

UNIVERSITY-WIDE REQUIRED TRAINING AUDIT

THE UNIVERSITY OF NEW MEXICO

Report 2015-01-A
August 6, 2015



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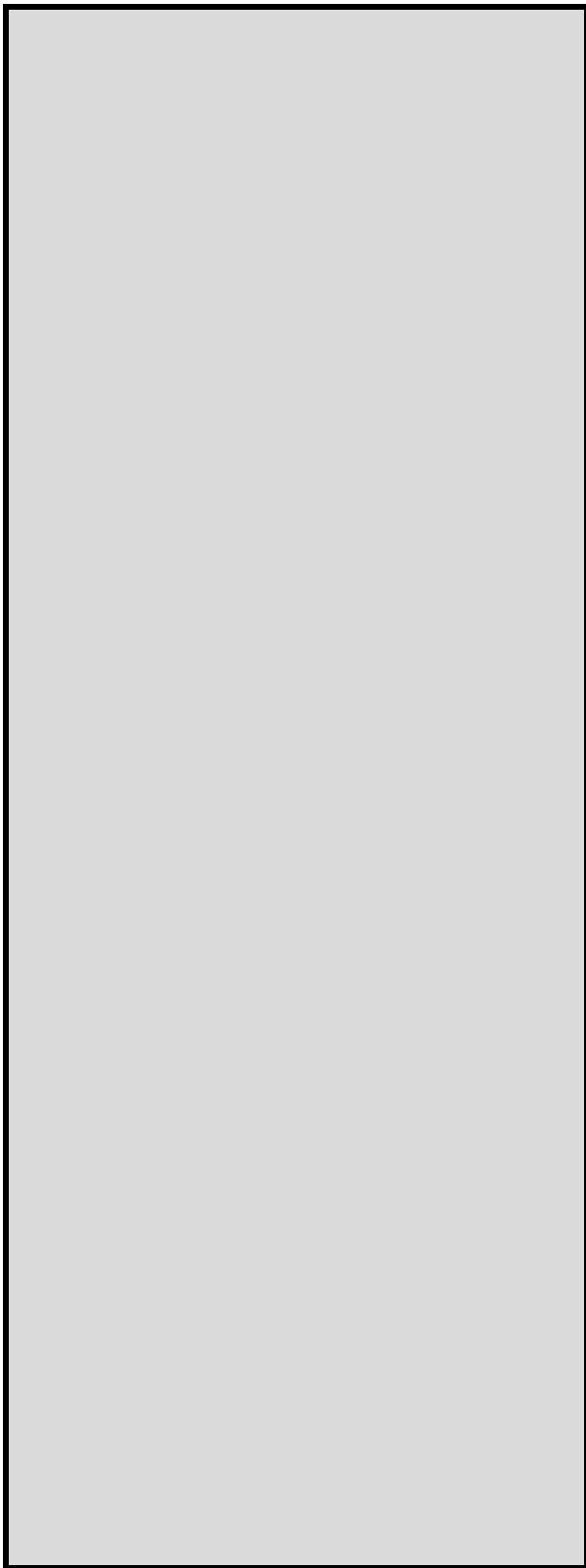
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ABBREVIATIONS

EOD.....	Employee and Organizational Development
HSC.....	Health Sciences Center
Internal Audit.....	University of New Mexico Internal Audit Department
LATs.....	Letters of Academic Title
OFAS.....	Office of Faculty Affairs and Services
SOM.....	School of Medicine
UAPP.....	University Administrative Policy and Procedure
University.....	University of New Mexico
UNM	University of New Mexico



EXECUTIVE SUMMARY

UNIVERSITY-WIDE REQUIRED TRAINING

The University of New Mexico (University) requires mandatory training for employees in order to fulfill state and federal safety, risk, and employment law requirements. Certain classifications of employees are currently not required to take the mandatory training, leaving the University open to liability should there be an incident involving one of the excluded employees. University policy should be amended to require all University employees to take the mandatory training, and mechanisms should be put in place to provide the training.

Key Recommendations

1. The University's President should direct the Human Resources Department, the Office of Faculty Affairs and Services, HSC Faculty Contracts, School of Medicine (SOM) Office of Academic Affairs, and Graduate Studies to work with the UNM Policy Office to revise Policy 3290, clarifying that all University employees and academic volunteers must take mandatory training courses.

INTRODUCTION

BACKGROUND

Included as a part of several prior internal audits, UNM Internal Audit has conducted tests of departmental compliance with the University's mandatory training for its employees. During the course of the test work in these prior audits, we determined that University Administrative Policy and Procedure (UAPP) 3290: Professional Development and Training does not require all employees to take the mandatory training. Departments were given discretion over whether or not certain employees would have to take the training. To mitigate inherent risks of omitting employees from the mandatory training, Internal Audit is recommending a revision of the policy to include all employees, as well as development of a mechanism for delivery of the training.

PURPOSE, SCOPE AND OBJECTIVES

This report focuses solely on the recommendation related to the mandatory training under UAPP 3290: Professional Development and Training.

PROCEDURES

Internal Audit reviewed UAPP 3290: Professional Development and Training, and conducted tests of compliance with University's mandatory training over the course of several previous internal audits.

OBSERVATIONS, RECOMMENDATIONS, AND RESPONSES

UNIVERSITY-WIDE REQUIRED TRAINING

The University requires mandatory training for employees in order to fulfill state and federal safety, risk, and employment law requirements. UAPP 3290: Professional Development and Training, Section 3.2 states “The University President may designate specific training courses as mandatory for all faculty and staff. These courses are either required by federal or state regulations or address a legal, financial, or physical risk that could significantly impact the University.” The University President has designated Preventing Sexual Harassment, Basic Annual Safety Training, and Ethics: A Framework for Ethical Decision Making as required trainings which all faculty and staff must take annually through the University’s Learning Central website by December 31 of each year.

Professional Development and Training

The University has many different categories of employees, including, but not limited to full-time faculty, temporary and part-time faculty, full and part-time staff, temporary staff, on-call staff, and student employees. Various sections of UAPP 3290: Professional Development and Training are general in nature and do not outline specific categories of employees required to take the mandatory trainings.

Following are the relevant sections of Policy 3290 regarding who is mandated to take the training.

- Section 3.1. University-Wide Mandatory Training – “The University President may designate specific training courses as mandatory for all faculty and staff. These courses are either required by federal or state regulations or address a legal, financial, or physical risk that could significantly impact the University.” Under this section the requirement is all inclusive, with no distinction between classifications of faculty and staff. The University President has designated Preventing Sexual Harassment, Basic Annual Safety Training, and Ethics: A Framework for Ethical Decision Making as required trainings which all faculty and staff must take annually through the University’s Learning Central website by December 31st of each year.
- Section 5.4.2. Regular Staff Employees – “EOD will add all required courses to employee learning plans in Learning Central in January of each year. All regular full-time and part-time staff employees must complete on-line competency training courses prior to end of each calendar year.” This section only includes regular full-time and part-time staff, excluding temporary and on call staff.
- Section 5.3. Faculty – “The Faculty Contracts and Services Office will notify individual faculty members of any required University-wide training such as

training pertaining to FERPA, civil rights, conflict of interest, and safety.” This section does not address which faculty are required to take the training whether full-time, part-time, or temporary, which would also include post-doctoral appointees, non-credit instructors who are sometimes paid with stipends, and/or unpaid academic volunteers who assist with the teaching and research portions of the academic mission under Letters of Academic Title (LATs). LAT holders are issued a network ID and can thus access password protected, network assets. The Office of Faculty Affairs and Services (OFAS), formerly known as the Faculty Contracts and Services Office, falls under the oversight of the Provost. The HSC Faculty Contracts Office and the SOM Office of Academic Affairs serve as the employment centers for HSC faculty. This section does not address the mandatory training for Health Sciences Center faculty.

Policy 3290 is silent on whether student employees are required to take the mandatory training. Student employees would include students under graduate assistantship contracts, who are under the oversight of the Office of Graduate Studies, and not Human Resources or any of the faculty employment areas.

The Human Resources Department’s Employee and Organizational Development (EOD) Division provided guidance to departments on who has to take the training. An excerpt from the EOD memo reads “In order to fulfill compliance requirements, the required training are loaded to all employees’ learning plans. Department Heads have the discretion to exempt certain employees (e.g., on call, temporary, less than .25 FTE, etc.) if it would cause a hardship. In making this decision, consider the consequences in the event of a violation of legal and ethical practices. Department Heads are responsible for encouraging a healthy working environment, specifically one that promotes workplace safety and respects employees’ civil rights.” This delegation of the decision to exclude certain employees from mandatory training results in inconsistent application of the policy across the University. The following classes of employees have been identified as being at the discretion of Department Heads:

- Volunteers engaged in the academic mission
- On-Call employees
- Student employees
- Temporary part-time faculty and staff

The implication of not providing the mandatory training to some categories of employees is possible exposure of the University to liability should there be an incident involving one of the excluded employees. Victims of harassment, safety violations, or ethics violations may not differentiate the type or class of employee involved in the incident. Internal Audit believes that “Faculty and Staff” means all faculty (full-time, part-time, adjunct, visiting, etc.) and staff (full-time, part-time, temporary, on-call, students, etc.), and that all employees should take all mandatory training as one of the University’s risk mitigation strategies.

EOD also provides access and support for use of the “Learning Central” online training platform. Learning Central allows for tracking the training history of individual employees.

Recommendation 1

All University employees must take the annual mandatory training by December 31 of each year in order to mitigate risk and to minimize the University’s exposure to liability. Unpaid academic volunteers who assist with the teaching and research portions of the academic mission under Letters of Academic Title (LATs) should also take the mandatory annual training as a condition of holding a LAT.

The University’s President should direct the Human Resources Department, the Office of Faculty Affairs and Services, HSC Faculty Contracts, School of Medicine (SOM) Office of Academic Affairs, and Graduate Studies to work with the UNM Policy Office to revise Policy 3290, clarifying that all University employees and academic volunteers must take mandatory training courses. In addition, they should:

- Develop a mechanism to provide the required training to all employees, including tracking employee compliance with the policy
- Develop a mechanism to hold employees and managers responsible for compliance with the policy

Response from the UNM President

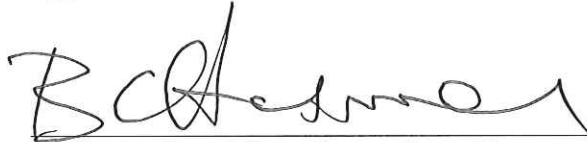
Action Items
Targeted Completion Date: 3/31/2016
Assigned to: Human Resources Department, the Office of Faculty Affairs and Services, HSC Faculty Contracts, School of Medicine Office of Academic Affairs, the Office of Graduate Studies, and the Student Employment Office.
Corrective Action Planned: The President recognizes the need to provide mandatory training for all employees and concurs with the recommendation. The President will direct these offices to identify a mechanism to provide and track mandatory training to all employees, and will develop a mechanism to hold employees and managers responsible for compliance. It is our belief that training can be offered to these employees within the current Learning Central license agreement. If this policy change results in UNM exceeding its current number of Learning Central licenses, the Division of Enrollment Management will determine an alternate mechanism for providing mandatory training to student employees. Once the feasibility of expanding training has been verified, these offices will work with the UNM Policy Office to make appropriate revisions to UAP 3290 to reflect these changes.

APPROVALS



Manu Patel, CPA
Director, Internal Audit Department

Approved for Publication



Chair, Audit and Compliance Committee