



Chief Compliance and Risk Officer Report

April 2024

Risk Management – Sharyl Kammerzell

- Enterprise Risk Management Update

Compliance – Holly Ashkannejhad

- Title IX – Changing Landscape





Enterprise Risk Management 2024 Scoring

Completed
March 25, 2024

2024 Rank	Risk Name	2023 Rank	2022 Rank
1	Enrollment Trends	1	1
2	Financial Sustainability	7	6
3	Athletics and Pac 12 Transition	6	17
4	Sufficient University Physical Infrastructure	8	7
5	Employee Recruitment and Retention	3	12
6	Faculty and Staff Morale	added	n/a
7	Political Climate and Attendant Social Change	12	3
8	Employee Compensation	2	4
9	Information Security/Cyber Security/3rd Party Data Risk	4	10
10	Civil Rights Compliance	10	9
11	System Transition	5	2
12	Robust and Timely Financial Reporting	n/a	n/a
13	Labor Relations	n/a	n/a
14	Data Governance and Institutional Oversight	13	8
15	Effective Financial Management	17	5
16	Graduation Rates	below 20	below 20
17	Student Behavior, Wellbeing and Access to Health Care	19	15
18	Artificial Intelligence (AI)	added	n/a
19	Diversity, Equity, Inclusion (DEI)	11	13
20	Data Privacy	below 20	below 20
	Previous Top 20		
23	Compliance with Federal and State Requirements (Non-Civil Rights)	added	n/a
32	Grant Management	14	20
35	International Engagement and Delivery of Education and Research	20	16



How do we compare?

United Educators Top 10 Risks of 2023 – Based on survey responses from 112 colleges & universities

1. Data Security (WSU: 9 & 20)
2. Enrollment (WSU: 1)
3. Recruitment and Hiring (WSU: 5 & 8)
4. Operational Pressures (WSU: 15)
5. Student Mental Health (WSU: 17)
- 6.* Funding (WSU: 2)
- 6.* Facilities and Deferred Maintenance (WSU: 4)
8. Regulatory and Legal Compliance (Non-VAWA/Title IX) (WSU: 23)
9. Title IX (WSU: 10)
10. External Pressures (WSU: 7)
- * *Two risks tied for sixth.*

Top Risks Unique to WSU

3. Athletics & Pac 12 Transition
6. Faculty and Staff Morale
11. System Transition

Next Steps ERM

(ISO 31000 Framework)

2024 Focus
Evaluation
Improvement
Integration





WASHINGTON STATE UNIVERSITY

Compliance and Risk Management

Title IX – Changing Landscape

- Title IX touches a wide array of campus programs and activities (e.g., scholarships, admissions, recruitment, employment, athletics, academic opportunities, etc.)
- All departments have a role in ensuring compliance
- High risk/high change areas:
 - Sexual harassment/misconduct response and prevention
 - Athletics
 - Scholarships





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Compliance and Risk Management

Sexual Harassment/Misconduct Response

Department of Education's Office of Civil Rights:

- Ongoing monitoring for WSU from a 2018 resolution agreement
 - Status uncertain
- Still Anticipating new Title IX regulations on requirements relating to sexual harassment and misconduct complaints
 - Delayed several times
 - May be further impacted by upcoming presidential elections

Risk area:

- Sexual harassment/misconduct response
- Athletics
- Scholarships

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Compliance and Risk Management

Changing Expectations

- Pendulum between rights for respondents vs. rights for complaints
- Linked to:
 - Changing Title IX regulatory requirements
 - Changing case law

Risk area:

- Sexual harassment/misconduct response
- Athletics
- Scholarships

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Compliance and Risk Management

Changing Expectations & Complexity

Respondent and Complainant initiated litigation

Respondent

- Procedural irregularities
- Pattern of gender bias
- External pressure
- Lack of evidence to support outcome

Complainant

- Deliberate indifference
- Retaliation for filing complaint
- Heightened risk/pre-assault
- Post report/assault response
- Duty of care

Risk area:

- Sexual harassment/misconduct response
- Athletics
- Scholarships

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Internal Challenges

- Lack of student participation in formal process impacts WSU's ability to respond
- Pre-2020 regulations (data pulled from 2016-2019 CYs):
 - 15% of students with sexual assault reports chose to proceed with an investigation (47/314)
- Post-2020 regulations (data pulled from 2021-2023 CYs):
 - 6% of students chose to go forward with an investigation (15/257)

Risk area:

- Sexual harassment/misconduct response
- Athletics
- Scholarships

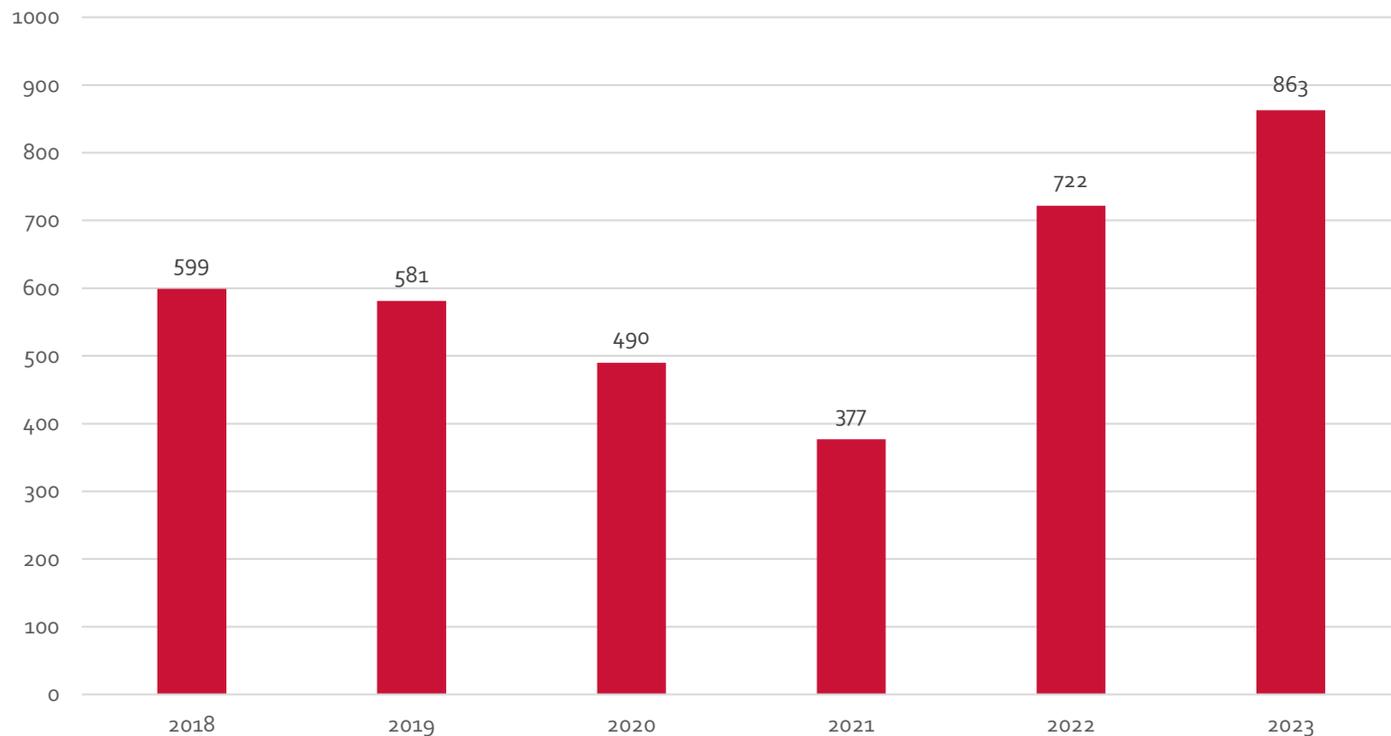
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Internal Challenges

Increase in cases impacts timelines

Reports to CCR



Risk area:

- Sexual harassment/ misconduct response
- Athletics
- Scholarships

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Compliance and Risk Management

Internal Challenges

- Attorney involvement
- Staff burn-out
- Employee discrimination cases for less egregious conduct are often more time-consuming than student Title IX cases and impact capacity.

Risk area:

- Sexual harassment/
misconduct response
- Athletics
- Scholarships

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Compliance and Risk Management

Athletics and Title IX

- Title IX compliance identified as a priority area, CCR reviews and supports compliance efforts
- Transgender Athletes

DOE NPRM on athletic eligibility under Title IX (April 2023)

- Cannot have a blanket policy banning transgender students from participation
- Limited allowance for schools to adopt policies that limit participation

NCAA Transgender Student-Athlete Participation Policy (April 2023)

- Intended to preserve opportunities for transgender athletes while balancing fairness, inclusion, and safety
- Phased approach, full implementation 2024-25
- Based largely on testosterone thresholds

Risk area:

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- Athletics
- Scholarships

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Scholarships – Title IX, 34 CFR 106.37

- Prohibits discrimination on the basis of sex when administering financial assistance
- Prohibits solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person who provides assistance to students in a manner which discriminates based on sex
- If recipients have financial assistance from wills, trusts, bequests, etc., must be administered so the *overall effect* of the award doesn't discriminate
 - Pool and match protocol

Risk area:

- Sexual harassment/misconduct response
- Athletics
- Scholarships

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Scholarships – DOE OCR

- Increase in complaints to OCR about universities violating Title IX for scholarships based on sex (and race)
- OCR No. 10202087: complaint for WSU's posting and administering of scholarships for female applicants
 - WSU removed posting to external scholarships and provided pool and match protocol
 - Dismissed, insufficient
- To support compliance efforts: CCR consulted with and provided guidance to Student Financial Services; training has also been developed.

Risk area:

- Sexual harassment/misconduct response
- Athletics
- Scholarships

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