



Policy Prohibiting Illegal, Fraudulent, Dishonest, and Unethical Conduct

Effective Date: February 2014

Approval: December 23, 2013;
University President

Maintenance of Policy: Vice-
President, Human Resources

PURPOSE: The University of Dayton 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 applicable state, local and federal statutes, rules and regulations.

SCOPE: All University employees, volunteers, and outside contractors.

DEFINITIONS: For purposes of this policy, the following definitions apply:

Illegal, Fraudulent, Dishonest, and Unethical Conduct includes, but is not limited to:

1. Forgery or unauthorized alteration of University documents or records, including electronic records;
2. Unauthorized access, alteration, manipulation or transfer of files or records (electronic or hard-copy) or intentionally misleading financial reporting;
3. Making a misleading claim; filing or otherwise bringing a bad-faith claim or complaint; and/or making false statements in an investigation;
4. Offering or accepting a bribe, unlawful rebate or kickback;
5. Participating in any act of retaliation;
6. Unauthorized disclosure of confidential or proprietary information of the University;
7. Unauthorized disclosure of private employment, personal, or medical information of an employee or a student;
8. Tampering with or destruction of University property, records or other assets, if the person knew or should have known the destruction to be unauthorized or acted with reckless disregard as to whether or not the destruction was authorized;
9. Theft or unauthorized taking of University or personal information, property, records or assets, including salvage and surplus;

REFERENCE DOCUMENTS:

1. Office of Human Resources' Policies and Procedures Handbook for Professional and Support Staff
2. University of Dayton Fiscal Integrity and Safety Line Information
3. University of Dayton Whistleblower Policy (in progress)
4. University of Dayton Outside Employment Policy (staff)
5. University of Dayton Outside Employment Policy (faculty)
6. University of Dayton Policy on Ethical, Legal, and Secure Use of Electronic Resources
7. University of Dayton Policy on Misconduct in Research and Scholarship
8. University of Dayton Policy on Conflict of Interest
9. University of Dayton Faculty Policy and Governance Handbook

POLICY HISTORY:

Approved in its original form:
December 23, 2013

Policy Prohibiting Illegal, Fraudulent, Dishonest, and Unethical Conduct, (continued)

DEFINITIONS (continued):

10. Misappropriation or misuse of University resources, including but not limited to funds, supplies, or other property;
11. Authorizing benefits or services to someone who has not paid for them, or offering them at a discounted rate without having appropriate authority or justification to offer a discount;
12. Claiming or receiving payment of University funds for goods not received, for services not performed, or for non-University-related matters;
13. Authorizing, claiming or receiving reimbursement from the University for moneys not expended, reimbursed through other means, or for moneys expended for non-University-related or unauthorized matters;
14. Authorizing or receiving compensation for hours not worked (e.g. falsifying time reporting or failing to report time off);
15. Violation of (or noncompliance with) an applicable state, local or federal statute, rule or regulation or any University policy;
16. Permitting unsafe work conditions or work practices at the University;
17. Conspiring with, coercing or knowingly assisting another member of the University community to violate this policy;
18. Improper gift giving or receiving of University resources;
19. Engaging in intentionally disruptive, bullying or harassing behavior that may not rise to a violation of the University's Nondiscrimination and Anti-Harassment Policy but nonetheless, violates the Marianist spirit of community;
20. Other illegal, fraudulent, dishonest and/or unethical conduct with respect to the University community, funds, resources, or property, whether similar or dissimilar to those previously listed.

Retaliation: when a person experiences an adverse action because s/he in good faith reported misconduct; participated in a University investigatory, grievance, or appeals procedure; filed a complaint alleging prohibited discrimination (including harassment); or otherwise objected to or reported a practice that s/he reasonably believed was unlawful, unethical, or in violation of University policy. Types of adverse action include, but are not limited to: dismissal from employment; demotion; loss of salary or benefits; transfer or reassignment; or denial of promotion that otherwise would have been received. Staff, volunteers, or contractors who believe they have experienced retaliation should report it to their supervisor or the Office of Human Resources, and faculty should report to the Office of the Provost.

POLICY: The University of Dayton prohibits and does not tolerate illegal, fraudulent, dishonest, or unethical conduct.

The absence of a behavior or activity that is included on the definition of “illegal, fraudulent, dishonest, and unethical conduct” does not nullify specific prohibitions or procedures set forth in any other University policy that applies to the behavior or activity. Violations recognized under this policy may also be violations under another policy and are subject to sanctions or consequences under those policies as well.

Reporting: All employees of the University community, as well as all of those who do business with the University, are expected to uphold this policy and to report any known violation of this policy (including self-disclosure as appropriate) to their supervisor, another person of authority or to the Office of Human Resources. Anonymous reports can be made via the Fiscal Integrity and Safety Line (information available below). The reporting envisioned

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POLICY (continued):

by this policy does not preclude anyone from reporting violations elsewhere (e.g., where a crime or emergency exists, to appropriate law enforcement personnel or emergency responders). Nor does this policy circumvent any protections or recourse available under federal, state or local law, rules or regulations (e.g., the Ohio Whistleblower Protection Act, etc.).

Discipline: Any violation of this policy may result in disciplinary action, up to and including dismissal from employment or, in the case of outside contractors or volunteers, severance of the relationship with the University. Conduct that is in violation of any state, local or federal law, regulation, or ordinance may also result in criminal prosecution and/or the University's instituting a civil action for restitution (such acts should be reported to Public Safety).