



COMPLIANCE ALERT

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Cybersecurity

[NIST SP 800-171 Compliance Template](#)

A compliance template created to assist higher education institutions understand the impact of the National Institute of Standards and Technology (NIST) special publication 800-171. The guideline maps security standards and controls set by NIST guidelines in regards to higher education IT systems and data.

Clery

[U.S. Department of Education Levies Historic Fine Against Penn State Over Handling of Sexual Misconduct Incidents](#)

After a comprehensive review, the U.S. Department of Education (DOE) fined Penn State University with a \$2.4 million fine for failure to comply with the Clery Act. Thus far, it is the largest fine assessed for Clery Act violations. Passed in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires colleges receiving federal financial aid to keep track and report criminal acts that took place on their campus. The U.S. DOE then makes the campus crime information available to the public.

Health Sciences Compliance

[UMass Settles Potential HIPAA Violations Following Malware Infection](#)

The University of Massachusetts Amherst (UMass) reported in 2013 the malware infection of a workstation in one of its centers. The incident potentially disclosed over 1,670 electronic records of protected health information. In response, UMass agreed to settle potential HIPAA violations issued by the Office for Civil Rights and follow a corrective action plan.

Here's What's Happening at ECAS

- ◆ Sheryl Vacca has departed UC after serving as Senior Vice President (SVP) and Chief Compliance Officer for 9 years, she is now the Chief Risk Officer for Providence Health. John Lohse, former UCOP Director of Investigations, is serving as Interim SVP and Chief Compliance Officer.
- ◆ The UC Global Operations (UCGO) website was launched on December 12, 2016. To view the site please visit: <http://www.ucgo.org>. We welcome the UC community in submitting questions, updates, and suggestions to ucgo@ucop.edu.
- ◆ UCOP's Office of Ethics, Compliance and Audit Services hosted an information booth in celebration of National Compliance and Ethics Week from November 7 to 10, 2016. ECAS staff were available for questions and distributed resources on compliance and ethics issues.
- ◆ Presidential Policies In The Works:
 - ◇ Clery
 - ◇ Video Surveillance
 - ◇ Export Controls
 - ◇ Policy on Policies
- ◆ Ethics and Compliance Training
 - ◇ Compliance and Conflict of Interest for Researchers Briefing (COIR) course to be rolled out in January 2017.
 - ◇ General Ethics and Compliance Briefing online course update to be rolled out in the Spring.
- ◆ Sexual Violence and Sexual Assault Education and Training Updates:
 - ◇ Online training module for staff and faculty will be translated into three languages: Spanish, Mandarin, and Tagalog. Estimated roll out date is Spring 2017.
 - ◇ UC's policy on Sexual Violence and Sexual Harassment is now available in Spanish and Mandarin translations.



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Human Resources Compliance

[What the Future Holds for the Federal Crackdown on Campus Sexual Assault](#)

The U.S. Federal Government has conducted 310 investigations of colleges for possibly mishandling reports of sexual violence. Some advocates have supported the Office for Civil Rights (OCR) for holding colleges accountable. However, the OCR faces challenges to its authority and criticisms for the length of case processing, investigation criteria, and increased amount of cases.

[Stigma, Stress, and Fear: Faculty Mental-Health Services Fall Short](#)

Faculty members face stigma concerning mental health conditions and may lack sufficient support to address mental health care. Some universities, such as UC Irvine, are advocating for faculty and staff by expanding mental health services and awareness.

[Oklahoma Wesleyan Joins Lawsuit Challenging Education Dept.'s Title IX Guidance](#)

Oklahoma Wesleyan University joined a former University of Virginia student's lawsuit in opposition to the U.S. Education Department's Office for Civil Rights (OCR). The lawsuit challenges the Title IX guidance provided by OCR and alleges the low standard of proof needed to assert the occurrence of sexual misconduct.

[How a University Is Training Its Police to Take a Trauma-Informed Approach to Sexual Violence](#)

Victims of sexual violence often display varied forms of responses in the aftermath of an incident. A new blueprint for University of Texas campus police outlines a victim's state after a traumatic event, how this can manifest in their behavior, and policing strategies that can be applied when interacting with those victims. Officials aim to bridge the gap between victims and law enforcement officers.

[In Sexual-Misconduct Cases, Colleges Weigh Privacy Against Transparency](#)

The University of Kentucky has sued a student newspaper in order to challenge transparency advocates over access to sexual harassment and assault information. Universities face a duality between the privacy of those involved in campus cases and increased public demand for transparency.

[Complaints Skyrocket at the Office for Civil Rights of the U.S. Department of Education](#)

In its 2016 annual report, the Office for Civil Rights (OCR) reported a record 16,720 complaints filed with its office. This is a 61 percent increase from the previous 2015 fiscal year. Concerns regarding Title IX violations, in particular, relating to equal opportunity for women athletes, constituted the largest number of complaints. The full report is now available online.

Research Compliance

[New NIH Policy on Funding Opportunity Announcement \(FOA\) for Clinical Trials](#)

In order to improve the identification of proposed clinical trials, the National Institutes of Health (NIH) will require all applications involving one or more clinical trials be submitted through a Funding Opportunity Announcement. The NIH will no longer accept principal investigator initiated proposals for clinical trials or applications through other FOAs that are not specific to clinical trials. This NIH policy has a target effective date of September 27, 2017.

[New NIH Policy on Good Clinical Practice Training for NIH Awardees in NIH-funded Clinical Trials](#)

Starting January 1, 2017, all NIH-funded investigators and clinical trial staff must receive good clinical practice (GCP) training. The new training requirement is applicable to investigators and staff who are responsible for the conduct, management or oversight of NIH-funded clinical trials. The GCP training will need to describe the responsibilities of investigators, staff, sponsors, monitors, and IRBs in the context of clinical trials. This training will complement other required training involving human research participants.

[New NIH Policy on the Dissemination of NIH-funded Clinical Trial Information](#)

To promote the dissemination of information, the National Institutes of Health has issued a new policy requiring all NIH-funded clinical trials (in whole and in part) be registered at ClinicalTrials.gov and submit subsequent results information to ClinicalTrials.gov. This requirement will be part of the terms and conditions of awards, effective January 18, 2017. Any on-going clinical trials are encouraged to follow the new rule.



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Policy

[New UC Policies](#)

[Guidance on Abusive Conduct and Bullying in the Workplace:](#)

Presidential guidance in regards to abusive behavior and bullying of staff and improving the working climate for staff. This guideline is effective 7/26/16.

[Recent UC Policy Updates](#)

[Sustainable Practices:](#)

Effective 9/6/16, policy revised to update the following sections with new goals and clarifying language: definitions, green building design, sustainable transportation, and sustainable water systems.

[BFB-BUS-43 Materiel Management:](#)

Revised 10/19/16 to address the Affordable Care Act, Prevailing Wage Legislation, and the Fair Wage/Fair Work Initiative effective October 1, 2015.

[Accepting Equity When Licensing University Technology:](#)

On May 12, 2016, the newly created position of Senior Vice President Research, Innovation & Entrepreneurship assumes responsibility for implementation of the Policy on Accepting Equity When Licensing University Technology as one of the SVP's responsibilities. This Policy has been updated on October 25, 2016 to reflect this reorganization.

[Implementing Requirements on Expenses Incurred in Support of Official Responsibilities of the President and Chancellors:](#)

Revised 2/1/16 for latest version of policy template and extended due date to December 15th to submit a copy of the Annual Report of Fiscal Year Expenses to the CFO Divisions. Hyperlinks were also updated.

[Interim Seismic Safety Policy:](#)

Revised 12/19/2016 to reflect changed policy owner contact info and the interim overall authority in the administration of the policy. In addition, there is an added definition of lease and removed applicability to licenses.

Privacy

[Apps vs. Mobile Websites: Which Option Offers Users More Privacy?](#)

Research conducted at Northeastern University investigated the

degree to which Personally Identifiable Information (PII) was leaked from two platforms, mobile websites and mobile apps. In order to guide users in which platform to use, researchers developed an interactive website that rates online privacy for 50 sites based on user privacy preferences.

[UC Partners with Insurance Company to Increase Access to Medical Data](#)

One of the largest medical databases will be available to University of California physicians and researchers. A new agreement signed with UnitedHealth Group, Inc. will make patient records available for further understanding of medical data. In addition, both UC and UnitedHealth will create an accountable care organization to further the collaboration between both entities.

[Messaging Apps Vary Widely When It Comes to Privacy](#)

A recent analysis of messaging applications found differences concerning message encryption. Messaging apps with end-to-end encryption allow a message to remain private and encrypted when transmitted from the sender to the intended recipient. The top 10 messaging apps use encryption in a variety of ways.

Service	End-to-end Encryption
iMessage	Always on
Signal	Always on
WhatsApp	Always on
Facebook Messenger	Opt-in
Google Allo	Opt-in
Google Hangouts	Unavailable
Snapchat	Unavailable
Skype	Unavailable
WeChat	Unavailable
BBM	Unavailable



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Typing While Skyping Could Compromise Privacy

Researchers from Italy and UC Irvine conducted a study that revealed the ability of potential hackers to transcribe keystroke sounds to text. Desktop or laptop keystroke sounds are recordable through voice or video during Skype calls and create a new form of electronic eavesdropping. The accuracy of predicting keystrokes does vary on knowledge of a typist's style and equipment.

Facebook, Twitter and Instagram Sent Feeds That Helped Police Track Minorities in Ferguson and Baltimore, Report Says

The Geofeedia company utilized public data streams from popular social media companies to provide real-time information to law enforcement. The analyzed information posted by users is provided to police to use as a tracking and surveillance tool.

Upcoming Educational Opportunities

- ◆ February 2—3D Printing in the Education Sector (Webinar)
- ◆ February 8—Understanding and Negotiating HIPAA Business Associate Obligations Training (Irvine)
- ◆ February 14—Auditing Human Subject Research Studies (Webinar)
- ◆ February 15—Understanding and Negotiating HIPAA Business Associate Obligations Training (Oakland)
- ◆ March 7-9—T9 Mastered Training for Title IX Investigators (Oakland)
- ◆ TBA—2018 Compliance and Audit Symposium