

CHAPTER 12

INSTITUTIONAL ACCOUNTABILITY

Case strives to ensure that its practices and policies are in full compliance with standards set forth by regulatory and other applicable agencies. Most important, the university also adheres to its own high standards of performance, which often exceed those imposed by other entities. The university's Office of Internal Audit oversees adherence with many regulatory requirements, and has been instrumental in creating an institution-wide Compliance Committee. Entities such as the Office of Research Compliance and the IRB (Institutional Review Board) Advisory Committee continually promote awareness, best practices, and policies on issues ranging from conflict of interest to the acceptable use of computing and information technology resources.

The university provides vehicles for reporting and addressing grievances at the faculty, staff, and student levels, and also maintains thorough records of student complaints.

OFFICE OF INTERNAL AUDIT – FEDERAL COMPLIANCE

The university's Office of Internal Audit was restructured in 2000. Prior to that time, the office focused on management consulting rather than internal controls. The Audit Committee of the Board of Trustees and senior management recognized a need to return to more fundamental internal auditing and compliance reviews. As a result, senior management and the Audit Committee created a new Internal Audit Charter and Mission Statement that refocused the direction and function of the department. The mission stated that

“Internal Audit's mission is to strengthen the internal control environment” of the university.

To initiate this restructuring, new leadership was brought in from a nationally recognized public accounting firm. The new director of Internal Audit quickly introduced resources that were better aligned with the revamped charter and mission of the office. In order to develop a more accountable and independent department, additional full-time auditors were employed, which decreased the heavy reliance on student interns utilized in the past.

The Office of Internal Audit currently consists of four full-time auditors, a department assistant, and two graduate student interns. Three of the full-time auditors are certified public accountants. In the near future, the department will be adding two new auditors in response to the development of a more centralized compliance program. One new auditor will focus on auditing construction activity, and the second auditor will help lead and facilitate the university's new centralized compliance program.

In previous years, compliance efforts were generally decentralized at Case. Although the university continued to support and emphasize the decentralized effort, the institution also believed that coordinating these efforts would improve overall risk management and compliance. Therefore, a centralized Compliance Committee, co-chaired by the director of Internal Audit, the chief financial and administrative officer, and the vice president and general counsel, was formed to share ideas and to ensure that all regulatory areas were being addressed. The Compliance Committee helps ensure

that business operations and clinical and non-clinical research and education at Case take place in a manner that fully complies with all applicable state and federal laws and regulations. The committee educates university members regarding expectations and responsibilities, as well as recommends investigation and correction of non-compliance. Representatives from all significant compliance areas participate on the committee, which is structured to enable collaborative participation at all levels of the university. The Compliance Committee has the full support of the president and the Board of Trustees.

In recent years, the university has monitored and implemented a number of new federal laws and regulations. The following is a summary of those regulations as they apply to the university.

USA Patriot Act / Bioterrorism Act

The university implemented the foreign student tracking system (SEVIS), which was certified by the Immigration and Naturalization Services in December 2002.

Furthermore, the university believes it has implemented laws and regulations related to securing and monitoring “select agents” in its laboratories. Those measures include performing required background checks, recording and inspecting packages, registering with the Department of Health and Human Services, and receiving sign-off by the U.S. Department of Agriculture.

Sarbanes-Oxley Act

Although the university is not subject to this law, Case adopted a new Audit Committee charter that incorporates many of the provisions from the Sarbanes-Oxley Act, which include:

- Audit Committee members must be independent of the university.
- At least one Audit Committee member must be a financial expert.
- The Audit Committee is solely responsible for appointment, compensation, and retention of external auditors.
- There must be proper rotation of lead and concurring audit partners.
- Certain non-audit services by the external auditor are prohibited.
- Procedures for the anonymous receipt of complaints regarding accounting, internal controls, and auditing must be established.
- The Audit Committee must ensure the independence of the external auditor.

In accordance with the Sarbanes-Oxley Act, the university is currently in the process of improving its anonymous hotline, which will be operational by early 2005.

Health Insurance Portability and Accountability Act (HIPAA)

In April 2003, the university created privacy policies and procedures, and appointed a privacy officer in accordance with this act. In addition, appropriate personnel in the covered components have been trained on the privacy rules. Patients and participants in the self-insured health plans have received written notification about the university’s privacy practices. The university has created an online resource to assist researchers with HIPAA requirements¹.

Gramm-Leach-Bliley Act

The university has taken steps to implement regulations derived from the Gramm-Leach-Bliley Act. In accordance with the regulations, the university has developed a written information security plan and has recently hired an information security officer to implement and coordinate the plan. Case has also performed an information security risk assessment as required by these regulations.

U.S. Government Accountability Office (GAO) - Independence Standards

In accordance with the GAO standards, the university created a new Audit Committee charter that prohibits independent accountants from performing certain non-audit services that may infringe on their independence.

1. The Office of Research Compliance HIPAA Help website is available at http://ora.ra.case.edu/orc_hipaa.asp.

Student Right to Know

The Student Right to Know and Campus Security Act requires that universities throughout the country produce statistics and/or information on: (1) retention and graduation rates; (2) financial assistance available to students, and requirements and restrictions imposed on Title IV aid; (3) statistics on campus security; (4) athletic program participation rates and financial support; and (5) other institutional information including the cost of attendance, accreditation, and academic program data; facilities and services available to disabled students; and withdrawal and refund policies. Faculty, staff, and enrolled students at Case are notified of the availability of this information through an annual email message from the university's provost; prospective students are informed through admission publications.

Statistics on retention and graduation rates are posted on the university registrar's website² and are also available in the Office of the Provost. Information on financial assistance, including descriptions of application procedures and forms, may be obtained from the Office of University Financial Aid. The Department of Physical Education and Athletics maintains information concerning athletic program participation and financial support. Other institutional information, such as that listed in (5) above, is available from the Office of the Provost and in the various registrars' offices of the university's undergraduate, graduate, and professional schools.

Case's Annual Security Report³ includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings owned or controlled by the university, and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. In addition to the Web posting, students can obtain a copy of the report by contacting the Protective Services Office.

DEPARTMENT OF OCCUPATIONAL AND ENVIRONMENTAL SAFETY

Case's Department of Occupational and Environmental Safety (DOES) promotes the health and safety of the campus community and its environment. DOES:

- Provides services that support the university's research and education mission while maintaining regulatory compliance
- Informs and educates all in regulatory and safety concerns
- Aspires to keep its programs relevant and proactive in all safety affairs

DOES enforces guidelines for biological, chemical, and radiation safety, and provides training and re-training classes (some online) and a variety of safety services manuals and forms. The department also publishes a bi-monthly newsletter. Its website⁴ includes the following safety links: Occupational Safety and Health Administration, U.S. Environmental Protection Agency, Ohio Environmental Protection Agency, U.S. Centers for Disease Control and Prevention, Ohio Department of Health, U.S. Nuclear Regulatory Commission, Fedworld Information Network, National Fire Protection Association, and National Institute for Occupational Safety and Health.

Integrity in Research

Case is committed to research integrity as an integral value of the institution and its faculty, staff, and students. Case's Office of Research Compliance ensures compliance with regulations and university policies through education and communication, regulatory committee oversight, and policy or procedure development. For example, each year it offers a university-wide seminar series covering topics such as human subject protection, conflict of interest, scientific misconduct, authorship and mentoring, data management, animal welfare, biosafety, and other topics of interest. The office website provides links to a number of relevant policies concerning research integrity, including conflict of interest, custody of research data, and scientific misconduct⁵.

2. Case's Institutional Graduation/Completion Rates are found at www.case.edu/provost/registrar/gradrate.html.

3. Case's 2004 Annual Security Report is available at www.case.edu/finadmin/security/reports/secu2004/securityreport04.pdf.

4. The Department of Occupational Environmental Safety website is located at www.case.edu/finadmin/does/oes/html.

5. The Office of Research Compliance website is found at http://ora.ra.case.edu/orc_integrity.asp.

This office developed and implements the Continuing Research Education Credit (CREC) program for ongoing human subject protection training that includes CREC On-Line,⁶ a series of video presentations and web tutorials for ongoing training. These programs demonstrate the university's commitment to ensuring responsible practices among faculty and students. The Office of Research Compliance is also responsible for coordinating Case's interaction with various accreditation programs such as the Association for the Accreditation of Human Research Protection Programs.⁷

The Case IRB Advisory Committee consists of the chairs and administrative directors of each of the Institutional Review Boards at Case, University Hospitals of Cleveland, the MetroHealth System, the Louis Stokes Veterans Affairs Medical Center, and the Cleveland Clinic Foundation. This committee meets monthly to coordinate policies and procedures, develop shared resources such as the CREC program, and address specific non-compliance matters as they arise.

The schools and colleges also provide resources for ensuring research integrity. The School of Medicine has responsibility for the Animal Welfare program, which is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care (AAALAC). The School of Medicine also has responsibility for the Case Animal Welfare Assurance and the Institutional Animal Care and Use Committee. A number of research ethics training programs are conducted by the schools and colleges to provide graduate students and faculty with ways to address ethical dilemmas in research. These programs are available throughout the year; often involve faculty from the Department of Bioethics and the Center for Professional Ethics; and are enhanced by accessing resources provided by the Online Ethics Center for Science and Engineering.

INTELLECTUAL PROPERTY

Case is committed to leadership in the creation of new knowledge, and is also respectful of the rights of all copyright holders. In the discovery, use, and

dissemination of knowledge, the university fosters integrity in the pursuit of scholarly investigation while contributing to society as a whole.

Awareness of and respect for the rights of copyright holders and prevailing copyright laws are especially critical in the electronic environment. The university's Copyright Compliance Policy supports academic goals and values in a time of changing laws and information technologies, and complements the University Intellectual Property Policy and the Acceptable Use of Computing and Information Technology Resources Policy.⁸ It is based on the belief that accurate information about copyright encourages the proper use of copyrighted materials, eliminates common misconceptions, and reduces the risk of individual and institutional liability.

The Copyright Compliance Policy outlines foundations of copyright that are relevant to the academic mission; promotes respect for copyright holders' rights; defines criteria and requirements for compliance with federal copyright laws; and offers avenues for continuing information and education about copyright laws.

Copyright @ Case is a copyright website that maintains the current policy and related copyright information. Sections on fair use, public domain, copyright myths, and FAQs on topics of interest to the Case community are available on the site, as well as contacts for further information.⁹

CONFLICT OF INTEREST

The conflict of interest policy applies to all Case faculty, staff, and student employees. Provisions of the policy:

- Include an expectation that all employees, while acting for, or engaging in, an activity affecting the university, do so with loyalty to the university and maintain the highest standards of ethics
- Respect the rights of all employees to engage in activities outside the normal scope of employment, provided such activities do not conflict with or

6. View the Continuing Research Education Credit program information at http://ora.ra.case.edu/orc_education.asp.

7. Human Subject Protection Program information is found at http://ora.ra.case.edu/orc_humansubjects.asp.

8. The Acceptable Use of Computing and Information Technology Resources document may be viewed at <http://www.case.edu/its/features/pdf/itsaup.pdf>.

9. The Copyright@Case website is hosted by the University Libraries and may be accessed through <http://library.case.edu/copyright/>.

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reflect adversely on the university's interest or deprive the university of an appropriate measure of time and effort

- Require all employees to avoid situations involving actual or potential conflicts including, but not limited to, financial dealings that are contrary to the university's best interests, membership equity or employment relationships that may be in conflict, acceptance of favors, money, or other considerations which might obligate the recipient to take action adverse to the university's interest
- Require that the policy be circulated periodically and provide a means for employees to disclose actual or potential conflicts
- Provide for suitable mechanisms for resolving conflicts of interest so that the best interests of the university will be protected while observing its standards of ethics

This policy is administered by the chief financial and administrative officer and the provost. The university continues to make improvements to its conflict of interest process by assigning more resources to this area and ensuring it achieves 100 percent participation from the annual survey. The Case Conflict of Interest Advisory Committee develops policies and procedures pertaining to conflict of interest at the university. It also assists in the review of conflict of interest disclosures by faculty and key personnel on research projects and the development of appropriate management plans.¹⁰

ACCEPTABLE USE POLICIES

In February 2004, the ITS (Information Technology Services) Planning and Advisory Committee and the Undergraduate Student Advisory Committee for ITS approved a policy concerning acceptable use of computing and information technology resources. The purpose of the policy is to outline the standards for acceptable use of university computing and

information technology resources that include, but are not limited to, equipment, software, networks, data, and telecommunications equipment whether owned, leased, or otherwise provided by Case. This policy reflects the university's commitment to the principles, goals, and ideals described in the Case vision statement and to its core values.

The policy articulates its coordination with other university policies concerning the use of Case's IT resources; provides clarity regarding access to and expectations of users of those resources; explains the extent of the application of the policy to all users of Case computing and IT resources; confirms that the vice president for Information Technology Services/CIO will determine operational policies, networking standards and procedures; and outlines parameters for uses of IT resources. The policy also articulates sanctions for violations, and the absence of the university's liability regarding privacy and security issues.¹¹

ADVERTISING AND RECRUITMENT

Case's Office of Undergraduate Admission is a member of the National Association of College Admission Counseling. Case follows NACAC's *Statement of Principles of Good Practice*, which advocates that universities "will not falsely advertise or misrepresent their academic offerings."

Admission staff members involved in creating the promotional materials know that focusing on Case's strengths, rather than promising all things to all students, is not only ethical but necessary for effective marketing that yields lasting results. Facts and statistics used in promotional materials, and shared with college guidebooks, are determined jointly by the Office of Undergraduate Admission and the Center for Institutional Research. This collaboration ensures the highest level of accuracy.

10. Detailed information on the university's Conflict of Interest policy is available at http://www.case.edu/finadmin/humres/policies/conf_int.html.

11. The full text of the policy is found at <http://www.case.edu/its/features/pdf/itsaup.pdf>.

GRIEVANCE AND APPEAL PROCEDURES

Grievance Procedure for Faculty

From the Faculty Handbook:

“The purpose of this Section is (1) to provide a source of informal confidential advice on faculty personnel matters to members of the faculty, which source can serve the function of informal conciliation where appropriate; and (2) where the informal mechanisms are not successful in resolving the dispute, to provide a mechanism for the formal adjudication of disputes about personnel practice. This adjudication mechanism, described in Section C below, is substantially similar to the procedures described in Section IV. C of the Policies and Procedures. The difference is that procedures under IV.C are the result of a complaint by the faculty or by the administration against an individual faculty member, while procedures under V.C are the result of a complaint by an individual faculty member against the administration, or officer thereof, or against a faculty member or group. Allegations of research misconduct and sexual harassment shall be sent to the appropriate committee or administrative offices as outlined in Section IV.C.1b and c.”

The Faculty Handbook goes on to provide specific guidelines covering grievances that can be moderated by informal advice, investigation, and conciliation; and formal grievance procedures. Details regarding formal grievance procedures include: scope of procedures, filing the complaint, selection of the hearing committee, conduct of the hearing, failure to respond to complaint, the report of the hearing committee, and the decision by the president. The grievance policy and procedure was most recently approved by the Faculty Senate in March 2003, the University Faculty in April 2003, and the Board of Trustees in May 2003, and can be reviewed in the Faculty Handbook.

Grievance Procedure for Staff

Case strives to maintain fair and consistent policies for its staff. When an employee believes that Human Resources policies and procedures have not been properly applied,

the employee can seek a resolution through the staff grievance procedure. The grievance procedure may also be utilized by employees who believe that the university’s policy of non-discrimination has been violated. Retaliation against persons who raise a general complaint or who file a grievance of any kind is prohibited. The most current grievance procedure¹² for staff became effective in January 2005. Complaints regarding sexual harassment are handled through the sexual harassment complaint procedure.¹³

The grievance procedure allows for informal and formal resolution processes. To initiate these processes, the employee provides a written complaint to employee relations (or equal opportunity staff) consisting of a statement describing the alleged misapplication of a university policy or procedure or alleged act of discrimination, and a summary of the resolution sought. The informal resolution process may include discussions with the individuals involved, communication to the department or unit involved, and discussions with appropriate university officials when necessary. If informal resolution fails to satisfactorily resolve the grievance, the employee may utilize the formal resolution process. Here, a representative from employee relations (or, in cases involving allegations of violations of the Affirmative Action/EEO Policy, the equal opportunity office) will investigate the grievance. The representative will discuss the matter with the complainant, other persons involved, and witnesses if necessary. The representative will also review any other relevant information or evidence in reaching a decision. The complainant or the respondent has the right to an appeal to the Staff Grievance Appeal Committee within five working days after being notified of the determination by the representative.

The Staff Grievance Appeal Committee, appointed by the president, is composed of representatives from Human Resources and various management centers. It can accept, reject, or modify the determination of the employee relations or equal opportunity office representative. The committee’s decision is final.

12. The complete staff grievance policy is accessible at <http://www.case.edu/finadmin/humres/policies/grievanc.html>.

13. The sexual harassment policy is found at <http://www.case.edu/finadmin/humres/policies/I-1b.html>.

Grievance Procedure for Students

The procedures for grievances and disciplinary actions, and appeals of both, have remained relatively stable over the past decade. The biggest change was the approval of the Academic Integrity Policy (see Chapter 2, Student Academic Integrity Policy) by the University Undergraduate Faculty. The various procedures are summarized below.

Academic Grievance Policy: While there may be slight variations in grievance procedures for students enrolled in the various schools, a student registering a complaint about course instruction or evaluation first brings the matter to the direct attention of the professor or instructor involved. If the matter is not satisfactorily resolved, the student goes to the chairman of the appropriate academic department to seek departmental review. If neither step resolves the complaint, the student may take the matter to the faculty member's dean for final review and decision.

Non-Academic Grievance Process: Students may express grievances against other students or members of the faculty or staff:

1. The student initiating the grievance process prepares a written statement, which includes: (a) the nature of the problem, (b) the name of the individuals involved, and (c) the result of any previous effort made to resolve the problem.
2. The statement is sent to the Office of Student Affairs, which then contacts the person named in the statement and attempts to resolve the matter informally.
3. Should informal discussion fail to resolve the problem, the Office of Student Affairs requests a written statement from the individual accused and, if appropriate, arranges a hearing. The hearing must be attended by: (a) the student and his or her advisor, if desired, (b) the accused and his or her advisor, if desired, (c) the hearing officer, (d) witnesses, if desired by either party, and (e) others invited by the hearing officer.
4. The hearing officer makes a decision promptly and communicates it to all parties in writing. The hearing officer informs the appropriate party of his or her right to appeal the decision. Such an appeal must be made within five days of receipt of the written decision. An appeal must be directed to the vice president for student affairs, who will review the case and determine whether or not to refer it to the University Appeals Board.

Appeals: Students have the right to appeal decisions of the Academic Integrity Board, University Judicial Board, or University Administrative Hearing. Appeals must be submitted to the vice president for student affairs within five business days of receipt of the written decision and must specify the grounds for the appeal. The grounds on which an appeal may be filed include the following:

1. New information not available to the board that, if available at the time of the hearing, may have affected the decision
2. Evidence that established procedures were not followed in a manner that may have affected the decision
3. The sanction was inappropriate for the violation

The vice president, or his or her designee, will review the case and determine whether to refer it to the University Appeals Board.

The University Appeals Board consists of a chairperson, two faculty members, and two student members. The board will normally review the case on the record alone and may deny the appeal, grant the appeal, or modify the sanctions. The board will communicate its decision, in writing, to the vice president for student affairs. On receipt of the board's recommendation, the vice president will notify the student of the decision. The decision of the University Appeals Board is final.

Disciplinary Actions: In cases referred to the University Judicial Board or University Administrative Hearing Officer, a university judicial officer designated by the assistant vice president for student affairs will:

1. Notify the student that he/she has been accused of violating university standards of conduct, and ask the student to schedule an appointment. Failure to comply may result in more severe disciplinary action, including, but not limited to, suspension from classes.
2. Conduct a preliminary interview with the student, during which the charges will be discussed. The student will be asked to make a written statement and complete the appropriate forms.
3. If further action is appropriate, designate one of the following options: (a) University Judicial Board hearing, (b) Administrative Hearing by the assistant vice president for student affairs or his/her designee, (c) mediation or other appropriate resolution.

For further information on university disciplinary proceedings including the University Judicial Board, Administrative Hearing, University Sanctions, and Appeals, see the Handbook for Undergraduate Students.¹⁴

INSTITUTIONAL RECORDS OF STUDENT COMPLAINTS

Student complaints that come to the attention of the Office of the President and the Provost or the vice president for student affairs are logged and directed to the appropriate person for investigation and resolution. A response is then sent to the student. Depending on the situation, in many cases the appropriate person will meet with the complainant to better understand the complaint and to work with the student on the resolution.

To help provide students with avenues for communication and opportunities to raise concerns, the provost offers weekly office hours for students, and

the president hosts several lunch discussions with small groups of students each semester. The vice president for student affairs and his staff meet regularly with students, and offer students easy access to individual meetings.

Complaints were not logged ten years ago; therefore our comparisons are primarily anecdotal. Considerable effort has been invested in improving services and the quality of campus life, and the number and nature of complaints reflect those improvements.

SUMMARY: STRENGTHS AND CHALLENGES

Over the past ten years, Case has made major strides in integrating and coordinating its methods of accountability at all levels of the university's multiple functions. While the role of the central administration has been strengthened, the roles of the various component colleges and subunits have been respected in this process. Openness and accountability to all members of the university community – faculty, staff, and students – as well as to the governmental and overseeing bodies have improved.

Case has considerably strengthened its internal auditing mechanisms to respond to issues, and continues to improve all aspects of its accountability program. The restructuring and subsequent refocus of the Office of Internal Audit in 2000 have strengthened Case's overall compliance efforts at the federal level, state level, and to the organizations which oversee and accredit all parts of university life and results. For many years that office had attempted to influence management decisions outside the prescribed scope of its responsibility. There were staffing inefficiencies, as well as perceptions that office leadership was invasive rather than supportive. The current leadership and staff have been well received on campus and the level of confidence in the office's function has risen accordingly.

As compliance issues at the state and federal level have increased in number and degree of complexity, having a stable and competent Office of Internal Audit is critical. Case is fortunate to have such an office. In addition to overseeing regulatory requirements, that office has also

14. The Handbook for Undergraduate Students is available online at www.case.edu/provost/ugstudies/handbook2004.pdf.

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undertaken a major initiative in coordinating compliance efforts among all the university's schools. The Compliance Committee, comprising representatives from each appropriate unit, has been established to ensure that the institution remains fully compliant with all current regulations and standards.

Clear statements regarding issues such as conflict of interest and the acceptable use of computing resources are in place, and committees of administrators, faculty, staff, and students continue to review these statements and monitor compliance as appropriate. Procedures that allow all members of the university community to air concerns and, if necessary, file formal grievances are publicized and strictly followed. Case is strongly committed to full compliance with regulatory requirements, and actively promotes the highest standards in its daily operations.

The Compliance Committee and other entities are responsible for educating the university's members about pertinent issues, and also for recommending, investigating, and making corrections for non-compliance. Given the numerous and diverse activities at Case as an educational and research institution, publicizing the intent and efforts of these entities presents a challenge. To educate and instill the importance of regulatory compliance and accountability to all Case community members is a major task. Though this information is available and accessible to students, staff, and faculty, efforts must be made to ensure that people are aware of the need for compliance to regulations and standards. Therefore, periodic campus-wide communication addressing guidelines and requirements is essential as Case seeks to transform its overall environment with the goal of maintaining the highest standards of compliance with legal regulations and ethical norms.