

16-203 Review of Visiting Faculty

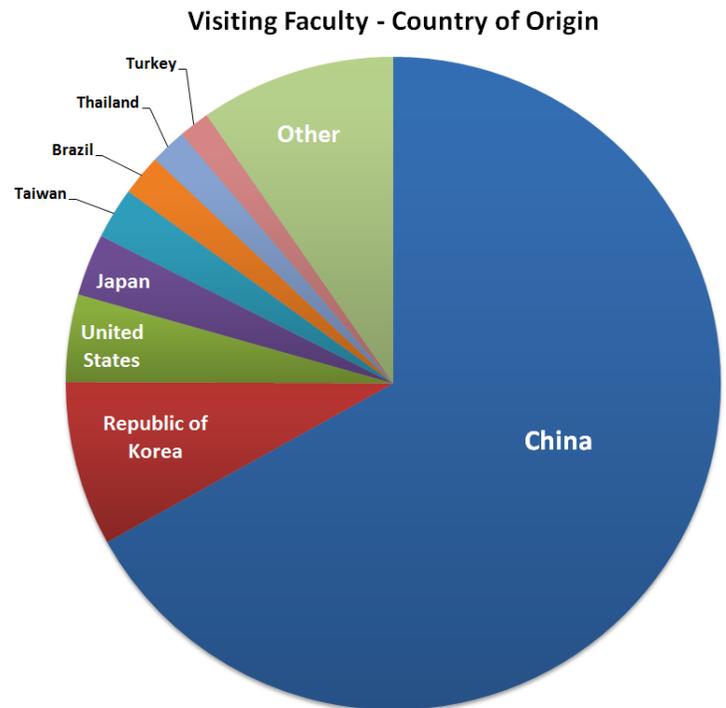
EXECUTIVE SUMMARY

The University of Texas MD Anderson Cancer Center's program for visiting faculty was established to support temporary appointments for individuals from other institutions, non-academic organizations and businesses. Although the institution has had visiting faculty for more than 20 years, the number of visitors began increasing significantly in 2009. There were a total of 393 visiting faculty between September 2014 and February 2016. These visitors represent 30 countries, with the majority coming from China (see Appendix B). During the audit period, 59 departments had visiting faculty appointees, and the majority of those visitors (88 percent) were uncompensated.

Academic and Visa Administration (AVA) generally had adequate controls in place for their processes of reviewing and approving visiting faculty appointments. However, significant risks surrounding visiting faculty exist related to physical safety and security, information security, and reputational risks. We identified opportunities for improvement in the following areas:

- Conducting criminal background checks
- Verifying educational background
- Ensuring compliance with required training
- Establishing guidance for departmental oversight
- Executing legal agreements

Activities that may mitigate such risks include training, background checks, and adequate department oversight. Further details are outlined in the *Audit Results* section. Other less significant opportunities for improvement were communicated to management separately.



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Management Summary Response:

Management agrees with the observations and recommendations and has developed action plans to be implemented on or before September 1, 2016.

Appendix A outlines the methodology for this project.

The courtesy and cooperation extended by the personnel in the Academic and Visa Administration are sincerely appreciated.



Sherri Magnus, CPA, CIA, CFE, CRMA
Vice President & Chief Audit Officer
June 23, 2016

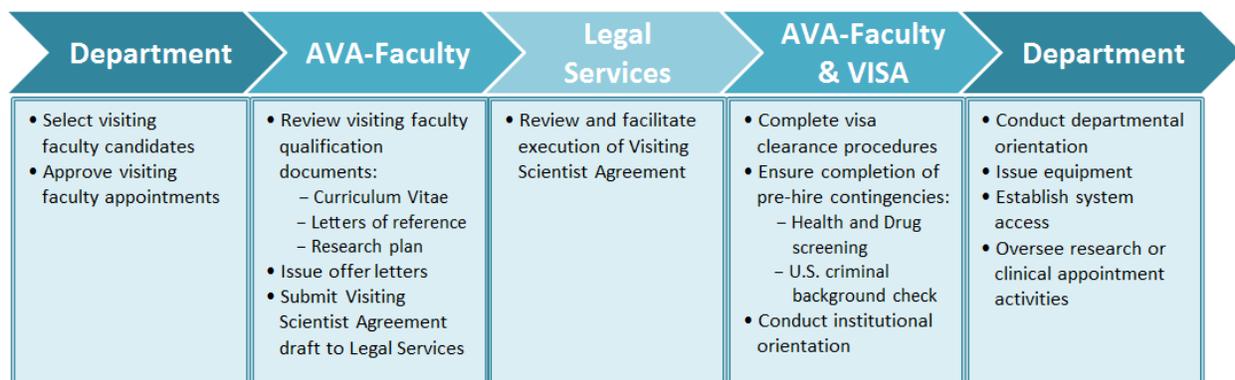
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AUDIT RESULTS

Background Information

Key processes related to visiting faculty are performed by:

- Academic and Visa Administration – Faculty Academic Affairs (AVA-Faculty);
- Visa and Immigration Services Administration (AVA-VISA);
- Sponsoring departments; and
- Office of Legal Services.



Individual sponsoring departments recruit visitors and initiate appointment approval. AVA-Faculty facilitates the appointment and onboarding processes. In addition, AVA-VISA handles all immigration activities related to visiting faculty, including visa sponsorship. As part of the appointment process, Legal Services is responsible for the execution of Visiting Scientist Agreements.

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Observation 1:**Conduct Comprehensive Criminal Background Checks****RANKING: Medium**

The criminal background check process for visiting faculty is not sufficient, as evidenced by the following:

- Ninety-six percent of all visitors on-site during the audit period were international citizens. However, international criminal background checks were not being conducted on visiting faculty. Only national criminal background checks were being performed. These checks only capture events that occur within the United States.
- For two of the 25 visiting faculty appointments reviewed, there was no evidence that a national criminal background check had been conducted. A national criminal background check had previously been conducted on one of these individuals during a prior appointment at MD Anderson.

When criminal background checks are not comprehensive (i.e. including international activity) or are not performed at all, there is an increased risk that individuals with prior criminal histories, including illegal international activity, may be appointed as visiting faculty. This increases the potential for an unsafe environment for the Institution's employees and patients.

Recommendation:

AVA-Faculty should conduct comprehensive international criminal background checks on visiting faculty who are non-U.S. citizens after acceptance of the offer but prior to arrival. In addition, AVA-Faculty should ensure that criminal background checks are conducted on all visiting faculty.

Management's Action Plan:

Responsible Executive: Ethan Dmitrovsky

Owner: Danna Kurtin

Due Date: September 1, 2016

- *Begin using Visual Compliance for all international visiting faculty; to be evaluated after their acceptance and prior to their arrival;*
- *Retrain appropriate AVA staff on the criminal background check (CBC) process; and*
- *While Visual Compliance is being used in the interim once guidance is received from the CBC working group regarding criminal background checks for internationals and the visiting faculty, additional corrective actions will be taken that align with the group's guidance on background checks.*

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Observation 2:

Verify Educational Background

RANKING: Medium

Visiting faculty’s education is not verified by either AVA-Faculty or the sponsoring department. According to AVA-Faculty, no verification is performed because visiting faculty appointments are temporary, and these faculty do not provide instruction. Per institutional policy, education is required to be validated as part of the personal background check. When education is not independently verified, there is an increased risk that an unqualified individual will be appointed, which could result in inadequate or inaccurate research, safety and health risks, and potential damage to the Institution’s reputation.

Recommendation:

AVA-Faculty should implement a process to verify the educational background of visiting faculty, either through the use of personal background checks or by reviewing supporting documentation, such as transcripts or copies of degrees.

Management’s Action Plan:

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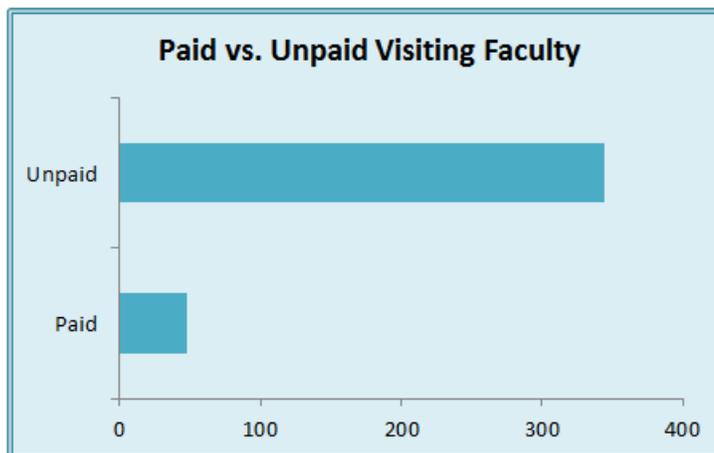
Due Date: September 1, 2016

Request an English translated copy of the visiting faculty’s degree.

Observation 3:

Ensure Completion of New Faculty Compliance Orientation RANKING: Medium

Current processes are inadequate to ensure that all visiting faculty complete New Faculty Compliance Orientation, as required. Institutional Compliance utilizes a listing of newly appointed visiting faculty provided by AVA-Faculty to monitor whether visitors have completed this training. However, uncompensated visiting faculty were not included in this listing. As a result, these individuals, representing 88 percent of all visitors during the period, were not being monitored to ensure that training was completed.



Source: AVA-Faculty

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New Faculty Compliance Orientation covers confidentiality, information and data security, ethics, and other significant topics. When visiting faculty do not complete required training, there is an increased risk of data breaches, Health Insurance Portability and Accountability Act (HIPAA) violations, and non-compliance with other regulatory requirements.

Recommendation:

AVA-Faculty should coordinate with Institutional Compliance to implement a process so that all visiting faculty complete the required New Faculty Compliance Orientation.

Management's Action Plan:

Responsible Executive: Ethan Dmitrovsky

Owner: Danna Kurtin

Due Date: September 1, 2016

- *Provide paid and unpaid names of visiting faculty to the department of Institutional Compliance.*
- *Explore offering an on-line Compliance Orientation to be completed after their acceptance and prior to their arrival.*

Training Courses Required for Visiting Faculty:

- Effort Reporting
- Human Subjects Protection¹
- Safety in a Laboratory Environment¹

¹Requirements are contingent upon each visitor's roles and research activities.

Source: Institutional Mandatory Training Policy

Observation 4:

Improve Monitoring and Recordkeeping for Training

RANKING: Medium

Training for visiting faculty requires improvements in monitoring and record keeping:

- Training records in the Education Center and in the departments were inconclusive or unavailable for some visiting faculty. For example, we found no evidence that Effort Reporting Compliance training was completed for 16 of 25 faculty sampled.
- We were unable to determine which courses were required for some visitors in our sample because specific information about their research assignments (human subject, lab environment, etc.) was not available.

Department personnel indicated that they were not always aware that visiting faculty were required to take the courses and that they rely on AVA-Faculty to monitor required training. When visiting faculty do not complete required training, there is an increased risk of unsafe practices in the lab environment and non-compliance with regulatory requirements.

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Recommendation:

AVA-Faculty should coordinate with sponsoring departments to:

- 1) Establish accountability for monitoring training,
- 2) Identify which courses are required for each visiting faculty based on their roles and research activities,
- 3) Maintain accurate training records,
- 4) Develop and implement a process to ensure that each visiting faculty completes all applicable training courses.

Management's Action Plan:

Responsible Executive: Ethan Dmitrovsky

Owner: Danna Kurtin

Due Date: September 1, 2016

- Review the list of required courses with the visiting faculty during their onboarding and let them know they are required to complete the courses as they become available and no later than 12 months or they will not be reappointed;
- Send the visiting faculty's list of required courses to the faculty's sponsor and department administrator and let them know that (a) the visiting faculty needs to complete them as the course becomes available; (b) failure to do so will render Visitor ineligible for reappointment.

Observation 5:

Develop Guidance for Departmental Oversight

RANKING: Low

There is no formal institutional guidance provided to sponsoring departments for the onboarding and ongoing oversight of visiting faculty. Processes such as the use of equipment, system access, and training vary between departments as evidenced in the chart to the right. In addition, there is no formal monitoring or evaluation of visiting faculty performance by any of the departments reviewed, despite this being a best practice at other University of Texas System institutions. A lack of consistency between departments increases the risk that departmental onboarding and oversight activities will not be performed in accordance with institutional expectations.

Does the Department...	Departments Interviewed				
	A	B	C	D	E
Have Standardized Onboarding Procedures?	✓				
Issue MDACC IT Equipment?	✓	✓		✓	
Allow Personal Computers?	✓		✓		✓
Monitor Performance?					
Grant IT System Access?	✓	✓	✓	✓	
Disable System Access?	✓				
Monitor Training?			✓	✓	

Source: Department interviews

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Recommendation:

AVA-Faculty should develop and implement guidance for sponsoring departments related to onboarding, IT assets, system access, mandatory training, and monitoring performance.

Management's Action Plan:

Responsible Executive: Ethan Dmitrovsky

Owner: Danna Kurtin

Due Date: September 1, 2016

AVA-Faculty will develop and implement guidance for sponsoring departments related to onboarding visiting faculty which will include but is not limited to IT assets, mandatory training and monitoring performance.

A **Visiting Scientist Agreement** is a contract between The University of Texas MD Anderson Cancer Center, the visiting faculty, and the visitor's home organization. This agreement establishes the terms of the visitor's temporary appointment, as well as the rights, duties, responsibilities, and obligations of the visiting faculty and their home organization, including both confidentiality and intellectual property rights.

Source: Appointment of Visiting Professors and Visiting Scientists Policy

Observation 6:**Appropriately Execute Legal Agreements****RANKING: Low**

The execution of Visiting Scientist Agreements (VSA) needs to be enhanced, as evidenced by the following:

- AVA-Faculty does not require a VSA to be completed for international visitors whose visa is sponsored by the U.S. government. However, institutional policy does not allow for any exceptions to the requirement that a VSA be completed prior to the start of the temporary appointment for all visiting faculty.
- Although institutional policy requires the VSA to be signed by an appropriate official from the visitor's home organization, the policy does not indicate what level of authority constitutes an appropriate official. In addition, neither AVA-Faculty or Legal Services confirms the authority of this individual to execute agreements on behalf of the home organization.

If a VSA is not executed or is executed by an inappropriate party, the institution may have limited legal recourse against the visitor or home organization.

Recommendation:

AVA-Faculty should work with the Office of Legal Services to ensure that Visiting Scientist Agreements are completed for all visiting faculty. In addition, AVA-Faculty should clarify what level of authority constitutes an appropriate official to execute the Visiting Scientist Agreement (e.g. Department Head, President, etc.).

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Due Date: September 1, 2016

- *Consult the Chief Legal Officer to clarify what level of authority constitutes an appropriate official to execute VSAs at the home institution.*
- *Adjust the current policy to address visiting faculty who are sponsored by the US government.*

Observation 7:**Consider Use of Non-standard VSA Arrangements*****RANKING: Low***

For two of the sampled visiting faculty, we found that the corresponding Visiting Scientist Agreements (VSA) differed from the standard VSA template. Specifically, these agreements were associated with comprehensive Research Agreements between the Institution and corporate entities. Such an arrangement differed from the majority of our sample, where the agreement was between our institution and another academic institution. We noted that the primary difference between these unique agreements and the standard template is that the corporate entities retain ownership of the intellectual property that the visiting faculty develops; whereas standard agreements do not allow the home organization to retain any rights to intellectual property.

Our review of the institutional policy governing the visiting faculty did not identify a specific definition of the visiting faculty role or preferred relationship.

Recommendation:

AVA leadership should consider whether certain unique corporate agreements such as those reviewed are appropriately classified within the visiting faculty position. This should include clarifying the definition of visiting faculty in the policy.

Management's Action Plan:

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Due Date: September 1, 2016

AVA Leadership will review unique situations that arise to ensure agreements include all points of the VSA if a non-standard VSA is used for visiting faculty.

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Appendix A

Objective, Scope and Methodology:

The objective of this engagement was to ensure that visiting faculty have met all applicable requirements, including but not limited to, criminal background checks, credential evaluations, orientation, access privileges, export controls, etc. Testing periods varied based upon the area or process reviewed; however, selected items occurred between September 2014 and February 2016.

Our procedures included the following:

- Interviewed key personnel within the Academic and VISA Administration, supporting administrative departments and selected sponsoring departments.
- Reviewed institutional policies and procedures.
- Evaluated supporting documentation including the visiting scientist agreements to ensure that it was appropriately submitted, reviewed, approved, and completed.
- Evaluated Visiting Scientist Agreement template.
- Examined Education Center records related to mandatory training.
- Reviewed results of Data Loss Prevention program relative to visiting faculty.

Our internal audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* and *Generally Accepted Governmental Auditing Standards*.

Number of Priority Findings to be monitored by UT System: None

A Priority Finding is defined as “an issue identified by an internal audit that, if not addressed timely, could directly impact achievement of a strategic or important operational objective of a UT institution or the UT System as a whole.”

Appendix B

Visiting Faculty by Country of Origin (September 2014 through February 2016)

Count	Country of Origin	Visiting Faculty	Percentage
1	China	263	66.9%
2	Republic of Korea	32	8.1%
3	United States	17	4.3%
4	Japan	12	3.1%
5	Taiwan	10	2.5%
6	Brazil	8	2.0%
7	Thailand	7	1.8%
8	Turkey	6	1.5%
9	Saudi Arabia	5	1.3%
10	Chile	4	1.0%
11	Egypt	3	0.8%
12	India	3	0.8%
13	Mexico	3	0.8%
14	France	2	0.5%
15	Romania	2	0.5%
16	Spain	2	0.5%
17	Bangladesh	1	0.3%
18	Finland	1	0.3%
19	Germany	1	0.3%
20	Ghana	1	0.3%
21	Hungary	1	0.3%
22	Israel	1	0.3%
23	Italy	1	0.3%
24	Jordan	1	0.3%
25	Lebanon	1	0.3%
26	Malaysia	1	0.3%
27	Philippines	1	0.3%
28	Portugal	1	0.3%
29	Switzerland	1	0.3%
30	United Kingdom	1	0.3%

Total	393	100.0%
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Source: AVA-Faculty

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