

**FLORIDA GULF COAST UNIVERSITY  
BOARD OF TRUSTEES  
SECOND AMENDMENT AND RESTATEMENT OF THE  
COMPLIANCE OFFICE CHARTER**

**I. PURPOSE**

A. The purpose of this Charter is to:

1. Identify the authority, mission, scope, and responsibilities of Florida Gulf Coast University's (FGCU's) Compliance Office (hereinafter referred to as the Compliance Office).
2. Ensure that the Compliance Office adheres to the Florida Code of Ethics, maintains organizational independence, and has unrestricted access to FGCU records and personnel, as well as the records of its affiliated organizations.
3. Provide for a periodic review of and changes to the Charter, as necessary.

B. A separate charter governs the duties and responsibilities of the Audit and Compliance Committee of the FGCU Board of Trustees.

**II. AUTHORITY**

A. Board of Governors (BOG) Regulation 4.003, State University System Compliance and Ethics Programs, requires each board of trustees to implement a university-wide compliance and ethics program that promotes ethical conduct and maximizes compliance with applicable laws, rules, regulations, and policies. The BOG Regulation requires FGCU to designate a Chief Compliance Officer who shall be governed by a charter approved by the FGCU Board of Trustees.

B. FGCU's Compliance Office is housed in the Office of Institutional Equity and Compliance (OIEC). The Director of Equity, Ethics, and Compliance, and Title IX Coordinator is responsible to the President for all matters related to equal opportunity and Title IX, and also serves as the University's designated chief compliance officer, overseeing the OIEC and the University's compliance and ethics program. As the Chief Compliance Officer, he/she reports functionally to the Audit and Compliance Committee through its Chair, on behalf of the FGCU Board of Trustees, and administratively to the President.

C. Additionally, in regards to discrimination and Title IX matters, he/she reports solely and directly to the President.

**III. MISSION**

The mission of FGCU's Compliance Office is to assist FGCU with promoting an organizational culture that encourages ethical conduct and a commitment to compliance.

#### **IV. SCOPE OF WORK**

The scope of work for the Compliance Office is to:

- A. Encourage and support ethical behavior, a culture of integrity, and a commitment to compliance into all facets of the University.
- B. Provide University stakeholders with a reporting mechanism to bring forward good-faith concerns of wrongdoing without fear of retaliation.
- C. Respond to employee inquiries about compliance and ethics-related matters and assist employees with understanding University policies and regulations, as well as state and federal laws and rules pertaining to compliance and ethics.
- D. Disseminate and communicate information about compliance and ethics-related laws, rules, regulations, and policies.
- E. Conduct ongoing oversight of compliance with the laws, rules, regulations, and policies.
- F. Identify and evaluate risks critical to the University and ensure that the risks are properly managed by the appropriate University component.
- G. Administer and coordinate a compliance and ethics training program.
- H. Chair a Compliance Committee of University employees to collaborate with and provide proactive guidance for University employees responsible for various program areas with compliance functions.
- I. Review and provide advice to management on compliance-related issues.
- J. Develop a Compliance and Ethics Program that consists of activities that promote ethical conduct and maximize compliance with applicable laws, regulations, rules, policies and procedures.

#### **V. RESPONSIBILITIES**

The responsibilities of the Compliance Office are to:

- A. Develop and direct the University's compliance and ethics function.
- B. Provide leadership, oversight, and expert advice to ensure appropriate development, interpretation, and implementation of the University's policies and regulations pertaining to compliance, in accordance with state and federal laws.
- C. Prepare, implement, and manage the University's Compliance and Ethics Program Plan as approved by the President, Chair of the Audit and Compliance Committee, and the FGCU Board of Trustees; revise the Plan as necessary.
- D. Develop and implement compliance training and/or awareness programs.

- E. Develop and provide compliance and ethics training to the FGCU Board of Trustees, the President and Cabinet, and employees to assist the University community members with performing their jobs, understanding compliance issues, and infusing an ethical framework into the fabric of the University.
- F. Engage in investigations, monitoring activities, or risk assessments for the University and its affiliated organizations to prevent and detect misconduct or violations of institutional policies or applicable laws and regulations.
- G. Develop a Program consistent with Florida's Code of Ethics for Public Officers and Employees, and Chapter 8 of the Federal Sentencing Guidelines Manual.
- H. Measure and report on the effectiveness of the Program to the President and the Chair of the Audit and Compliance Committee.
- I. Administer and promote the FGCU hotline, an anonymous mechanism available for individuals to report potential or actual misconduct and violations of University policy, regulation, or law, and ensure that no individual faces retaliation for reporting a potential or actual violation when such report is made in good faith.
- J. Ensure that managers responsible for compliance functions within the University, such as equal opportunity, athletics, public safety, sponsored programs, financial aid, environmental health and safety, finance and procurement, coordinate and communicate program matters of substantial import with the Chief Compliance Officer.
- K. Oversee the processing of internal complaints, refer concerns to an appropriate University office for review and disposition (such as General Counsel, Internal Audit, or Human Resources).
- L. Bring to the attention of the President through regular communication all compliance and ethics-related matters of substantial import and all credible evidence of alleged misconduct, including criminal conduct, as well as the Board of Governors' Inspector General, as applicable.
- M. The Chief Compliance Officer shall meet regularly and in no event less than four times a year either in person or telephonically with the Chair of the Audit and Compliance Committee to review all compliance and ethics-related matters of import and all credible evidence of alleged misconduct, including criminal misconduct. Other senior members of the administration including the President are welcome to attend any such session. The Chief Compliance Officer shall also promptly inform the Chair of the Audit and Compliance Committee of any serious matters under the purview of the Compliance Office arising between meetings.
- N. Prepare an annual report for approval by the President, Chair of the Audit and Compliance Committee, and the FGCU Board of Trustees regarding activities, accomplishments, and the effectiveness of the compliance and ethics program, and provide a copy of the approved annual report to the Board of Governors.
- O. Ensure that an initial external review of the compliance and ethics program to

determine its effectiveness is conducted no later than November 2021 and that a subsequent external review is conducted at least once in each successive five-year period.

- P. Perform other activities consistent with this Charter, as deemed necessary by the President and/or the Chair of the Audit and Compliance Committee of the FGCU Board of Trustees.
- Q. Exercise due diligence to exclude from the University and its affiliated organizations individuals whom it knows, or should have known, to have engaged in conduct not consistent with the University's Compliance Program.

## **VI. CODE OF ETHICS**

- A. FGCU's designated Chief Compliance Officer shall abide by the Code of Ethics for Public Officers and Employees codified in the Florida Statutes at Title X, Chapter 112, Part III.
- B. The designated Chief Compliance Officer shall also follow the Code of Ethics of any relevant professional organizations to which he/she may belong.

## **VII. INDEPENDENCE AND REPORTING**

To ensure the impartial and unbiased judgment essential to the proper conduct of the compliance and ethics function, the designated Chief Compliance Officer is organizationally independent of the employees and managers who seek the advice and assistance of the Compliance Office. The Chief Compliance Officer reports functionally to the Chair of the Audit and Compliance Committee of the FGCU Board of Trustees and administratively to the President.

## **VIII. ACCESS**

The designated Chief Compliance Officer shall have full, free, and unrestricted access to all University information, documents, records, and personnel necessary to carry out the duties and responsibilities of the Compliance Office.

## **IX. PERIODIC ASSESSMENT**

The designated Chief Compliance Officer shall review the Charter at least once every three years for consistency with applicable Board of Governors and FGCU regulations and policies, professional standards, and best practices; and make revisions to the Charter, as necessary.

*History of Charter:*

*New 06/13/17; Amended 01/08/19; Amended 01/14/20*