

Herkimer County Community College

# Board Policy

**TITLE:** Fraud and Irregularities – Whistleblower Policy

**POLICY #:** HR 15-4

**DATE OF BOARD OF TRUSTEES APPROVAL:** September 23, 2015

**RESOLUTION #:** 15-4

**POLICY STATEMENT:**

Herkimer County Community College (College) is committed to upholding the highest standard of honest behavior, ethical conduct, and fiduciary responsibility with respect to college funds, resources and property. As such, the College seeks to prevent and detect any fraud or irregularities and will diligently pursue any instance that involves college-related activities or business.

It is the policy of the College, that all members of the college community:

- comply with all college policies and procedures, and New York State and federal laws and regulations;
- practice honesty and integrity in fulfilling their responsibilities;
- observe high standards of business and personal ethics in the conduct of their duties and responsibilities;
- help ensure the prevention and detection of fraud and irregularities;
- be familiar with the types of fraud and irregularities that might occur in their area;
- be alert for any indication that fraud or irregularities might exist in their area; and;
- promptly report any known or suspected fraud or irregularities involving College or affiliated entity funds, resources, property, or employees.

Fraud and irregularities include activities that are:

1. a misappropriation of assets;
2. in violation of or non-compliant with any College, New York State, or federal law, regulation, policy or procedure;
3. economically wasteful;
4. an indication of gross misconduct or incompetency; or
5. an unethical, improper, or dishonest act.

It is the policy of the College that employees and individuals who lawfully report suspected fraud, waste, or abuse shall not suffer discharge, demotion, suspension, threats, harassment, discrimination, or other forms of retaliation for making such reports in good faith. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action.

**BACKGROUND:**

The Whistleblower Protection Act of 1989, Pub.L. 101-12 as amended, is a United States federal law that protects federal whistleblowers who work for the government and report agency misconduct. On March 13, 2013, the State University of New York instituted its Policy on Fraud and Irregularities for state-operated campuses and statutory colleges. It is the recommendation of college administration that a similar policy be adopted for Herkimer County Community College.