COMPLIANCE PROGRAM

Policy and Procedure
Disciplinary Action Policy for Non-Compliance

Effective Date: November 12, 2011

PURPOSE OF POLICY

The purpose of this policy is to define and establish guidelines for corrective and disciplinary measures due to employee non-compliance and violations of the College’s Code of Conduct (“the Code”), policies and procedures as well as their non-compliance with federal statutes and regulations regarding standards of ethical conduct and conflicts of interests.

SCOPE OF POLICY

This policy is applicable to all staff employees and faculty of the College

POLICY STATEMENT

Disciplinary actions for all violations of the Code, Staff and Faculty handbooks, the Policy and Procedures Manual and any other policies and procedures, will be initiated by the departmental Business Unit Head, Dean, or Provost. The appropriate Supervisor or Manager will work together with the departmental Business Unit Head, Dean, or Provost to determine the appropriate disciplinary action related to issues of non-compliance as outlined below. If necessary, he/she may also consult with Human Resources, the Ethics and Compliance Office, and the General Counsel, as necessary, to determine the appropriate disciplinary action to be taken against the employee.

The Business Unit Head, Dean, or Provost is responsible for reporting disciplinary action(s) taken as a result of violations of the Code, Staff and Faculty Handbooks, the Policy and Procedures Manual, all applicable laws, regulations, policies and procedures to the Associate Vice President of Human Resources and the Compliance Officer. The Associate Vice President of Human Resources will also maintain a written record of disciplinary action(s) taken, including verbal warnings, and will reference these records, when necessary, to ensure consistency in the application of disciplinary measures.

Examples of disciplinary action that may be taken in accordance with the nature and scope of the violation include but are not limited to: verbal counseling, training, retraining, a written reprimand in the employee’s personnel file, a written warning in the
employee’s personnel file, revocation of computer privileges, loss of spending authority, loss of Principal Investigator/Principal Director status, withholding of promotion or pay increase, and suspension or termination of employment.

Examples of actions that may result in disciplinary action include but are not limited to:

1. Authorization of or participation in actions that violate the law, regulations, the College’s internal policies and procedures, the Code of Conduct, Staff Handbook, Faculty Handbook, grant related policies and procedures, and all other related policies and procedures;
2. Failure to report a known violation by a peer, subordinate or manager;
3. Failure to cooperate in an investigation;
4. Retaliation against an individual for reporting a possible violation or participating in an investigation;
5. Providing intentional false information on grants, contracts and consulting agreements;
6. Intentional falsification of business records, reports, documents or legal reports, including grant related reports (time and effort, performance, final/closeout reports);
7. Failure to complete and submit an approved and properly executed contract, consulting agreement or other document for review prior to engaging services by or to the College;
8. Failure to complete mandatory compliance training in accordance with established time frames (including new hire or other specific compliance related training) as required;
9. Failure to complete mandatory grants specific related training as required for all Principle Investigators, Principle Directors and faculty who anticipate obtaining a grant, and employees with grants related responsibilities;
10. Inconsistent and unallowable costs, unauthorized or inappropriate charges on grants, cost transfers that are frequent, delinquent, inappropriate or poorly documented;
11. Unauthorized and unapproved travel expenditures on grants;
12. Intentionally mischarging a federal or private grant; inflating grant costs and/or expenses;
13. Intentionally and improperly charging a federal or private grant for employees unauthorized to work on the grant or project;
14. Intentionally and improperly drawing down federal grant money to pay expenditures ineligible for reimbursement under the grant;
15. Intentionally and improperly allocating costs and charges among grant projects such as end of year transfers of directs costs on various research awards from over spent accounts to under spent accounts with the purpose of maximizing federal reimbursement, and in some cases, avoiding the refunding of unused grant proceeds;
16. All acts or failures by an employee that negatively affect the accuracy or appropriateness of billing, reimbursements, or other financial reporting accuracy and requirements;
17. Intentional conflict of interest violations
18. Signing of a contract by unauthorized parties; and
19. NCAA rule violations.

Employees are not and will not be insulated from disciplinary action due to their position or role within the College. All employees are subject to the same scrutiny, expectations, sanctions, and compliance standards. All disciplinary action will be taken on an impartial, consistent, and equitable basis. Non-compliance related disciplinary action imposed on senior management officials of the College will be reviewed and approved by the Board of Trustees.

Reports or allegations that may constitute intentional violations and/or reckless disregard of criminal, civil or administrative law may be referred to our Chief Auditor Officer, and Ethics and Compliance Officer for investigation and thereafter, to the General Counsel for disposition. If the investigation produces credible evidence that provides a reasonable basis to conclude that a violation of law may have occurred or if guilt is confirmed, the College may provide all information to the appropriate legal authorities for a determination of prosecution and terminate the employee’s employment with the College.

Should you have any questions about this policy, please contact your Manager, Supervisor, Dean or Chair, or you may contact the Office of Ethics and Compliance directly.