

Policy Statement:

The impact of misconduct and dishonesty may include financial loss, institutional risk or liability, reputational damage, negative publicity, loss of employees and customers, damaged relationships with contractors and suppliers, litigation and diminished employee morale. This policy will act as a formal statement to assure proactive measures are in place to deter, prevent and detect such misconduct and dishonesty. It will also establish the priority of maintaining a business environment of fairness, ethics and honesty for employees, students, suppliers, contractors the community or others who have a relationship with Reading Area Community College (the College).

The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties, the need for disciplinary action against offenders up to and including dismissal, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

Policy Objectives:

- To support and maintain a culture of fairness, ethics and honesty
- To communicate College policy regarding deterrence and investigation of suspected misconduct and dishonesty by employees and others
- To provide clear steps to report suspected misconduct and dishonesty by employees and others
- To eliminate or reduce College risk or liability
- To protect College assets and reputation

Definitions:

Misconduct and Dishonesty

Inducing a course of action by deceit or other dishonest conduct, involving omissions or the making of false statements, orally or in writing, with the objective of obtaining money or other benefits from or for the College or of evading a liability to or from the College.

For purposes of this policy, misconduct and dishonesty may include but are not limited to:

- Theft or other misappropriation of assets, including assets of the College, our customers, suppliers or others with whom we have a business relationship
- Misstatements and other irregularities in College records, including the intentional misstatement of the results of operations
- Profiteering as a result of insider knowledge of College activities
- Disclosing confidential and proprietary information to outside parties
- Forgery, falsification or other alteration of documents

- Acts which violate the College's Conflict of Interest (#741) or Conduct in the Workplace (#865) Policies or other related policies
- Fraudulent use of leave including sick, FMLA or workers compensation
- Misrepresentation or omission of facts to outside parties
- Unlawful acts

Retaliation

Any adverse action taken by a member of the College faculty, staff, or student body against any individual on the basis of a Good Faith Report made by such individual, or on the basis of such individual's participating in an investigation, hearing or inquiry by the College or an Appropriate Authority or participation in a court proceeding relating to suspected Wrongful Conduct at the College. Retaliation shall include, but not be limited to, harassment, discrimination, threats of physical harm, job termination, punitive work schedule or research assignments, decrease in pay or responsibilities or negative impact on academic progress

Policy and Responsibilities:

Reporting

It is the responsibility of every employee, supervisor, manager and executive to immediately report suspected misconduct or dishonesty as follows:

- Discuss the issue with your supervisor.
- If you are not comfortable discussing with your supervisor or you suspect their involvement, make the next level supervisor aware.
- If you prefer, you may go directly to the Vice President of Fiscal and Human Resources (VPFHR) or the Senior Vice President for Finance and Administrative Services/College Treasurer (SVPFA).

Any retaliation or reprisal against an employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden and will be subject to disciplinary sanctions, up to and including termination from employment.

Due to the important, yet sensitive nature of the suspected violations, effective professional follow up is critical. Supervisors, while appropriately concerned about "getting to the bottom" of such issues, should not in any circumstance perform any investigative or other follow up steps on their own. Concerned, but uninformed, managers represent one of the greatest threats to proper incident handling.

Any member of the College faculty, staff or student body who knowingly or with reckless disregard for the truth, provides false information in a report of wrongful conduct or in a report of retaliation will be subject to disciplinary sanctions up to and including termination from employment. Allegations of suspected wrongful conduct or retaliation that are not substantiated but are made in good faith are excused from disciplinary action.

Additional Responsibilities of Supervisors

All employees have a responsibility to report suspected violations, however, employees with supervisory and management responsibilities at any level have additional deterrence and detection duties:

- First, they must **become aware** of what can go wrong in their area of authority
- Second, they must put into place and maintain effective monitoring, review and control procedures that will **prevent** acts of wrongdoing
- Third, they must put into place and maintain effective monitoring, review and control procedures that will **detect** acts of wrongdoing promptly should prevention efforts fail
- Fourth, they have a duty to **report** any misconduct of which they become aware

Authority to carry out these four additional responsibilities is often delegated to subordinates; however, accountability for their effectiveness cannot be delegated and will remain primary to supervisors and managers.

Assistance in effectively carrying out these responsibilities is available from the Office of Fiscal and Human Resources (OFHR).

Reported Incident Follow Up Procedure:

Care must be taken in the follow up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that follow up investigation is underway, and to avoid making statements which could adversely affect the College, an employee, or other parties.

All members of the College community are expected to cooperate and not interfere with investigations. Individuals who hinder, obstruct or otherwise interfere with an investigation may be subject to disciplinary action, up to and including termination from employment.

Accordingly, the general procedures for follow up and investigation of reported incidents are as follows:

1. Employees and others must immediately report all factual details related to the purported act.
2. The OFHR has the responsibility for follow up and, if appropriate, investigation of all reported incidents.
3. All records related to the reported incident will be retained by the OFHR or as directed by that Office.
4. The matter under investigation should not be communicated with the suspected individuals or organizations.
5. The VPFHR will also notify the SVPFA so that it may be determined whether this matter should be brought to the attention of the President, the College's Legal Counsel and/or the Board of Trustees.
6. Those positions mentioned above in #5 may obtain the advice of the College's Legal Counsel at any time throughout the course of an investigation or other follow up activity on any matter related to the report, investigative steps, proposed disciplinary action or any anticipated litigation.

7. Neither the existence nor the result of an investigation or other follow up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively.
8. All inquiries from an attorney or any other contacts from outside of the College, including those from law enforcement agencies or from the employee under investigation, should be referred to the VPFHR or SVPFA who has access to the College's Legal Counsel.

Investigative or other follow up activity will be carried out without regard to the suspected individual's position, level or relationship with the College.

Responsibility and Authority for Follow Up and Investigation:

The OFHR has the primary responsibility for all investigations involving the College.

Properly designated members of the investigative team will have:

- Free and unrestricted access to all College records and premises, whether owned or rented
- The authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of investigative or related follow up procedures

All investigations of alleged wrongdoing will be conducted in accordance with applicable laws and College procedures.

Questions or Clarifications Related to This Policy:

All questions or other clarifications of this policy and its related responsibilities should be addressed to the Office of Fiscal and Human Resources or the Senior Vice President for Finance and Administrative Services/College Treasurer, who shall be responsible for the administration, revision, interpretation, and application of this policy.

* END OF POLICY *

SOURCE / LEGAL REFERENCE: F-20-10

RELATED POLICIES / REGULATIONS: _____

SUPERSEDES: E-05-04

DATE: 9/14/05