



2.2.5 Policy Prohibiting Illegal, Dishonest or Fraudulent Conduct

The University of San Diego is committed to upholding the highest standards of honest behavior, ethical conduct and fiduciary responsibility with respect to university funds, resources and property. The university also expects members of the university community to comply with all state and federal statutes, rules and regulations when conducting university business.

To that end, the university prohibits and does not tolerate illegal, dishonest or fraudulent conduct of any nature when the matter involves university-related activities or business. “Illegal, dishonest or fraudulent conduct” means, when the matter involves university-related activities or business:

- Forgery or alteration of university documents or records
- Unauthorized alteration, manipulation or transfer of computer files or records
- Fraudulent or dishonest financial reporting
- Bribery, unlawful rebates, or kickbacks
- Research or other academic fraud
- Unauthorized disclosure of confidential or proprietary information of the university
- Unauthorized disclosure of student educational records or private personnel or medical information
- Destruction of university property, records or other assets, if the person knew the destruction to be unauthorized or acted with reckless disregard as to whether the destruction was authorized
- Theft of university information, property, records or assets
- Misappropriation or misuse of university resources, including but not limited to funds, supplies or other property
- Authorizing, claiming or receiving payment of university funds for goods not received, for services not performed, or for non-university related matters
- Intentionally claiming or receiving reimbursement from the university for moneys not expended, or for moneys expended for non-university-related matters

- Authorizing or receiving compensation for hours not worked
- Violation of an applicable state or federal statute
- Violation or noncompliance with an applicable state or federal rule or regulation
- Creating or permitting unsafe working conditions or work practices at the university
- Other similar illegal, dishonest or fraudulent conduct

All members of the university community, including all those who do business with the university, are expected to uphold this policy. Violation of this policy will result in appropriate disciplinary action, up to and including dismissal from or other severance of the relationship with the university.

Complaint Procedure

The university encourages any person who believes that an incident of illegal, dishonest or fraudulent conduct has been committed to report the incident immediately. To assist in the investigation, the university requests that a complaint be made in writing with a detailed description of the facts giving rise to the complaint, the names of any individuals involved, including any witnesses, and copies of any documents that support or relate to the complaint. While the university requests the submission of a written complaint, an oral complaint may be sufficient to initiate the procedures set forth under this policy.

Complaints may be made to any of the following people: university auditor, any vice president, or the president. If for any reason the person making the complaint does not feel comfortable directly reporting the incident to any of the individuals identified above, the complaint may be reported through alternative channels. In the case of a complaint by a university employee, the complaint may be made to the employee's supervisor, manager, the Human Resources department or a dean. If the complaint involves the employee's supervisor, the employee is not required to report the complaint to the supervisor. In the case of a complaint by a student, the complaint may be made to a dean.

Any supervisor or manager who receives a complaint of illegal, dishonest or fraudulent conduct, or observes or is otherwise aware of an incident of illegal, dishonest or fraudulent conduct, is required to promptly inform University Audit or one of the vice presidents. Knowingly withholding any such information is considered a serious breach of responsibility and will result in disciplinary action, up to and including termination from employment.

Investigation and Corrective Action

The Office of University Audit is responsible for investigating a reported complaint of illegal, dishonest or fraudulent conduct. The president has the authority to assign responsibility to investigate a particular complaint to someone other than the Office of University Audit if it is appropriate to do so under the circumstances, or if the specific complaint is governed by another applicable university policy.

The investigation will be conducted in a thorough, prompt and professional manner. The individual who raised the complaint will have the opportunity to present information to the investigator before the investigation is concluded. Before the investigation is concluded, the individual who is accused will be given the opportunity to present information to the investigator and to respond to evidence that supports the complaint. The results of the investigation will be provided to the president; to the vice president who has authority over the individual accused of wrongdoing; and to other university officials who have a legitimate business reason to be apprised of the results of the investigation. Results of the investigation also may be provided to the Audit Subcommittee of the university's board of trustees.

The vice president who has authority over the individual accused of wrongdoing will be responsible for determining the corrective action (if any) imposed based upon the results of the investigation. If the individual accused of wrongdoing is a vice president, the president will be responsible for determining the corrective action (if any) based upon the results of the investigation. For employees, the corrective action may range from verbal warnings up to and including termination of employment. For students, the corrective action will be imposed in a manner consistent with the university's Student Code or other applicable rules, and can include dismissal from the university. For individuals who are not students or employees of the university, corrective action within the reasonable control of the university, and as appropriate under the circumstances, will be initiated.

In determining the corrective action (if any) taken, the vice president shall consider the totality of the circumstances, such as the nature of the offense and the employee's performance history.

If the individual whose actions are investigated under this policy is a faculty member subject to the university's rank and tenure policies, and termination of the faculty member is considered, the university's applicable rank and tenure policies will be followed. A copy of the investigation report will be provided to the dean of the faculty member's school or college.

The individual who raised the complaint will be advised of the results of the investigation. Similarly, the individual who is accused in the complaint will be advised of the results of the investigation.

Retaliation Prohibited

The university prohibits and does not tolerate retaliation against any individual who files a complaint of illegal, dishonest or fraudulent conduct; is involved as a witness or participant in the complaint or investigation process; or refuses to engage in illegal, dishonest or fraudulent conduct. Engaging in unlawful retaliation can result in disciplinary action, up to and including dismissal from the university. An individual who files a complaint that the individual knows or believes to be false is not protected by this provision against retaliation, and may be subject to disciplinary action up to and including dismissal from the university.

The university encourages any person who believes he or she has been subject to unlawful retaliation, or observes or is otherwise aware of an incident of unlawful

retaliation in violation of this policy, to report the incident promptly pursuant to the complaint procedure identified above. The investigation and corrective action procedures set forth above will similarly apply in the case of a complaint of unlawful retaliation in violation of this policy. If retaliation is found to have occurred, the university will review the action taken toward the individual who was retaliated against.

(May 25, 2006)