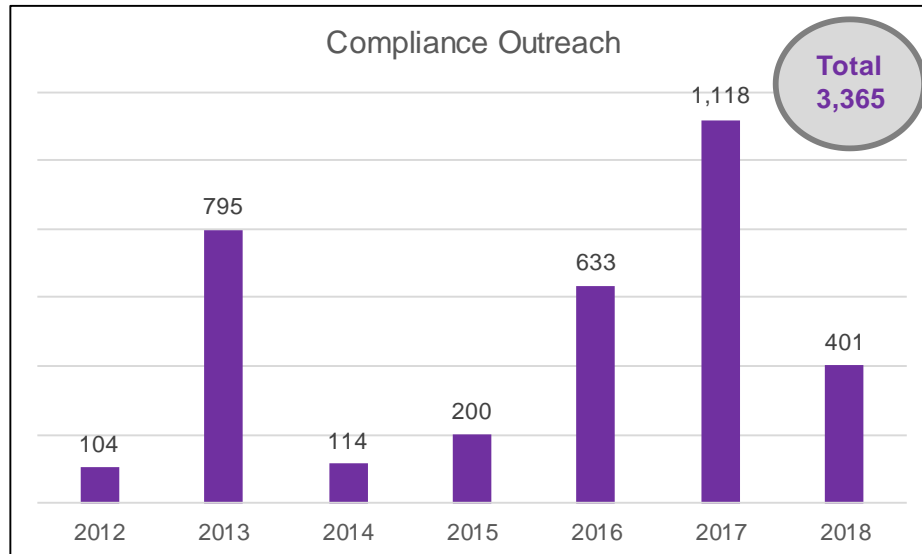

Figure 6: Compliance, Risk, and Ethics Office Outreach

The chart below details the number of meetings held with collegewide units each year since the inception of the Office of Compliance, Risk, and Ethics. It is our practice to meet each fall with the key collegewide units with compliance responsibilities. We meet with each new or newly assigned (including interim assignments) administrator to provide a compliance orientation at Montgomery College. The declining trend in number of meetings with collegewide units reflects the improved on-going dialog and other venues to share information between the Office of Compliance, Risk, and Ethics and units across the College.
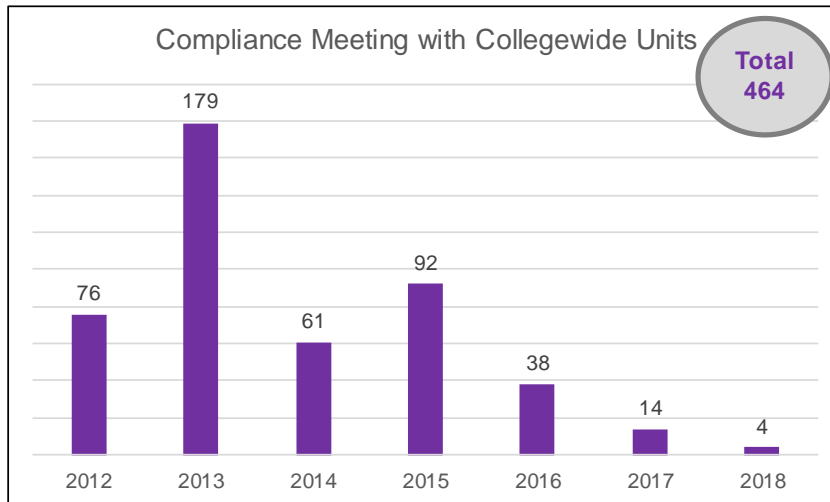

Figure 7: Compliance, Risk, and Ethics Office Collegewide Meetings

Compliance and Ethics Awareness Week

Prevention and awareness activities are a significant feature of any compliance program. In the spirit of prevention, the Office of Compliance, Risk, and Ethics offered compliance fairs in October on each campus and in the Central Services building. Annual compliance fairs are designed to educate and increase awareness of current laws and regulations affecting each member of the College community. College offices with significant compliance requirements are considered compliance partners. Compliance partners actively participate in staffing the fairs and provide important information for our students and employees. This year's events incorporated an emphasis on ethics, in coordination with the rollout of the College's Policy and Procedure 31000—Code of Ethics and Employee Conduct. Activities included fairs with information tables and daily compliance and ethics puzzles distributed collegewide. The compliance fairs are also a way to meet employees and students and engage in meaningful discussion. Employees and students across the College expanded their understanding of critical compliance areas by taking the time to participate in the compliance fairs.

Office of Compliance, Risk, and Ethics Professional Development

Continual professional development is essential in the field of compliance as there are a wide variety of different compliance topics as well as an increasing number of new or changing laws/regulations. The chart below represents the total number of hours spent by the Office of Compliance, Risk, and Ethics staff in professional development activities for each year since our inception. Staff have committed to 2,170 hours of professional development since the inception of the office in 2012. The variation year over year correlates to the changing nature of laws and regulations of regulatory compliance, addition of new functions to the office, and the development of new team members.
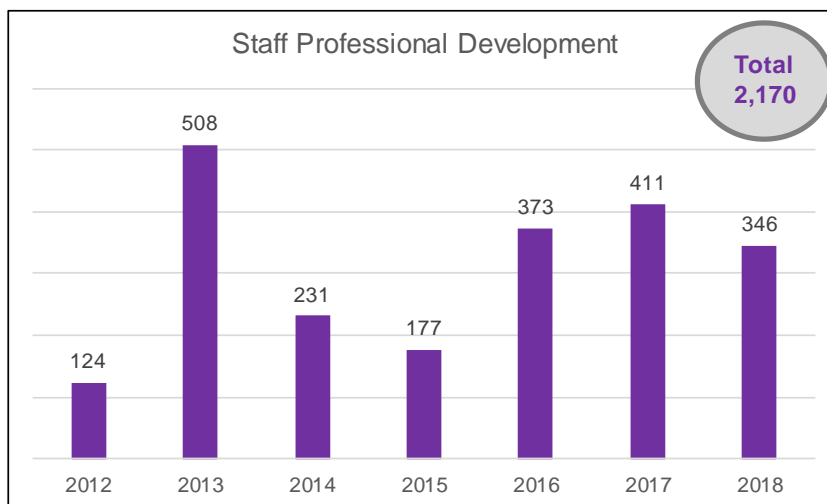

Figure 8: Compliance, Risk, and Ethics Office Professional Development

Compliance, Risk, and Ethics 2019 Program Goals

The Office of Compliance, Risk, and Ethics has further developed specific program areas to streamline efficiency while still cross-training sufficiently to have depth of staff competencies. We continue to consider the outcomes from its 2017 College Area Review to inform the planning of our work and development of goals. By remaining accountable to what we planned, we continue to support student success, ethics, risk management, and compliance. The following goals have been identified for 2019.

Program Goals for Enterprise Risk Management

- Develop an Enterprise Risk Management (ERM) policy and procedure
- Deploy ERM framework
- Establish Enterprise Risk Council
- Engage senior leadership in the use of ERM data in decision-making

Program Goals for Regulatory Compliance

- Establish strategies for increased engagement with all Compliance, Risk, and Ethics advisory committees
- Establish incentives for employees with high regard for compliance and ethics
- Implement efficiencies for managing youth protection data
- Determine additional monitoring processes needed for newly added service areas to more closely track work in other College units to achieve compliance
- Monitor federal and state sexual misconduct oversight regulations and case law, and update Montgomery College Policy and Procedure 31001 Sexual Misconduct, to ensure compliance
- Monitor implementation of collegewide prevention initiative to increase awareness of and response to sexual misconduct
- Establish process and timeline for assessing ADA compliance for campus facilities
- Determine processes for ensuring access to electronic information technology

Program Goals for Ethics

- Follow-up on the administration of the 2018 Focus on Ethics survey, which assessed the College ethical climate and established a baseline on which to assess effects of ethics program activities; administer the second ethics survey
- Develop and deploy unified branding and communications strategy for all compliance and ethics related communications disseminated by the Office of Compliance, Risk and Ethics
- Develop and implement ethics program processes around responses to confidential reports and enforcement of the Code of Ethics
- Refine the ethical expectations expressed in the College Policy 31000 Code of Ethics and Employee Conduct
- Train, educate, and build awareness of the ethical expectations through multiple means of employee engagement

Program Goals for Internal Audit

- Based on risk-based internal audit planning, perform internal audit engagements to support the College's achievement of its goals and mission
- Continue to perform and deliver audit follow-up reports and reviews
- Continue execution of internal audit processes that adhere to the Institute of Internal Audit professional standards
- Update College Policy and Procedure 61005—Internal Audit
- Ongoing presentations and training to staff and administrators in order to develop a strong tone of objectivity, inclusion, and awareness about internal audit and fraud risks and controls
- Continue to provide advisory services to stakeholders, including business units leadership and program teams
- Strengthen the relationship between internal audit and the audit subcommittee of the Board of Trustees

Conclusion

The Office of Compliance, Risk, and Ethics has a critical role to help the College prevent and manage risks to achieving the institutions goals. Through several programs that provide oversight or assurance of College activities, the Office of Compliance, Risk, and Ethics can better guide the how we execute our mission while keeping an eye on the functions that promote our values, ethics, and compliance. This is no more evident than in the rigorous implementation of programs that support the College's Code of Ethics, regulatory compliance, and a strong risk management culture. Additionally, the Office of Compliance, Risk, and Ethics provides further independent and objective assurance over the effectiveness and efficiency of its controls through a disciplined internal audit activity.

All of the work of the Office of Compliance, Risk, and Ethics is measured, either through surveys or through timeliness goals, and outcomes are aligned with student success through any of the College's initiatives. Where our programs have a direct impact over student success and employee conduct, it is incumbent on the staff of the Office of Compliance, Risk, and Ethics to continuously provide advice, training, and outreach. While 2018 saw an upward sloping progression to enhancing awareness about the College's anti-ethical behavior, or the additional advisory roles we played, the Office of Compliance, Risk, and Ethics continues to strive for additional progress by identifying things that worked well and building on them.