

FY24 Endowment Compliance Plan

Mission Statement

The mission of The University of Texas MD Anderson Cancer Center (MD Anderson) is to eliminate cancer in Texas, the nation, and the world through outstanding programs that integrate patient care, research, and prevention, and through education for undergraduate and graduate students, trainees, professionals, employees, and the public.

To fulfill this mission:

- We are committed to meeting the highest standards of medical, research and business ethics.
- We recognize that, regardless of payor source, appropriate, medically necessary services must be delivered in the most efficient manner and meet all applicable local, state, and federal guidelines and regulations.
- We understand that promoting research integrity, including appropriate use of all research funding and accurate documentation of all research work, is critical to ensuring our ongoing research efforts and fulfilling federal, state, and The University of Texas (UT System) requirements.
- We are intolerant of fraud, waste, abuse, and other violations of such guidelines and regulations.
- We are committed to providing education, monitoring, and oversight to ensure that faculty, employees, volunteers, trainees, contractors, and other persons whose conduct, in the performance of work for MD Anderson, is under the direct control of MD Anderson, whether or not they are paid by MD Anderson (collectively referred to as Workforce Members), are fully informed and committed to these standards.
- We facilitate programs to address key risk areas including international relationships, cybersecurity threats, and continually reassess the risk environment to proactively develop standards and processes that protect our resources.
- We promote an open work environment so that all individuals associated with MD Anderson feel free to communicate openly on such issues.

The mission of MD Anderson's Institutional Compliance Program is to support MD Anderson's mission, vision and core values and to help the institution fulfill its responsibilities to the people of Texas in an environment based upon ethical behavior and compliance with applicable laws, rules, and guidelines.

To that end, the Institutional Compliance Program will:

- Provide all Workforce Members with the most accurate, concise, and up-to-date information and advice to assure awareness of their responsibilities with respect to sustaining such an environment;
- Foster an environment of open communication by educating Workforce Members about their obligations to report compliance concerns;

- Protect Workforce Members from retaliation if they, in good faith, report suspected wrongdoing, participate in or with an institutional investigation pertaining to alleged wrongdoing, or assist appropriate authorities in investigating possible wrongdoing; and
- Continually assess the effectiveness and quality of its program to ensure all MD Anderson business is conducted with integrity and in compliance with the law.

Code of Conduct

MD Anderson requires all administration staff, medical staff, employees, and other Workforce Members to follow the [Standards of Conduct](#) adopted by the Board of Regents for UT System (Board of Regents).

MD Anderson is committed to full compliance with all applicable laws, rules, and guidelines. To such end and in order to uphold MD Anderson's core value of Integrity, our Workforce Members are required to conduct themselves in accordance with the ten principles comprising [MD Anderson's Code of Conduct](#):

Know and follow the rules

Know and follow the letter and the spirit of applicable laws, rules, and guidelines, as well as UT System and MD Anderson rules, policies, procedures, and compliance plans.

Think and act ethically

Follow our ethical standards and those of your professional organizations. Before you say or do something, ask yourself: How would this look to our patients and our community? Would this harm our reputation?

Keep it confidential

Handle all MD Anderson information, especially patient information, in ways that meet applicable laws, rules, guidelines, and document retention schedules. Treat our information the same way you treat yours.

Commit to research integrity

Perform all research efforts in ways consistent with applicable legal, ethical and professional requirements, as well as MD Anderson rules, policies and procedures.

Avoid gifts

In general, you can't accept or give gifts, favors, benefits, services, or items of value — especially in return for preferential treatment or patient referrals.

Bill accurately

When you document and bill for the care you've provided, be accurate, be thorough, be honest — and be timely.

Focus on Making Cancer History

Don't use any MD Anderson resources, including your time and your colleagues' time, in a wasteful manner, for personal benefit, to harm someone, for political activity, or for illegal activity.

Be true to our mission: Avoid outside influences

Don't engage in activities or enter into contracts that could or could seem to interfere with your MD Anderson work, make you disclose confidential MD Anderson information, or affect your independent judgment.

Be a good colleague

Act with honesty and good faith in all matters. Don't engage in discriminatory, harassing, retaliatory, inappropriate, intimidating, or disruptive behaviors

When in doubt, point it out

If you think or discover that someone isn't following our Code of Conduct, promptly notify the Chief Compliance and Ethics

Officer or Institutional Compliance. And always cooperate fully with all inquiries and investigations related to reported issues.

Endowment Compliance Oversight

The purpose of the Endowment Compliance Plan is to assure that MD Anderson complies with state and federal laws, regulations and guidelines, UT rules and guidelines, UT System and MD Anderson policies, and UT System Policies & Standards – UTS117: Endowment Compliance Plan System-Wide Standards and Guidelines (UTS117) applicable to the expenditure and stewardship of endowment funds (collectively Endowment Compliance Requirements).

Responsibility for oversight of the Endowment Compliance Plan (ECP) rests with a multi-disciplinary Endowment Compliance Committee (ECC), whose membership is appointed by the Vice President, Chief Compliance and Ethics Officer (CCEO) and annually approved by the Executive Institutional Compliance Committee (EICC). All members of the ECC must sign a statement assuring total confidentiality in all dealings of the ECC. The ECP is a Medical Committee within the meaning of [Texas Health and Safety Code § 161.031](#). Dealings and minutes of all ECC meetings are maintained in a confidential manner, provided to the EICC, and maintained by Institutional Compliance.

The ECC is charged with the following tasks:

- Prepare and submit to the EICC and ECC an annual report that summarizes the risk-based Institutional Compliance Work Plan.
- Validate the annual Compliance Risk Analysis related to endowment compliance matters.

The responsibility for implementing and managing the Institutional Compliance Program and Endowment Compliance Plan is assigned to the CCEO, who functions within MD Anderson's organizational structure with a direct reporting relationship to the President and an administrative reporting relationship to the Senior Vice President, Regulatory Affairs. The CCEO, or designee, will, with assistance of the ECC, perform the following activities:

- Develop or assist with developing risk management plans for high and major risk areas identified through the annual Compliance Risk Analysis.
- Assist with developing endowment compliance training materials and programs, as needed.
- Review and approve endowment compliance training materials and programs, and document attendance at such sessions.
- Mandate the completion of training programs regarding endowment compliance as needed.
- Develop and monitor methodologies and systems to optimize compliance with Endowment Compliance Requirements.
- Prepare an annual Endowment compliance Risk Analysis.

- Receive and review annual endowment reports from MD Anderson endowment-funded areas.
- Monitor submission of annual reports to endowment donors; and
- Review endowment accounts.

Education

Compliance with all applicable laws and regulations is one of MD Anderson's priorities. MD Anderson Workforce Members must be knowledgeable about MD Anderson's [Code of Conduct](#), [Standards of Conduct: Do the Right Thing](#), [institutional policies](#), and plans regarding compliance issues. Compliance with applicable laws, rules, guidelines, as well as institutional policies and plans is a condition of employment. Failure to comply may result in corrective action, up to and including termination.

MD Anderson will provide specialized compliance education to Workforce Members working with endowments.

The Vice President, Finance & Chief Accounting Officer, is responsible for directing the endowment compliance education programs. First and foremost, the education programs will focus on adherence to the Endowment Compliance Requirements including The University of Texas System Policies & Standards – UTS138: Gift Acceptance Procedures associated with the establishment of endowments. The education program will also ensure that any terms of the Official Endowment Agreement are strictly followed.

The Vice President, Finance & Chief Accounting Officer is responsible for oversight of the implementation of specific departmental endowment compliance training and for monitoring the attendance and outcome of this training.

Ongoing Monitoring and Auditing

1.0 Monitoring Activities

- 1.1 The CCEO or designee shall meet periodically with designated departmental representatives to stay abreast of current and/or new matters related to endowment compliance.
- 1.2 The CCEO or designee shall monitor the progress of risk management plans.

2.0 Auditing Activities

- 2.1 MD Anderson is committed to thorough monitoring of the ECP implementation through the ECC. The Vice President, Finance & Chief Accounting Officer with the assistance of the ECC, conducts periodic reviews of compliance with Endowment Compliance Requirements. These reviews are aimed at ensuring adherence to the Endowment Compliance Requirements including [The University of Texas System Policies & Standards – UTS138: Gift Acceptance Procedures](#) associated with the establishment of endowments and terms of the Official Endowment Agreements.
- 2.2 Reviews may include, but are not limited to, on-site visits, interviews with personnel, review of accounts, documentation, and other written materials.
- 2.3 The Vice President, Finance & Chief Accounting Officer will prepare an annual report concerning endowment compliance activities.
- 2.4 In addition to monitoring by the Vice President, Finance & Chief Accounting Officer, audits of the Endowment Compliance Program may be conducted by MD Anderson's Internal Audit Department or, by an independent, outside organization as needed. These audits are conducted under the direction of the CCO and are considered confidential and privileged.

Reporting Plan

Reports are an essential part of the ECP, serving as assurance that the institution’s review and monitoring plans function as intended. Thus, the Associate Vice President and Controller will prepare reports as follows:

- Prepare reports on an as needed basis to the President.
- Prepare an annual report to the Chancellor of the University of Texas System and/or to his/her designated representative.

Investigation and Remediation

Institutional Compliance investigations are conducted under, and therefore protected by, one or more of the following: Texas Rule of Evidence 503 (the lawyer-client privilege), Texas Education Code §51.971 (institutions of higher education conducting compliance program investigations), and/or Texas Health and Safety Code §161.032(b)(1), (c), and (e) (Medical Committees and compliance officer privileges).

The CCEO, with support from legal counsel and the EICC, addresses any violation of the laws, regulations, and institutional policies and standards applicable to governmental compliance. Whenever a compliance issue has been raised through MD Anderson’s Compliance Hotline, direct contact, a third-party, or any other source, and a preliminary assessment suggests that an investigation is warranted, the CCEO will initiate a confidential investigation to determine the facts and circumstances of the potential violation. Compliance investigations will involve only those individuals necessary to resolve a fact or issue. Barring exceptional circumstances, the CCEO does not apprise complainants or reporters of the status of investigations.

The CCEO may accept a previously conducted investigation if such investigation was conducted with knowledge and approval of the CCEO. Compliance investigations will be performed with the assistance of legal counsel and MD Anderson subject matter experts, as needed, and will be reported immediately and confidentially to the EICC and ECC, as appropriate. If the CCEO believes the integrity of the investigation is at stake, the appropriate workforce member(s) may be removed from duty until the investigation is completed. The CCEO ensures that steps are taken to prevent destruction of documents or other evidence.

The CCEO promptly and fully investigates all reports professionally and without prejudice. Consultations follow with the appropriate division head(s), department chair(s), manager(s), and/or Workforce Member(s), as appropriate.

The CCEO ensures that all those interviewed as part of the investigative process are entitled to have a representative/advocate present during their interview. However, an interviewee’s representative/advocate is not permitted to steer, coach, or rehabilitate the interviewee’s responses or otherwise compromise the integrity of the interview. Any such attempts to compromise the integrity of the interview may be considered noncooperation. The interviewee will be provided with a copy of [MD Anderson’s Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#) and apprised of the ramifications of, as a consequence of the interview, engaging in conduct implicated by the Policy.

If an investigation indicates that corrective action is warranted, such action will be imposed in accordance with MD Anderson’s written standards of corrective action and outlined in a corrective action plan. The corrective action plan to be implemented is developed after the outcome of an investigation. In determining the corrective action plan, MD Anderson should not take into consideration a Workforce Member’s economic or reputation benefit to the institution. All corrective actions provided in the plan are disseminated to those responsible for completing such actions and must be undertaken and completed within their specified time frames.

Any misconduct that violates civil or criminal law, rules or regulations may be reported to the appropriate governing body after receipt of credible evidence of such misconduct, along with a description of the appropriate corrective action taken. If applicable, plans for repayment of federal funds will be included in the report.

Corrective action plans also should include determining whether the problem is systemic and implementing any necessary preventive measures.

Corrective Action

MD Anderson upholds a “zero tolerance” policy toward any illegal activity or knowing, willing, or intentional noncompliance with federal and state laws and regulations, and MD Anderson’s policies. All actions taken will be in accordance with MD Anderson’s [Hospital Compliance Plan](#).

Sanctioned Individuals

MD Anderson prohibits the employment of individuals who:

- i. have a criminal history related to federal health care program or state health care program; or
- ii. have been disbarred, excluded, or otherwise determined ineligible for participation in federal health care programs as evidenced by appearance in one of the following agencies (Adverse Action Databases”) Sanction Checks are handled in accordance with the MD Anderson [Hospital Compliance Plan](#).

Reporting Compliance Concerns

Remaining silent and failing to report any violation or potential violation that a workforce member knows or should have known of may subject a person to corrective action up to and including termination. MD Anderson will not accept a workforce member’s claim that improper conduct occurred for the benefit of MD Anderson. Any such conduct is not for the benefit of MD Anderson and is expressly prohibited.

To encourage open communication in all dealings with the CCEO and the EICC, Workforce Members contacting Institutional Compliance are assured non-retaliation in accordance with the [Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#) and an atmosphere of confidentiality.

To report compliance concerns, Workforce Members and any other member of the MD Anderson community, including patients and their family members, may:

- Call the Compliance Hotline at 1-800-789-4448;
- Call Institutional Compliance directly at 713-745-6636; or
- Contact the CCEO via the Page Operator at 713-792-7090.
- Email Institutional Compliance at Institutional_Compliance@mdanderson.org; or
- Submit an online report through the [Detecting and Addressing Compliance Concerns webpage](#).

Suspected fraud, waste, and abuse involving state resources may be reported to the State Auditor’s Office’s Hotline at 1-800-TX-AUDIT (1-800-892-8348). Additional information is provided on the, [State Auditor’s Office website](#).

MD Anderson has established the Compliance Hotline, listed above, for Workforce Members and other members of the MD Anderson community to report all suspected violations or questionable conduct. The Compliance Hotline includes the following features:

- The Compliance Hotline number is included in employment materials, Code of Conduct badge cards, the Institutional Compliance Program intranet site and website, and MD Anderson's Standards of Conduct: Do the Right Thing and is displayed in poster form on MD Anderson bulletin boards.
- Telephone calls to the Compliance Hotline are treated anonymously, upon request, and confidentially to the extent possible.
- The caller is not recorded, traced or identified, and the caller is not required to furnish their name.
- Information provided to the Compliance Hotline is treated as privileged to the extent permitted by applicable law.
- Upon receiving information from the Compliance Hotline, the CCEO will communicate and disseminate all compliance complaints to the triage team and assign to the appropriate party for investigation.
- Each report will be reviewed, and the CCEO or designee will initiate any investigations, corrections and/or follow-up on an as-needed basis in accordance with provisions of this plan.
- The CCEO will provide routine reports and periodic updates as deemed necessary to the EICC and President.

Note that intentionally making false accusations is a serious violation of MD Anderson policy and may lead to corrective actions against the person making the accusation, up to and including termination of employment. Workforce Members may not use the Compliance Hotline to protect themselves from the outcome of their own violations or misconduct; however, self-reporting is strongly encouraged and may be considered a mitigating factor when determining the appropriate corrective actions.

In all reports of compliance concerns, the CCEO strictly complies with and enforces MD Anderson's [Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#).

References

[Corrective Action Policy \(MD Anderson Institutional Policy #ADM0256\)](#)

[Hospital Compliance Plan](#)

[Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#)

[MD Anderson's Standards of Conduct](#)

[State Auditor's Office](#)

[Texas Health and Safety Code § 161.031](#)

[The University of Texas System Policies & Standards – UTS117: Endowment Compliance Plan System-Wide Standards and Guidelines \(UTS117\).](#)

[The University of Texas System Policies & Standards – UTS138: Gift Acceptance Procedures \(UTS138\).](#)

[The University of Texas System Regents' Rules and Regulations Series 30103: Standards of Conduct.](#)

[The University of Texas System Rules and Regulations of the Board of Regents Series: 60101: Acceptance and Administration of Gifts.](#)

[The University of Texas System Rules and Regulations of the Board of Regents Series: 60103: Guidelines for Acceptance of Real Property.](#)

[The University of Texas System Rules and Regulations of the Board of Regents Series: 60202: Endowed Academic Positions.](#)

APPROVALS

Date	Approver
10-24-2023	Executive Institutional Compliance Committee
10-18-2022	Executive Institutional Compliance Committee
10-22-2021	Executive Institutional Compliance Committee
10-22-2019	Executive Institutional Compliance Committee
10-17-2018	Executive Institutional Compliance Committee
11-06-2017	Executive Institutional Compliance Committee
11-20-2014	Executive Institutional Compliance Committee
01-16-2014	Executive Institutional Compliance Committee
10-09-2012	Executive Institutional Compliance Committee
09-07-2011	Executive Institutional Compliance Committee

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