Responding to Emerging Legal and Ethical Frameworks in a Volatile, Uncertain, Complex and Ambiguous Environment

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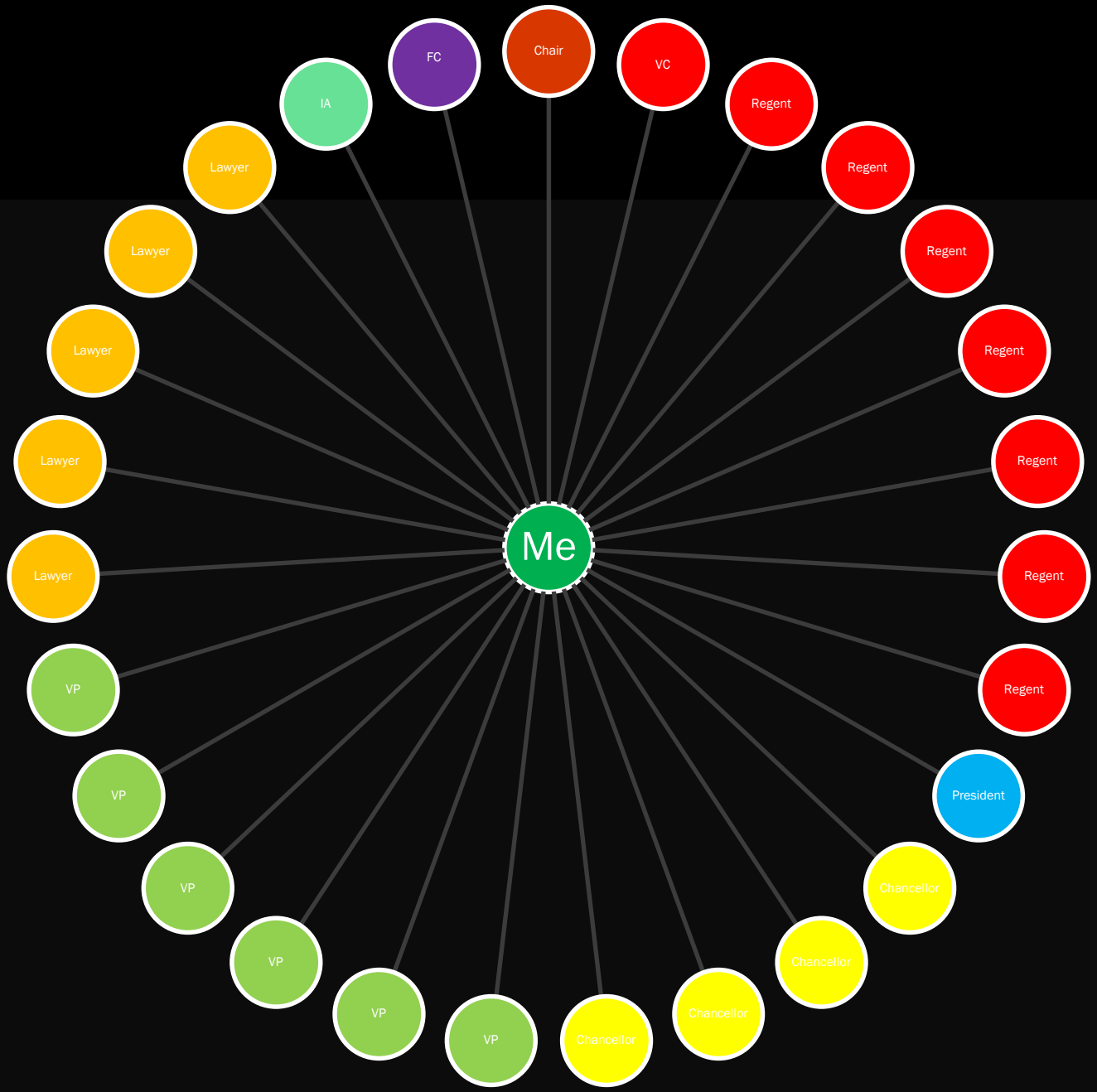
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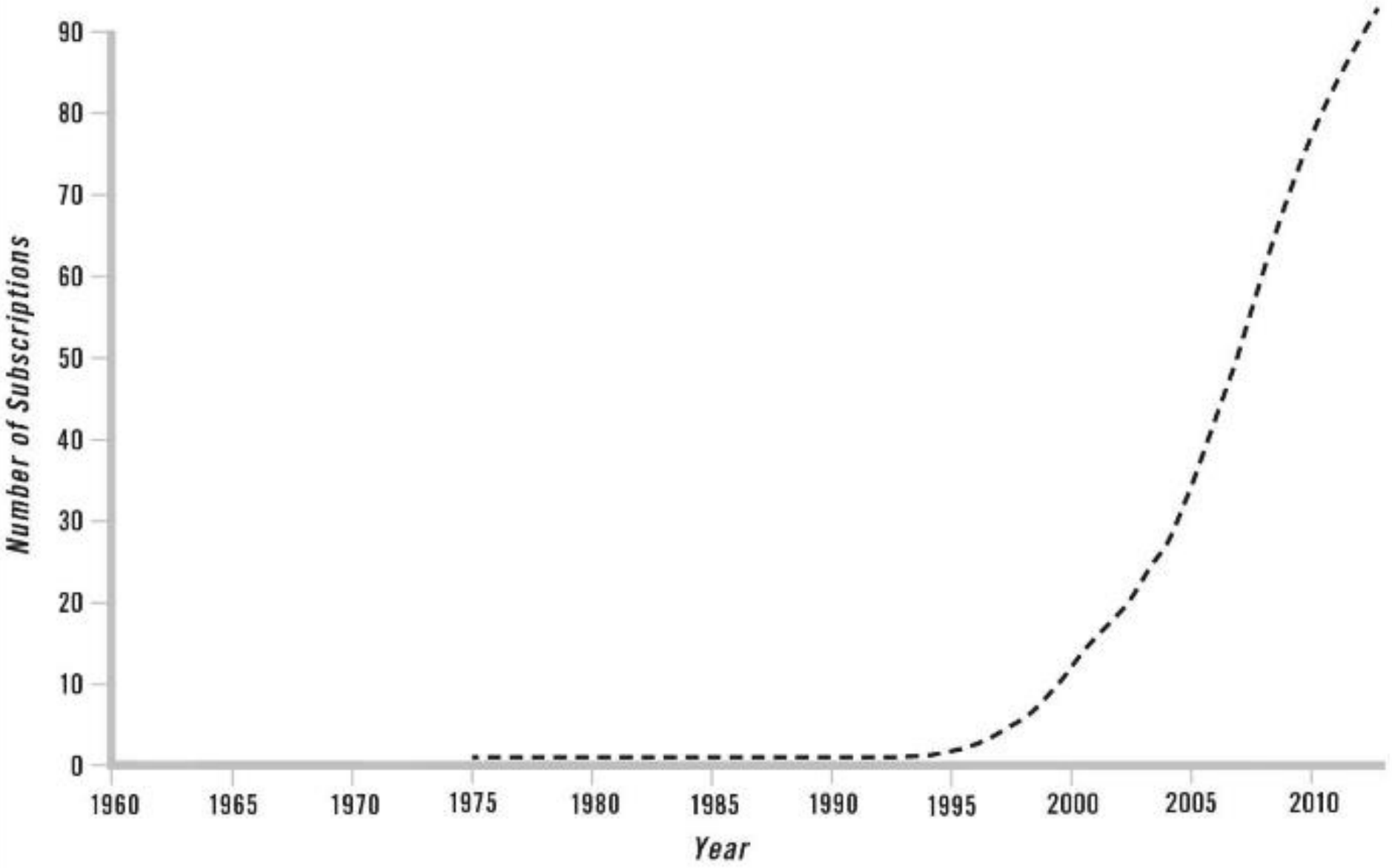
Objectives

Here's What I Hope to Do Today

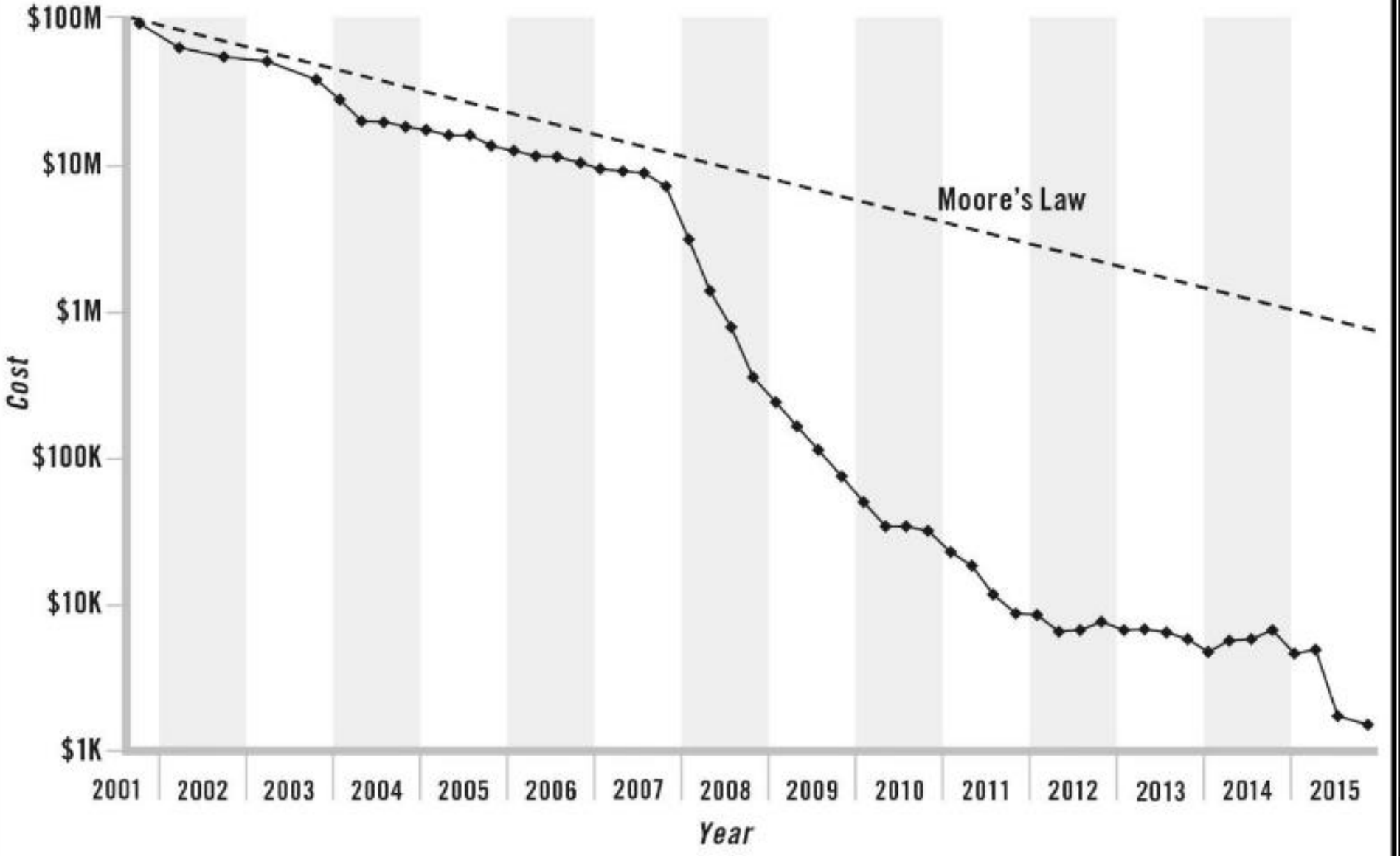
- Identify and address ethical issues that arise in university leadership;
- Define an analytic approach to addressing legal and ethical issues;
- Integrate professional ethics, principles of cultural competence and accountability in all professional conduct.

Mobile Cellular Subscriptions (per 100 People), 1960–2014



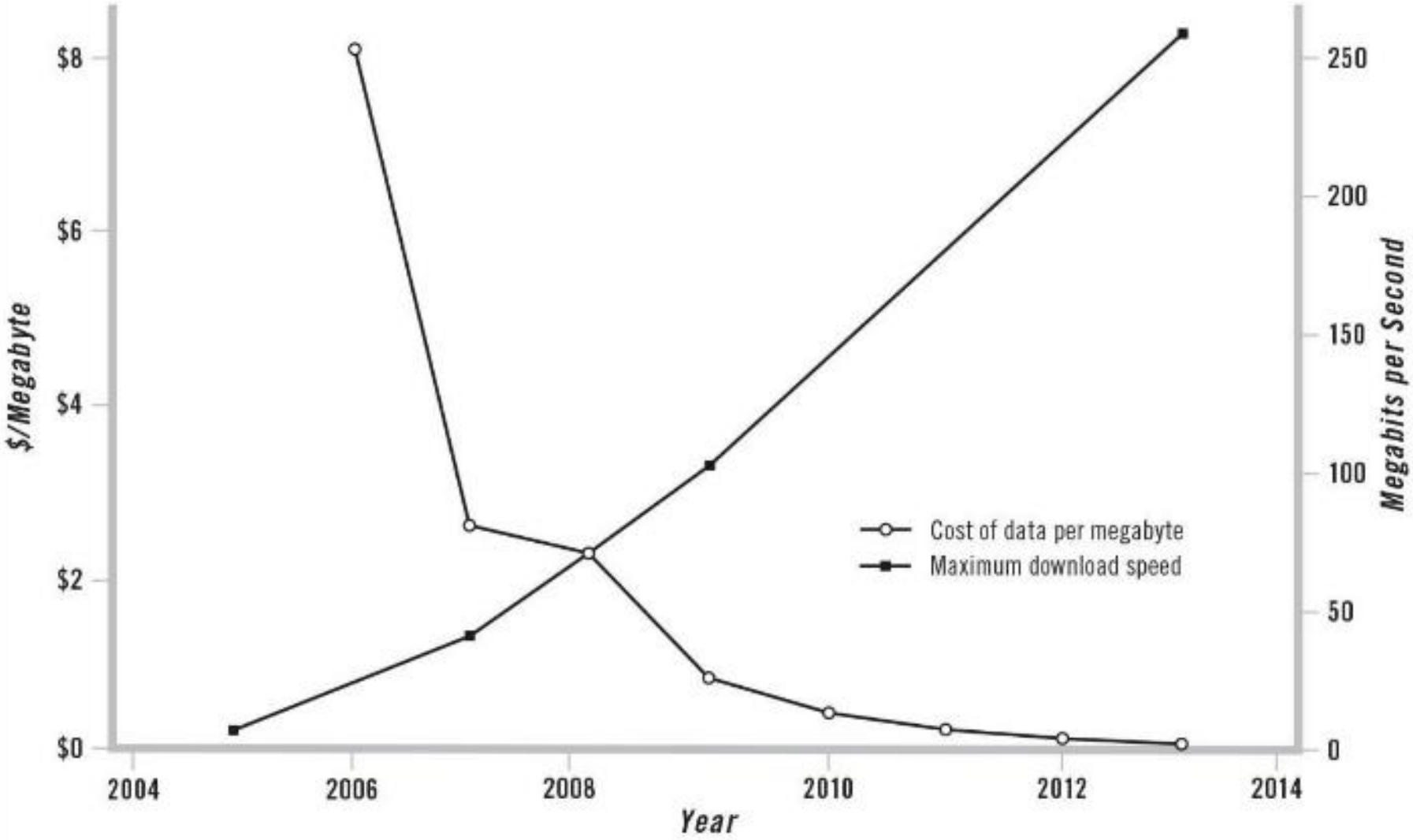
Source: International Telecommunication Union, World Telecommunication/ICT Development Report and database

Cost of DNA Sequencing, per Genome



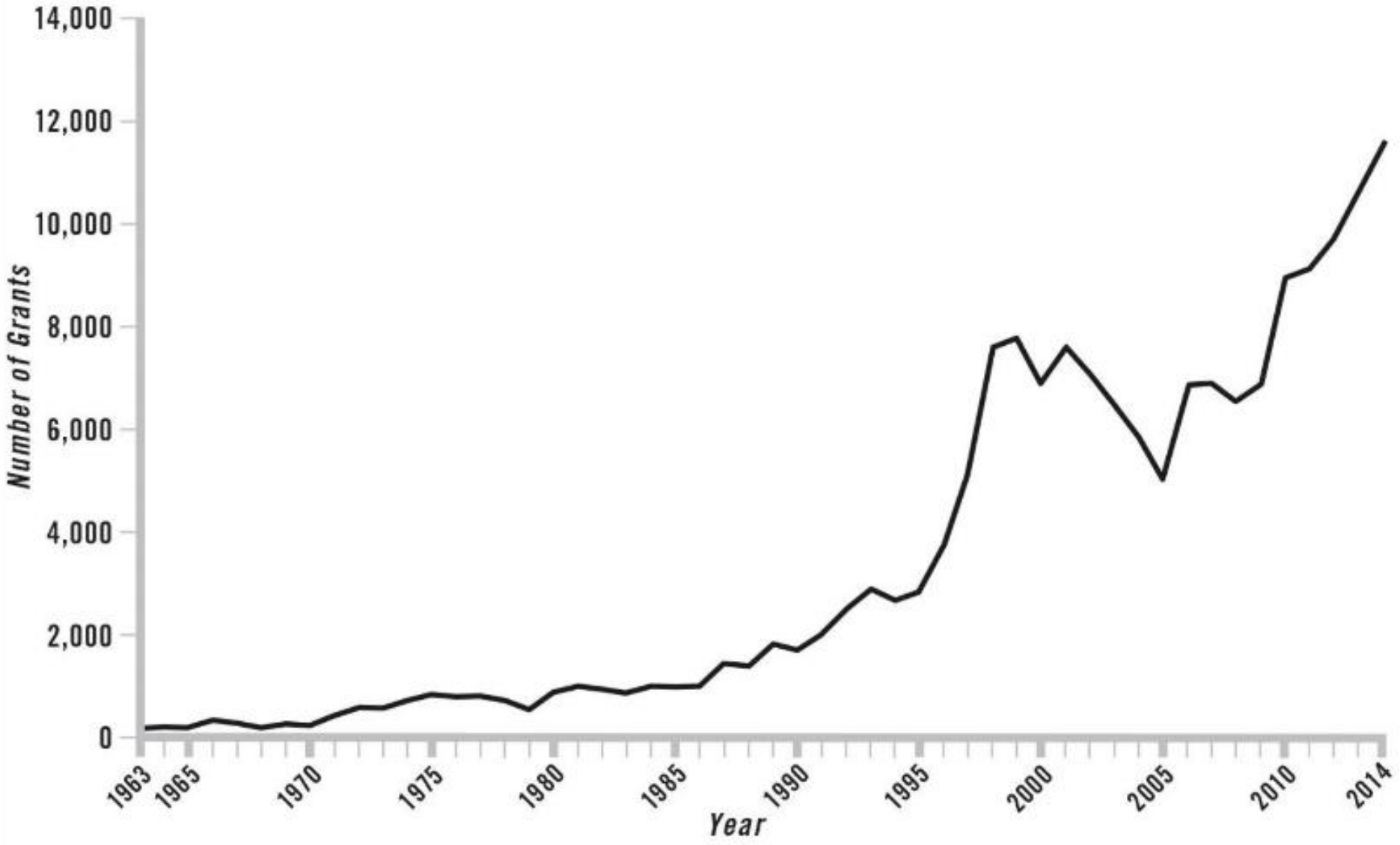
Source: National Human Genome Research Institute

Consumer Cost of Data per Megabyte and Data Speed

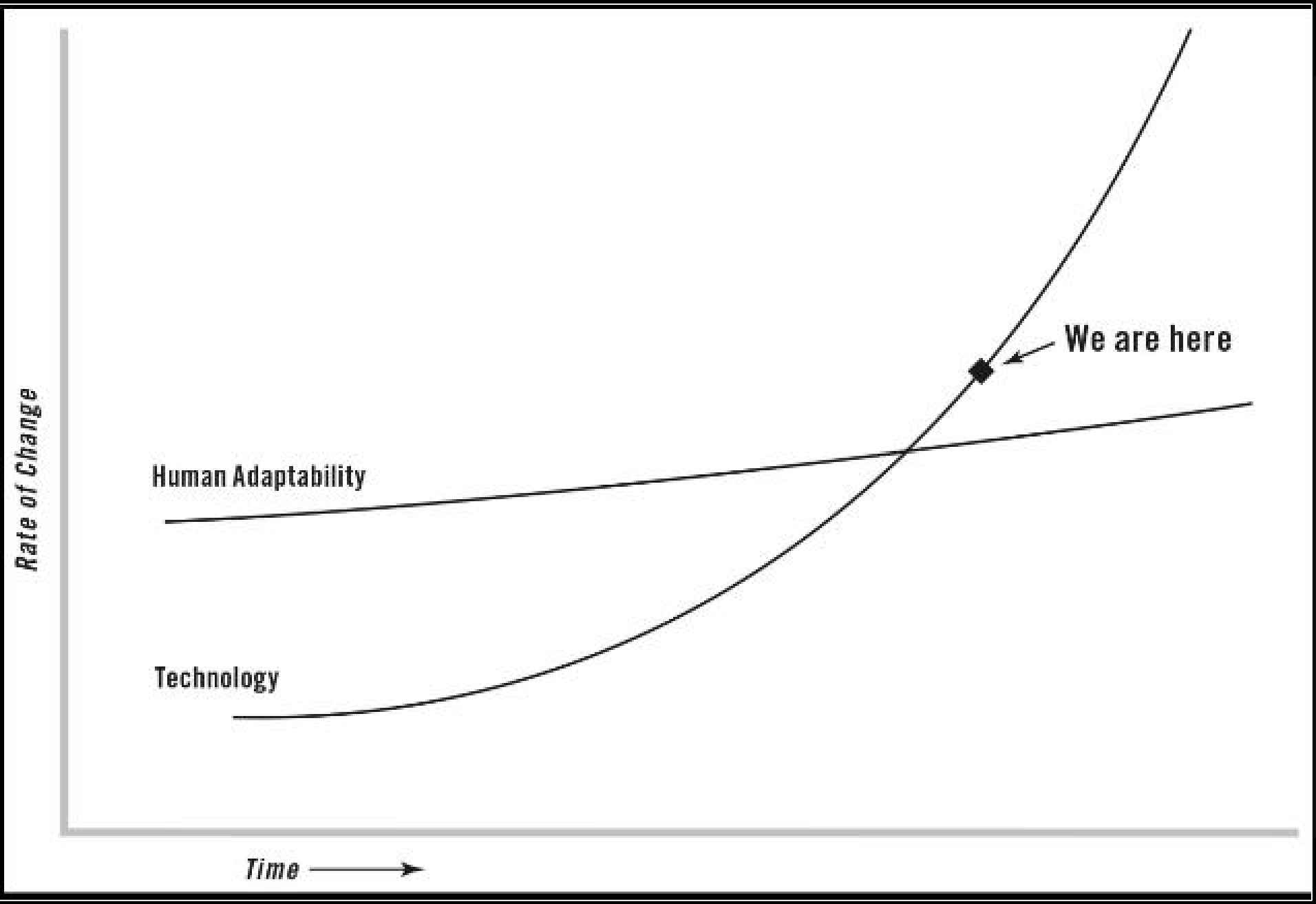


Note: Data speed indicates the maximum downlink speed, not average observed speeds. The average observed speeds depend on many factors, including infrastructure, subscriber density, and device hardware and software.

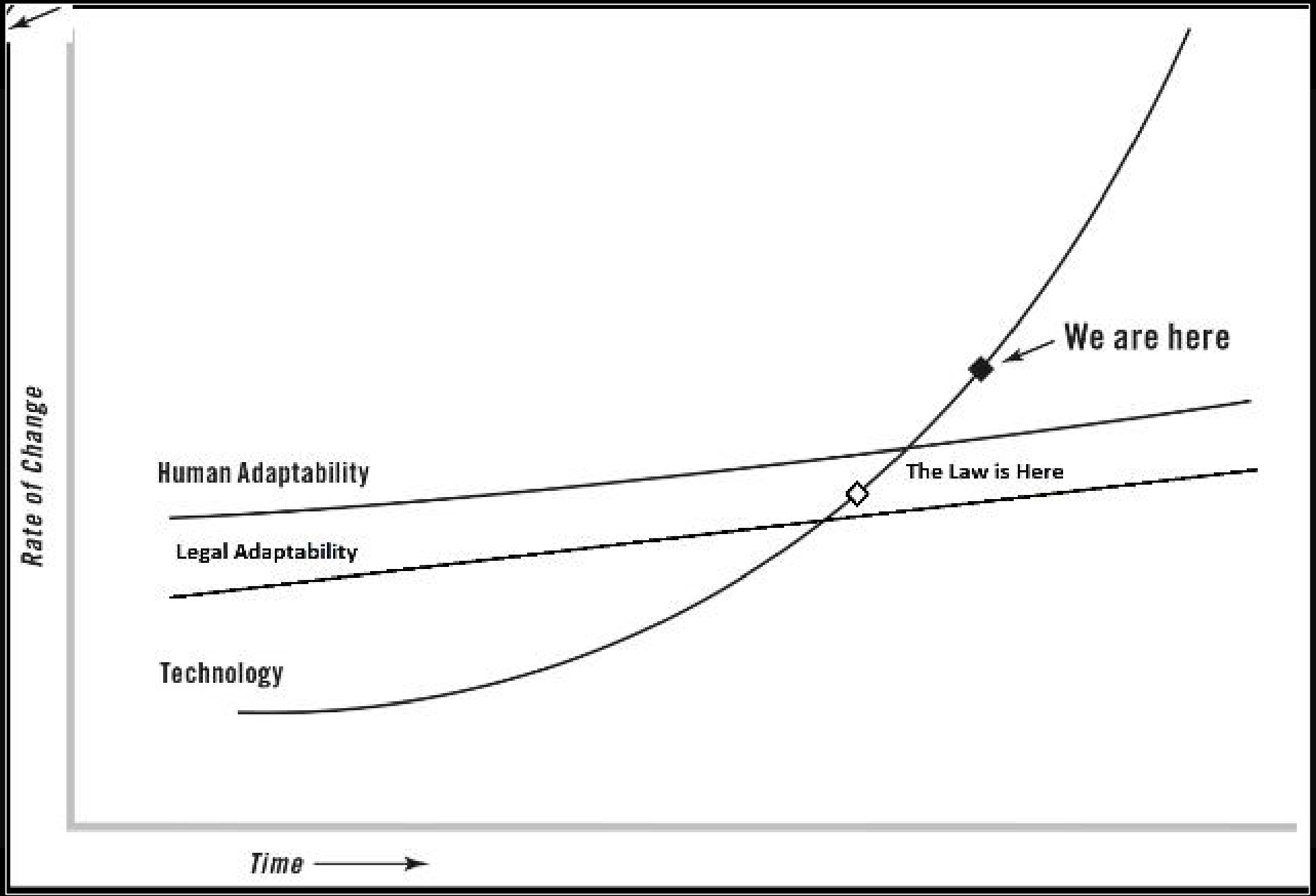
Utility Patent Grants in Biotech, 1963–2014



Source: U.S. Patent and Trademark Office


We are here
Human Adaptability
Technology
Rate of Change
Time

It took centuries for the longbow to go from development into military use in Europe in the late thirteenth century . . . But by 1900 . . . this process of technological and scientific change “started to speed up” . . . [I]t was taking twenty to thirty years for technology to take one step big enough that the world became uncomfortably different. . . Now, in 2016,. . . it’s on the order of five to seven years from the time something is introduced to being ubiquitous and the world being uncomfortably changed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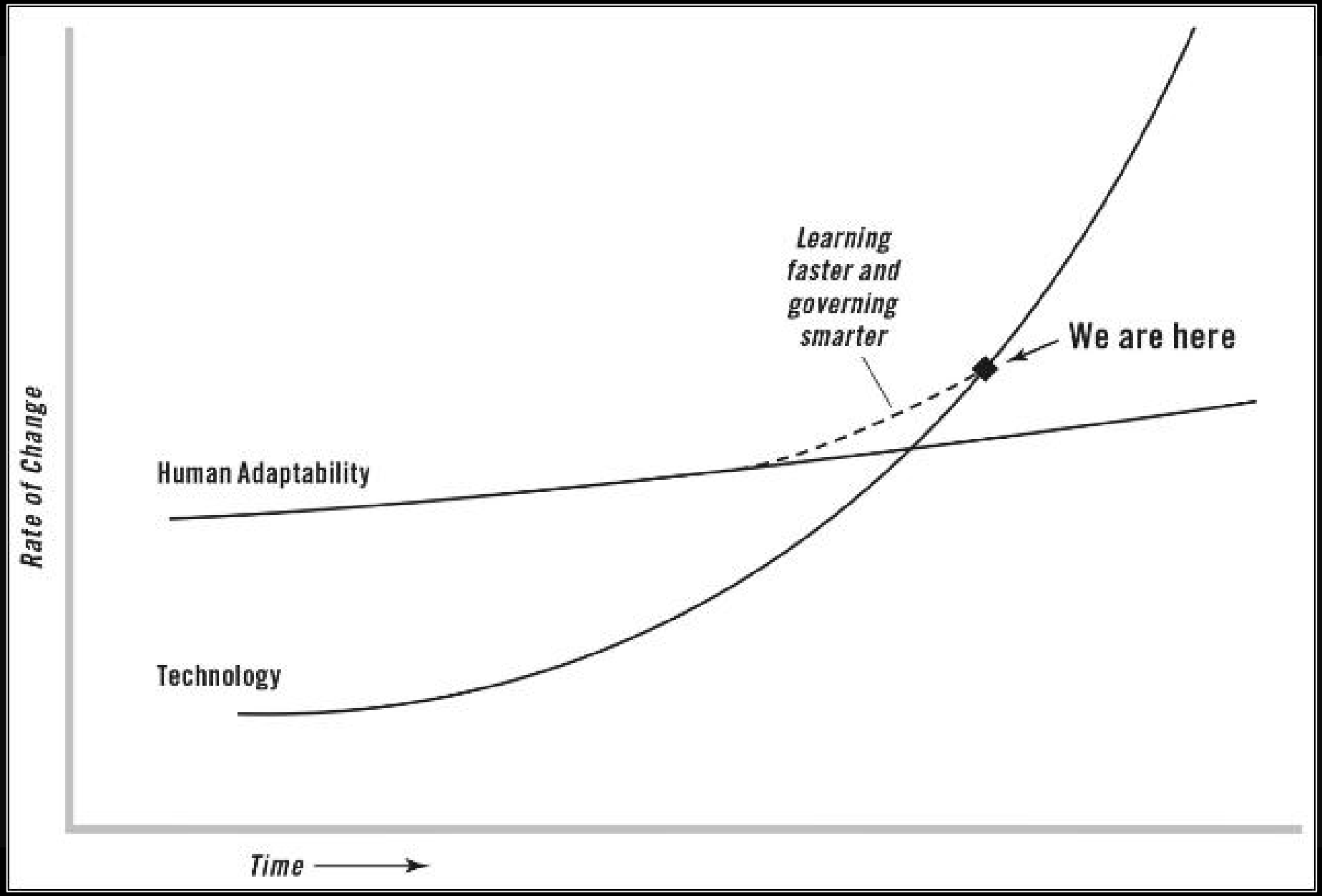
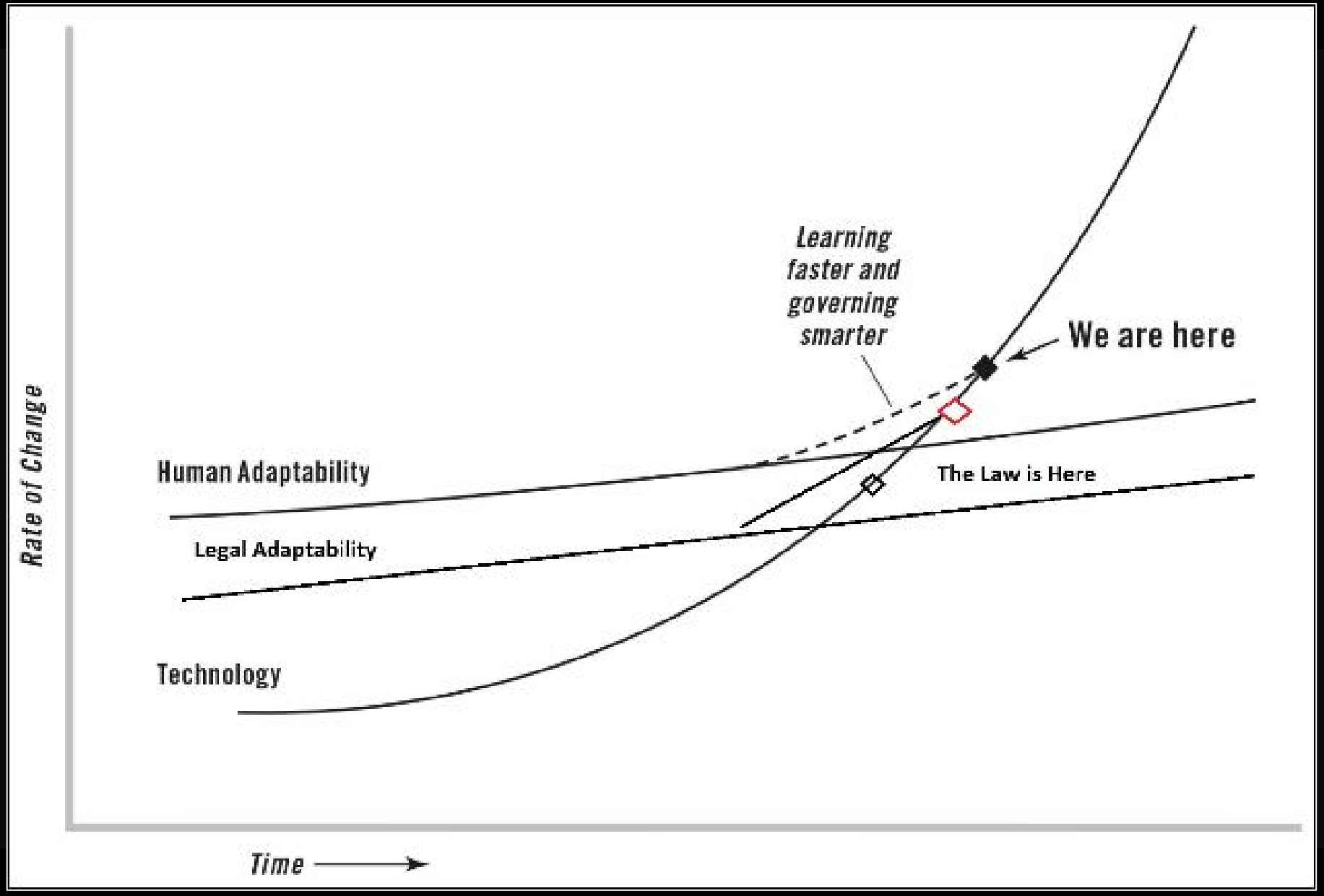

Rate of Change
Learning faster and governing smarter
We are here
Human Adaptability
Technology
Time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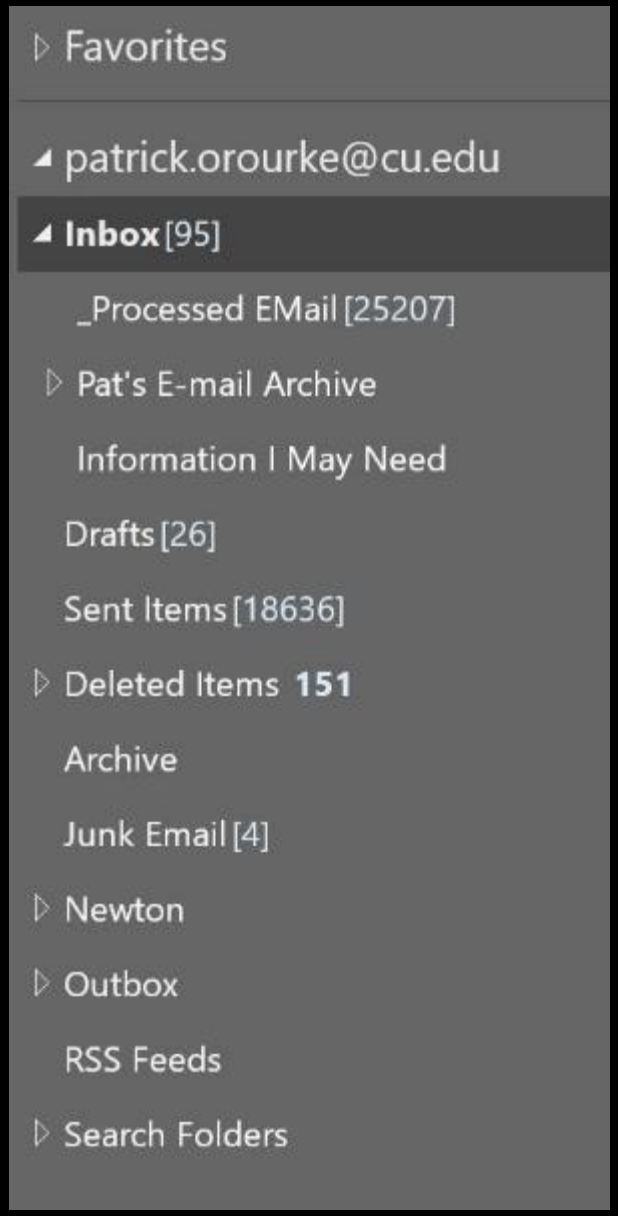
In the world we are in now, acceleration seems to be increasing. [That means] you don't just move to a higher speed of change. The rate of change also gets faster … And when the rate of change eventually exceeds the ability to adapt you get 'dislocation.'

Dislocation is when the whole environment is being altered so quickly that everyone starts to feel they can't keep up.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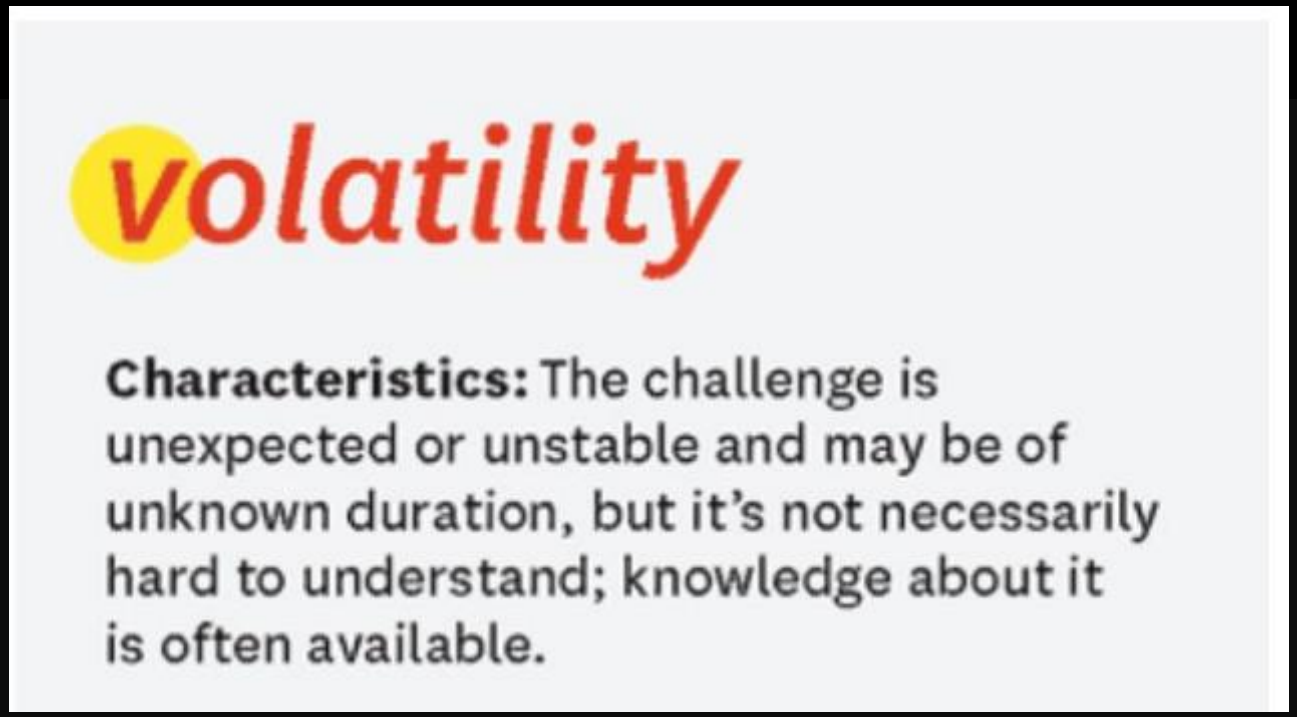
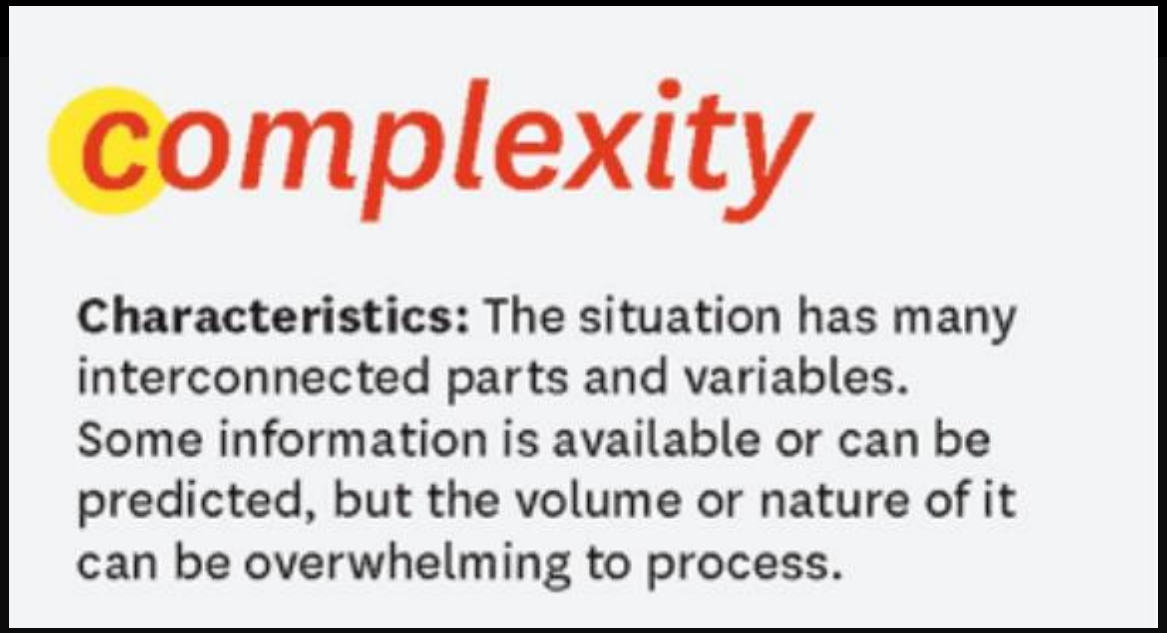
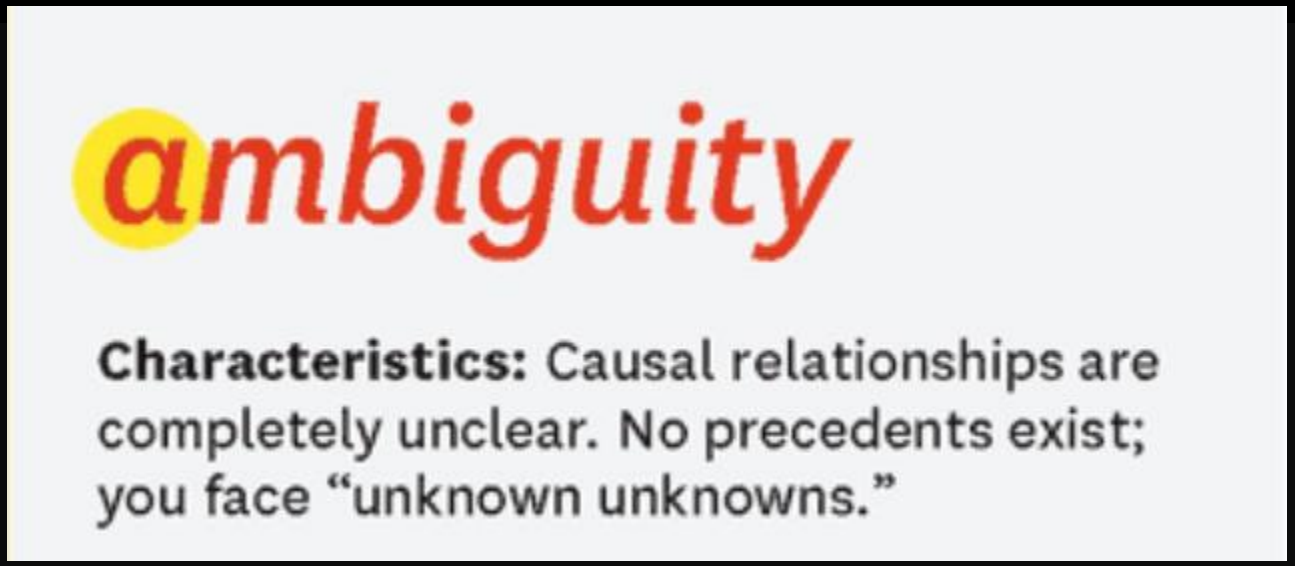
Nathan Bennett & G. James Lemonine, *What VUCA Really Means for You,* Harvard Business Review (Jan-Feb 2014)


volatility
Characteristics: The challenge is unexpected or unstable and may be of unknown duration, but it's not necessarily hard to understand; knowledge about it is often available.


uncertainty
Characteristics: Despite a lack of other information, the event's basic cause and effect are known. Change is possible but not a given.


complexity
Characteristics: The situation has many interconnected parts and variables. Some information is available or can be predicted, but the volume or nature of it can be overwhelming to process.



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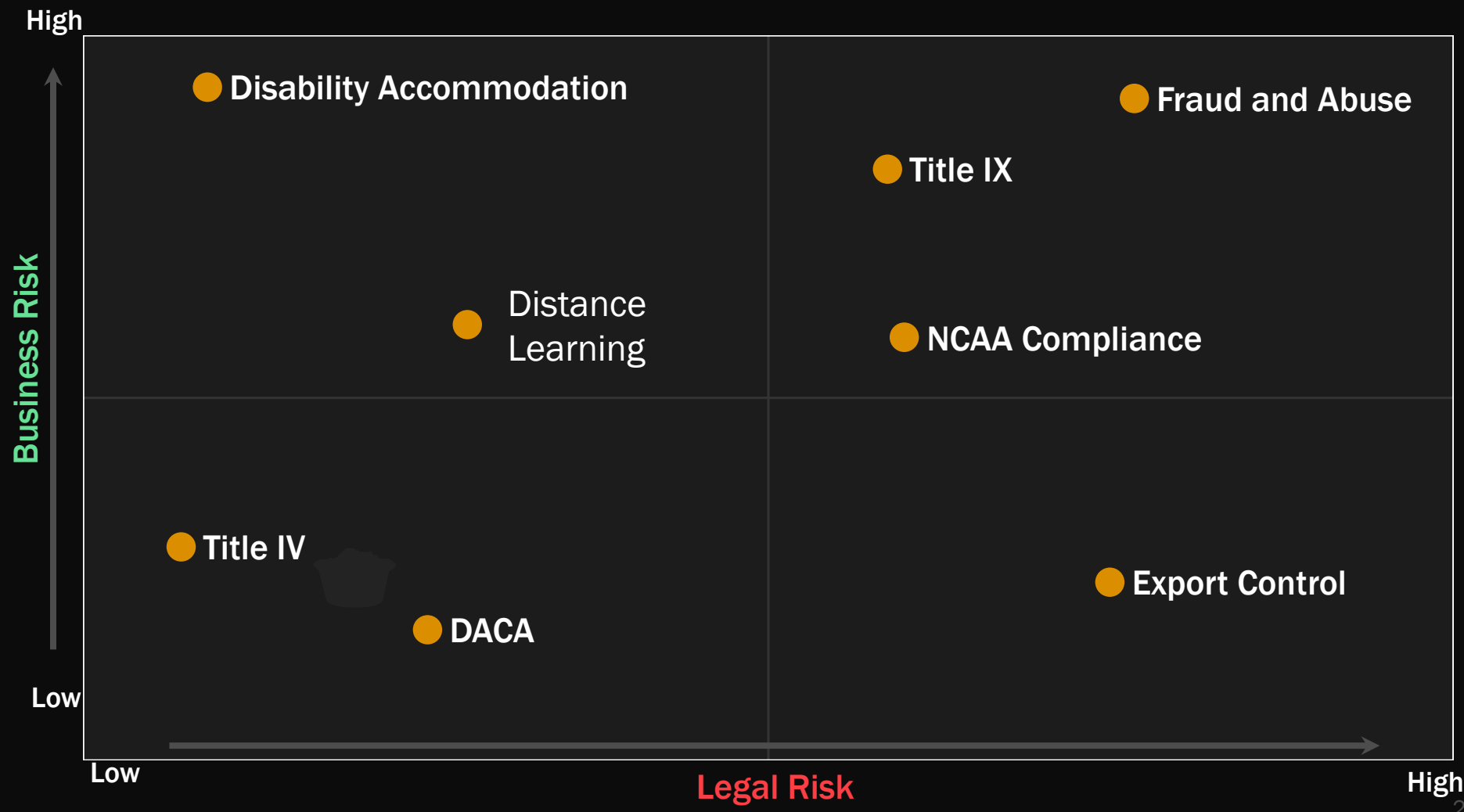
Today's Compliance Environment

VUCA?



What's the Context?

- Erosion in confidence of public and private entities' ability to safeguard their own behaviors.

Two Different Spheres

Operational v. Governance

Operational

Doing what needs to be done to ensure that employees are complying with applicable legal requirements.

Governance

Providing the mandate, resources, and oversight for the operational aspects to be effectively performed.

Law v. Ethics

They are not the same

Law - The regime that orders human activities and relations through systematic application of the force of politically organized society, or through social pressure, backed by force, in such a society.

Ethics - A system of moral tenets or principles; the collective doctrines relating to the ideals of human conduct and character.

A Not So Hypothetical

What Would You Do?

- What's Your Framework for Assessing this Issue?

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The first line of defense for any society is always going to be its guardrails—laws, stoplights, police, courts, surveillance, the FBI. . . . All of those are necessary, but they are not sufficient for the age of accelerations. Clearly, what is also needed. . . is to think more seriously and urgently about “sustainable values”: honesty, humility, integrity, and mutual respect. This is opposed to . . . “situational values”—“ just doing whatever the situation allows.”

Federal Sentencing Guidelines

- Apply to organizations
- Effective ethics and compliance program
- Code of Conduct

Principles of Ethical Behavior

- Conducting fair and principled business transactions
- Acting in good faith; being personally accountable for individual actions
- Conscientiously fulfilling obligations towards others; and
- Communicating ethical standards of conduct through instruction and example.

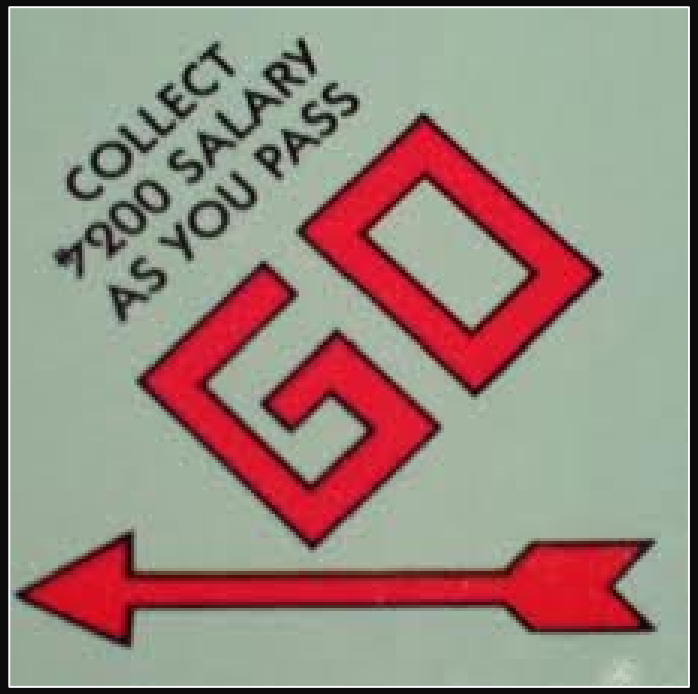
A Not So Hypothetical

DACA

- Deferred Action on Childhood Arrivals
- Rescinded
- March 6, 2018 – Work Authorizations Begin to Expire
- Skilled labor: Time to hire and retrain

Start at the End

- Each institution has different issues.
- Good policies are imperative.
- Good policies don't substitute for good people.

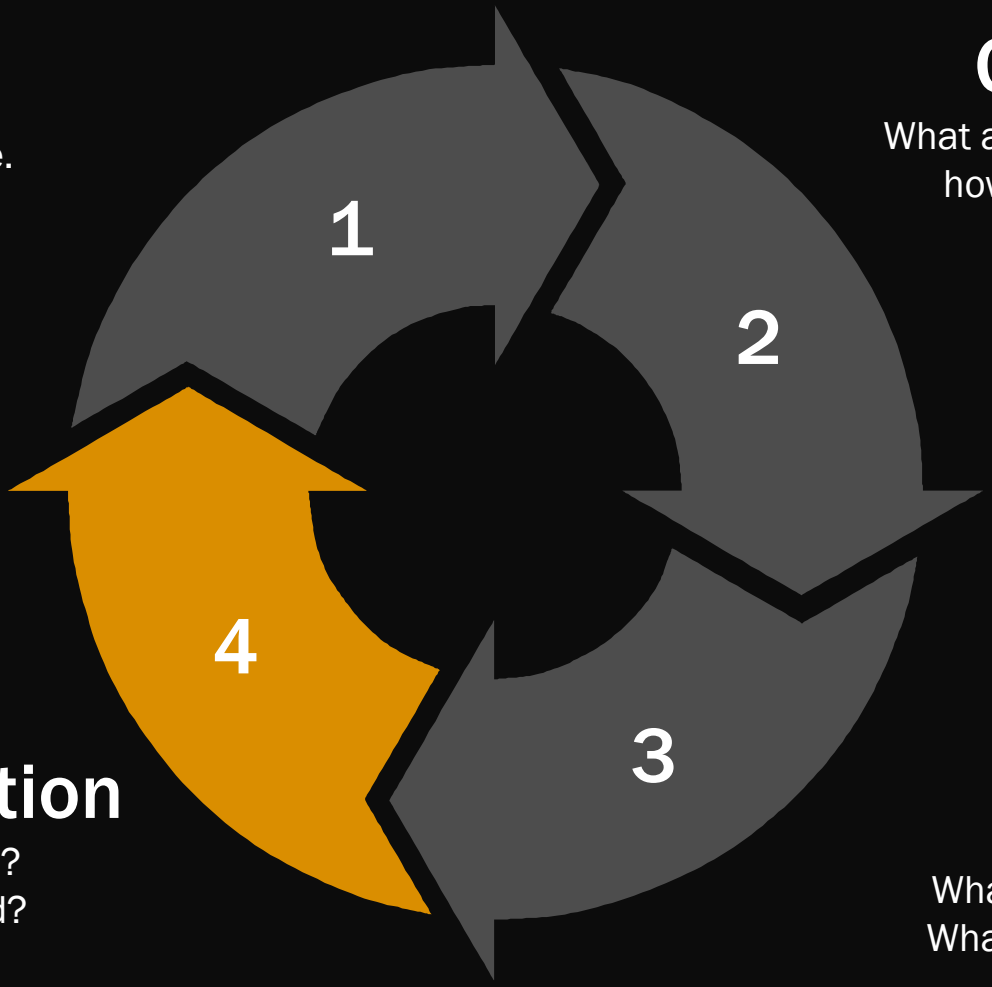


Analyzing Risk

Moving from Theory to Practice

Prioritize

Not all risks are the same.



Gap Analysis

What are the material risks and how can we mitigate them?.

Implementation

What policies are needed?
What controls are needed?
How do we enforce?

Resources

What resources do we have?
What resources do we need?

Implementing Solutions

Moving from Theory to Practice

Mission

All members of the university community are responsible for upholding the highest standards of legal and ethical conduct.

Policies

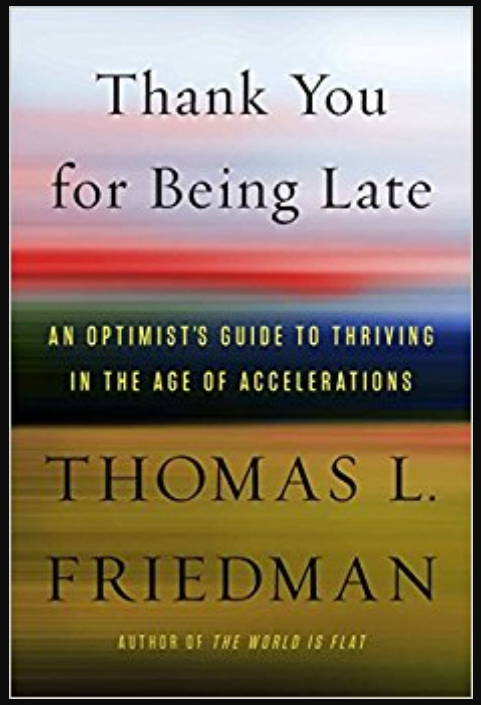
Code of Conduct
Conflict of Interest

Reporting

Audit Committee
Legal Counsel

Resources

Internal Audit
Human Resources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