The Office of University Compliance & Integrity is happy to introduce Karyn Boston to the FIU Family.

Ms. Boston joined the Office of University Compliance & Integrity as the Chief Compliance & Privacy Officer in July, 2014.

Prior to joining FIU, Ms. Boston served in a dual role as the Chief Compliance Officer and Associate General Counsel for YMCA of the USA from 2007 to 2014.

As the Chief Compliance Officer, she was responsible for launching and overseeing the compliance and enterprise risk management programs.

As an Associate General Counsel, Ms. Boston managed litigation, intellectual property, non-profit tax law and marketing trade practices.

She has also held positions at Sears Holdings Corporation, Sally Beauty Company, and served as a prosecutor for the Denton County District Attorney’s Office in Texas. Karyn is a native of Detroit, Michigan.

Education:
Ms. Boston received her Bachelors of Science Degree from Hampton University and her law degree from Michigan State University.

This Month’s Compliance and Ethics Helpful Information

Conflict of Interest-
All Florida International University faculty and staff are subject to the State of Florida Code of Ethics for Public Officers and Employees.

The Code of Ethics contains provisions that: prohibit certain actions or conduct or require that certain disclosures be made. In order to comply with applicable federal and state laws, the University has policies and procedures in place, as well as an electronic disclosure process that allows faculty and staff to disclose outside activities and financial interests that may constitute a conflict of interest between their personal interests and their public duties on behalf of FIU.

Privacy Tip of the Month: FERPA

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA), and Florida law require that the University protect the confidentiality of student education records. In general, these are records that the University maintains that are directly related to a student and include personally identifiable information.

FERPA and Florida law require that the institution provide students with access to their education records and a process by which the students may request an amendment to their records.

For additional information on FERPA, please review University Regulation, FIU-108, on Access to Student Education Records, available at: Access to Student Education Records

The University’s FERPA notice, is available at: http://onestop.fiu.edu/current-students/policies-procedures/index.html

Question of the Month:

Q: Someone on my staff is very disruptive to the team. In addition, her performance has declined drastically over the past few months. She recently reported that another staff member failed to disclose his part time job with another university which is a violation of FIU’s Conflict of Interest policy. I want to discipline her because of her performance issues, but I am afraid that any disciplinary action may be considered retaliation. What are my options?

A: You are right to be concerned about the perception of retaliation; however, if there are legitimate performance issues with this employee, then you should involve the Office of the General Counsel or Human Resources to review the facts and work with you to come up with the right solution.

Policy of the Month

Automated External Defibrillator (AED) Policy

Florida International University (FIU) has instituted an Automated External Defibrillator (AED) Program that makes AEDs available throughout the FIU campuses. AEDs are used to treat people who experience sudden cardiac arrest by administering a controlled electrical charge to the heart in order to restore a viable cardiac rhythm.

The AED Program is overseen and maintained by the Department of Environmental Health and Safety (EHS). No department or unit is authorized to purchase, install or maintain an AED device in any University facility without the written authorization of EHS’s Director or his/her designee.

EHS will not be responsible for AEDs that are not part of the University’s official AED program. Unauthorized AEDs found on the University campuses may be removed at the discretion of EHS. Exception will be made for the Faculty Health Practice and Student Health Services, who oversee their AED Programs, as well as the College of Medicine and the College of Nursing & Health Sciences, who use AEDs for the sole purpose of education and training of students.

You may view this policy here: http://policies.fiu.edu/record_profile.php?id=793
Identifying and Eliminating Retaliation: Managers are Our Best Defense

As a manager, you are the first line of defense in preventing retaliation.

Training and awareness of how to spot retaliation—as well as knowing how to prevent it—are crucial for FIU. As a manager you need to know how to receive and handle reports without retaliating, and how to spot and halt any retaliation you may observe.

Respondents to the Ethics Resource Center’s 2013 National Business Ethics Survey ("ERCBES") indicated that employees initially report issues to their managers over 60% of the time. However, if employees perceive that their “reward” for internal reporting is non-compliance will be retaliation, they are much less likely to report issues of concern to their manager. They may also potentially avoid internal reporting altogether and go directly to a regulator or to the media. In these cases the organization is denied the first opportunity to fix the problem.

The ERCBES statistics also showed that 21% of respondents reported being retaliated against for reporting misconduct. We must strive to ensure that this statistic does not apply to the way FIU handles reports of compliance failure.

How can we significantly reduce the instances and perception of retaliation for FIU?

Managers have a crucial role to play in identifying and eliminating retaliation. Key steps to take include:

1. Understand What “Retaliation” Means
To get a full understanding of FIU’s views on retaliation, be sure to read our policy on retaliation. In the past, retaliation generally took the form of a manager firing an employee for reporting them for a compliance failure. However, there are many more subtle ways of retaliating such as:

- Giving an unmerited negative performance review
- Assigning the reporter a less attractive sales territory
- Taking away the reporter’s overtime opportunities
- “Disinviting” the reporter to routine meetings

These kinds of behaviors are considered retaliation, and are unacceptable.

2. Support our “Open Door” Policy
Communicate to your direct reports how important it is to you and to FIU that they feel free to come to you and discuss any violations. Make sure they know that if they do report to you in good faith, the report will be properly handled and there will be no retaliation by you, even if you are named or involved in the alleged violation.

Make sure you say thank you to the employee for coming forward and reporting the issue, and assure them that retaliation is not acceptable and violates company policy.

Additionally, effectively using the “Open Door” policy is part of your higher fiduciary responsibility as a manager.

3. Be on the Lookout for Peer-to-Peer Retaliation
In addition to retaliation by a manager, the next most likely source of retaliation can be the reporter’s peers. Non-management employees may believe that a peer reporter “sold them out” or got their work group or favorite boss in trouble. This peer response can unleash the most subtle retaliation, often to devastating effect.

As a manager, you have a duty to be on the lookout for this peer-to-peer retaliation and put a stop to any action which might be perceived as retaliation.

4. Follow and Document Good Processes
To demonstrate fairness, make sure that any issue resolution follows a consistent and well-established process which includes:

- Maintaining confidentiality
- Promptly conducting an appropriately thorough investigation
- Documenting the process
- Seeking support from one of the following:
  - Office of University Compliance
  - Office of the General Counsel
  - Human Resources

We need to do everything possible to identify and eliminate all forms of retaliation so that our FIU employees are comfortable knowing that they can and should report issues of noncompliance to our managers.
The Office of University Compliance & Integrity offers various trainings that will enhance your knowledge of different compliance-related topics ranging from ethics to identity theft to Lunch and Learn Workshops.

To attend these training sessions, you must register through the Division of Human Resources at:

https://professionaldevelopment.fiu.edu

Select University Compliance Office.

Participants will receive a certificate and appropriate professional development credit upon completion of the training.

Compliance Trainings

**FTC Red Flags Rule Trainings**

- Tuesday, January 13, 2015
  10:00 a.m. GL 835
- Thursday, February 26, 2015
  2:00 p.m. GL 835
- Wednesday, April 8, 2015
  10:00 a.m. GL 835
- Monday, May 18, 2015
  2:00 p.m. GL 835
- Friday, June 26, 2015
  10:00 a.m. GL 835

**Lunch and Learn Workshops**

- **Florida Code of Ethics and the FIU Ethics and Gift Policy**
  Friday, November 21, 2014
  12:00 p.m. PC 429
- **Basics of Record Management**
  Wednesday, January 21, 2015
  12:00 p.m. PC 429
- **FERPA Basics**
  Wednesday, February 18, 2015
  12:00 p.m. PC 429
- **Policy Development Process**
  Monday, March 16, 2015
  12:00 p.m. PC 429
- **Vulnerable Persons Act and Mandatory Reporting Policy**
  Thursday, April 16, 2015
  12:00 p.m. GC