

## 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 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 are intolerant of fraud, waste and abuse and violations of such guidelines and regulations.
- We are committed to providing education, monitoring, and oversight to ensure that all 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 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 MD Anderson Workforce Members with the most accurate, concise, and up-to-date information and advice to assure that they are aware of their responsibilities with respect to sustaining such an environment. The Institutional Compliance Program will also continually assess the effectiveness and quality of the program to ensure that 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.

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.

## Compliance Endowment Oversight

The purpose of the Endowment Compliance Plan is to assure that MD Anderson complies with state and federal laws, regulations and guidelines, The University of Texas rules and guidelines, U.T. System and MD Anderson policies, and The University of Texas 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 (CCO) 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](#). Minutes of all ECC meetings are maintained in a confidential manner and are provided to the EICC. Minutes are maintained in the Institutional Compliance Office.

The ECC is charged with the following tasks:

- Prepare and submit to the EICC an annual work plan that outlines the major activities and initiatives of the ECC for the upcoming fiscal year.
- Prepare and submit to the EICC and ECC an annual report that summarizes the ECC's progress regarding each work plan objective contained in the ECC's annual work plan for the preceding fiscal year.
- Validate the annual Compliance Risk Analysis related to endowment compliance matters.

The responsibility for implementing and managing the Institutional Compliance Program and the Endowment Compliance Plan is assigned to the CCO, who functions within MD Anderson's organizational structure. The CCO, 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. Workforce Members at MD Anderson must be knowledgeable about MD Anderson’s Institutional Code of Conduct and policies and plans regarding institutional compliance. Compliance with applicable laws, rules, guidelines, as well as institutional policies and plans is a condition of employment. Failure to comply may result in disciplinary action, 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 CCO, 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 CCO, 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.

## Corrective and/or Disciplinary Action

MD Anderson upholds a “zero tolerance” policy towards any illegal activity or knowing, intentional or willing. Any employee knowingly, willingly, and/or intentionally in violation of the federal and state laws, regulations, Regents’ Rules and Regulations and/or institutional policies is subject to disciplinary actions, up to and including termination. All actions taken will be in accordance with MD Anderson’s [Hospital Compliance Plan](#).

## Investigation & Remediation

The CCO, with support from legal counsel and the EICC, addresses any violation of the laws, regulations, and MD Anderson’s policies and standards applicable to governmental compliance. Whenever a compliance issue has been identified through the hotline, direct contact, a third-party, or other source, the CCO 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. The CCO does not apprise complainants or reports of the status of investigations, barring exceptional circumstances.

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

The CCO promptly and fully investigates all reports professionally and without prejudice. Consultations follow with the appropriate division head(s), manager, and/or employee, as appropriate. The corrective action plan to be implemented is determined after the outcome of each investigation. In determining the corrective action plan, MD Anderson should not take into consideration a Workforce Member’s economic benefit to MD Anderson. All corrective action taken will be in accordance with MD Anderson’s [Hospital Compliance Plan](#).

If the investigation indicates that disciplinary action is warranted, such action will be imposed in accordance with MD Anderson’s written standards of disciplinary action.

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

## Sanctioned Individuals

MD Anderson prohibits the employment of or contracting with individuals or entities who: (a) have a criminal history related to health care; or (b) have been disbarred, excluded, or otherwise determined ineligible for participation by certain federal or state 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 person knows or should have known of, may subject a person to disciplinary 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 CCO and the EICC, Workforce Members contacting the Institutional Compliance Office are assured non-retaliation in accordance with the [Non-Retaliation Policy \(UTMDACC Institutional Policy # ADM0254\)](#) and an atmosphere of confidentiality.

To report compliance concerns, Workforce Members may:

- Call the Compliance Hotline at: 1-800-789-4448;
- Contact the Institutional Compliance Office directly at: 713-745-6636; or
- Contact the CCO via the Page Operator at: 713-792-7090.
- Report suspected fraud, waste, and abuse involving state resources to the State Auditor's Office's Hotline at 1-800-TX-AUDIT (1-800-892-8348). The State Auditor's Office provides additional information at its website, <http://sao.fraud.state.tx.us>.

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

- The hotline number is included in employment materials, employee badge cards, the Institutional Compliance Program website, MD Anderson's Standards of Conduct: Do the Right Thing, and displayed in poster form on MD Anderson bulletin boards;
- Telephone calls to the 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 his/her name;
- Information provided to the hotline is treated as privileged to the extent permitted by applicable law; and
- The CCO strictly complies with and enforces MD Anderson's [Non-Retaliation Policy \(UTMDACC Institutional Policy # ADM0254\)](#).

Intentionally making false accusations is a serious violation of MD Anderson policy and will lead to disciplinary actions against the person making the accusation, up to and including termination of employment;

Employees may not use the hotline to protect themselves from the outcome of their own violations or misconduct, nor will the discipline be increased or decreased for an employee who reported his or her own violation;

Upon receiving information from the hotline, the CCO 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 CCO, or designee, will initiate any investigations, corrections and/or follow-up on an as-needed basis in accordance with provisions of this plan; and

The CCO will provide routine reports and periodic updates as deemed necessary to the EICC and President.

## References

<http://sao.fraud.state.tx.us>

[Non-Retaliation Policy \(UTMDACC Institutional Policy # ADM0254\).](#)

[Standards of Conduct.](#)

[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
10-27-2020	Executive Institutional Compliance Committee
02-07-2020	Vice President & Chief Compliance and Ethics Officer
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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