

**MIDDLE TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES**

**AUDIT AND COMPLIANCE COMMITTEE
MINUTES**

The Audit and Compliance Committee met on Tuesday, August 18, 2020 in the MEC Meeting Room in the Miller Education Center at Middle Tennessee State University.

Call to Order and Opening Remarks

Committee Chair Pete DeLay called the meeting to order at 11:00 a.m. and welcomed everyone in attendance.

Roll Call

The following Committee members were in attendance: Trustees Tom Boyd, Pete DeLay, Mary Martin, Steve Smith, and Pam Wright. Trustee Christine Karbowskiak was unable to attend the meeting. A quorum was declared present. Also present were Trustees J.B. Baker, Darrell Freeman Sr., Joey Jacobs, and Delanie McDonald. President Sidney A. McPhee; Alan Thomas, Vice President for Business and Finance; Mark Byrnes, University Provost; Joe Bales, Vice President for University Advancement; Andrew Oppmann, Vice President for Marketing and Communications; Bruce Petryshak, Vice President for Information Technology and Chief Information Officer; Deb Sells, Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services; Brenda Burkhart, Chief Audit Executive; Heidi Zimmerman, University Counsel and Board Secretary; and, Kim Edgar, Assistant to the President and Chief of Staff were also in attendance.

Approval of Minutes - Action

The first agenda item was approval of the minutes from the June 2, 2020 Audit and Compliance Committee meeting. Trustee Smith moved to approve the minutes from the June 2, 2020 meeting and Trustee Wright seconded the motion. A voice vote was taken and the motion to

approve the minutes from the June 2, 2020 meeting of the Audit and Compliance Committee carried.

Title IX Compliance: Rule 0240-07-06 and Policy 29 - Action

Marian Wilson, Assistant to the President for Institutional Equity and Compliance, and Title IX and Title VI Coordinator, provided an overview of Title IX and how it is implemented at MTSU. Due to changes required by the U.S. Department of Education in the revised federal Title IX regulations, a new rule and policy dedicated to Title IX which follow the federal requirements is proposed. Because the procedure includes student discipline, a rule must be promulgated. A rulemaking hearing is scheduled for September 15, 2020. Jeff Farrar, Associate University Counsel, provided information on what is included in the new regulations and how MTSU will be addressing the new regulations in the new rule and policy. Discussion followed regarding various aspects of the new rule and policy, including hearings, time frames, and advisors for the parties. A motion to approve the rule and policy as presented was made by Trustee Wright and seconded by Trustee Martin. A voice vote was taken and the motion to approve the rule and policy as presented carried.

Annual Report for Audit and Consulting Services - Action

The 2020 Annual Report for Audit and Consulting Services which includes the audit plan for fiscal year 2021 was presented by Ms. Burkhart for approval. Trustee Martin moved to approve the 2020 Annual Report for Audit and Consulting Services and Trustee Smith seconded the motion. A voice vote was taken and the motion to approve the 2020 Annual Report for Audit and Consulting Services carried.

Compliance and Enterprise Risk Management Update - Information

As part of the University's Compliance and Enterprise Risk Management programming, Ms. Gené Stephens, Assistant Vice-President for the Office of Compliance and Enterprise Risk Management, provided updates in the following areas: 1) Records Management - The University continues to provide its annual Records Holding Report to the State's Records Management

Division (RMD) by July 1, with positive feedback from the State RMD Director. 2) Drug-Free Schools and Campuses Act Biennial Reporting - The Department of Education under the Drug-Free Schools and Campuses Act requires institutions of higher education to provide information and biennial reporting regarding alcohol and drug prevention programs, activities, and policies. The University's biennial report for 2018 – 2020 was successfully completed and details MTSU's alcohol and drug prevention and education program; provides statistics related to enforcement from the Office of Student Conduct, Housing and Resident Life, and University Police; and provides information on initiatives that helps provide student support related to the connection between substance abuse and mental health. 3) The European Union General Data Protections Regulations (EU GDPR) - The University continues to monitor activities related to the European Union's (EU) General Data Protection Regulation (GDPR) including monitoring the number of EU employment applicants and EU students.

Non-Public Executive Session

The Committee adjourned the public session at 11:40 a.m. and entered non-public executive session at 11:41 p.m. to discuss risk assessment reports, audits and investigations. The non-public executive session adjourned at 12:05 p.m. The public session reconvened at 12:07 p.m. for the final agenda items.

Compliance and Enterprise Risk Management Update (continued) - Information

Ms. Gené Stephens provided updates to the Committee on the following: 1) Annual Compliance Trainings Effectiveness - FERPA, Ethics, and HIPAA: These trainings continue to be distributed to employees annually. A supplemental training on Fraud, Waste, and Abuse Prevention was also developed. 2) Department of Justice (DOJ) Evaluation of Corporate Compliance Programs – 2020 Update: In June 2020 the DOJ issued additional guidance regarding its evaluation of corporate compliance programs. Ms. Stephens provided the Committee with MTSU's compliance program and internal control system related to the fundamental questions in the DOJ's assessment of an agency's compliance program.

Risk Assessment Reporting - Action

Ms. Gené Stephens stated risk assessment reports for two divisions and a university-wide risk assessment report were provided to the Committee. Trustee Smith moved to approve the risk assessment reports and Trustee Martin seconded the motion. A voice vote was taken and the motion to approve the risk assessment reports carried.

Adjournment

With no further business, the Committee adjourned at 12:11 p.m.

Respectfully submitted,

Audit and Compliance Committee