

POLICY

2006

5424

Orleans/Niagara BOCES

SUBJECT: ALLEGATIONS OF FRAUD

Reporting and Investigations of Allegations of Fraud

All Board members and officers, BOCES employees and third party consultants are required to abide by the BOCES' policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of BOCES operations and practices. Any individual who has reason to believe that financial improprieties or wrongful conduct is occurring within the BOCES system is to disclose such information according to the reporting procedures established by the BOCES. The reporting procedures will follow the chain of command as established within the department or school building or as enumerated in the BOCES' Organizational Chart. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the investigating official, the report shall be made to the next level of supervisory authority. If the chain of supervisory command is not sufficient to ensure impartial, independent investigation, allegations of financial improprieties/fraud and/or wrongful conduct will be reported, as applicable, to the Internal Auditor, or the Independent (External) Auditor, or the School Attorney, or the Board of Education. The BOCES' prohibition of wrongful conduct, including fraud, will be publicized within the BOCES as deemed appropriate; and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

Upon receipt of an allegation of financial improprieties/fraud and/or wrongful conduct, the Board or designated employee(s) will conduct a thorough investigation of the charges. However, even in the absence of a report of suspected wrongful conduct, if the BOCES has knowledge of, or reason to know of, any occurrence of financial improprieties/fraud and/or wrongful conduct, the BOCES will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all reports will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. Written records of the allegation, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of the investigation, if the BOCES determines that a school employee, school official, or school officer has engaged in financial impropriety, fraud or other wrongful action(s), then appropriate disciplinary measures will be applied, up to and including termination from employment, in accordance with legal guidelines, BOCES policy and regulation, and any applicable contract. Third parties who are found to have engaged in financial impropriety, fraud or other wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures and/or sanctions by the BOCES does not preclude the filing of a civil action and/or criminal charges as may be warranted.

Protection of School Employees who Report Information Regarding Illegal or Inappropriate Financial Practices

To the extent provided for by law, any employee of the BOCES who has reasonable cause to believe that the fiscal practices or actions of an employee or officer of the BOCES violates any local, state, or federal law, rule or regulation relating to the financial practices of the BOCES, and who in good faith reports such information to an official of the BOCES, or to the Office of the State Comptroller, the Commissioner of Education, or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report. Further, neither the BOCES nor any employee or officer thereof shall take, request, or cause any retaliatory action against any such employee who makes such a report.

The Board also prohibits any retaliatory behavior directed against any witnesses and/or any other individuals who participate in the investigation of an allegation of illegal or inappropriate fiscal practice(s) or action(s). Any such act of retaliation is prohibited and any person who engages or attempts to engage in such prohibited retaliation shall be subject to appropriate disciplinary action by the BOCES.

Knowingly Making False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial impropriety or fraud may also face appropriate disciplinary action.

Administration of this Policy

The District Superintendent shall have authority to administer this policy and to promulgate any regulations or directives consistent with this policy.

[Education Law Section 3028-d](#)

10/06