


October 9, 2014

MEMORANDUM

To: College Presidents

From: Frederick P. Schaffer 
General Counsel and Senior Vice Chancellor for Legal Affairs

Re: Policy on the Reporting of Alleged Misconduct

At its June 30, 2014 meeting, the CUNY Board of Trustees adopted a Policy on the Reporting of Alleged Misconduct. A copy is attached to this memorandum. CUNY encourages all persons to report conduct or suspected conduct that they in good faith believe may violate the law or CUNY policy so that CUNY may investigate and take appropriate action. This new “whistleblower” policy describes what and how to report, and makes clear that CUNY will not retaliate against anyone who in good faith makes a report of alleged misconduct.

Please distribute this policy widely to your campus community, including making it available to employees, students, contractors and vendors, and volunteers. Your college website should include links to the electronic version of the policy in CUNY’s Manual of General Policy: http://policy.cuny.edu/manual_of_general_policy/article_v/policy_5.181/pdf/#Navigation_Location and to the report form at: <http://www.cuny.edu/about/administration/offices/la/fillablereportmisconduct.pdf>.

If you have any questions about the policy, please contact Chief Compliance Officer, Marcia Isaacson at marcia.isaacson@cuny.edu or 646-664-9206.

Enc.

c: Provosts
Vice Presidents for Administration & Finance
Chief Student Affairs Officers
Legal Affairs Designees

POLICY ON REPORTING OF ALLEGED MISCONDUCT

The City University of New York is committed to conducting its affairs in compliance with federal, state and local laws and University policy. CUNY encourages all persons to report conduct or suspected conduct that they in good faith believe may violate the law or CUNY policy so that CUNY may investigate and take appropriate action. CUNY will not retaliate against anyone who makes such a report.

Persons with knowledge of conduct or conditions that pose an imminent threat to the health or safety of any member of the CUNY community or the public should immediately call 911 or Public Safety.

1. Reporting Suspected Violations of Law or CUNY Policy

1.1 Who should report

The following persons may report conduct or suspected conduct that relates to CUNY and that they in good faith believe may violate federal, state or local law or CUNY policy (“violations”):

- Individuals who are paid by CUNY, including faculty and staff;
- Consultants, vendors and contractors doing business with CUNY;
- Individuals who perform services for CUNY as volunteers or who otherwise assert an association with CUNY; and
- Students.

1.2 What Should Be Reported

The suspected misconduct that should be reported includes, but is not limited to, that which involves or relates to the following:

- Fraud, theft, embezzlement or misuse of CUNY resources
- Conflict of interest or ethics
- Computer fraud or data security
- Child abuse or misconduct involving minors
- Sexual assault, assault and hazing
- Athletics (NCAA or NJCAA)
- Environmental, health and safety violations
- Discrimination and harassment, including age, disability, sex and race
- Research or academic misconduct by faculty or staff
- Retaliation for reporting misconduct under this Policy

1.3 How to Report

Employees are encouraged to use the reporting procedures set forth in CUNY policies dealing with specific issues. Where there is no such procedure, employees may resolve their concerns at the most local level, by reporting suspected violations through standard management channels, beginning with their immediate supervisor. If an employee does not wish to report a suspected violation to an immediate supervisor, employees may go to a higher level of management or file a Report of Alleged Misconduct on a form to be drafted by the Office of the Counsel. That form shall contain instructions on where it should be submitted and shall be posted on the web page of the Office of the General Counsel at <http://www.cuny.edu/about/administration/offices/la.html>.

Non-employees should also file a Report of Alleged Misconduct, following the submission instructions on the form.

1.4 Confidentiality

Reports may be submitted anonymously, although doing so may hinder the investigation and resolution of a complaint. Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, to comply with all applicable laws, and to cooperate with law enforcement authorities.

1.5 Investigation of Allegations

Reports will typically be directed to responsible persons for investigation and resolution, consistent with applicable CUNY policies and procedures. Confirmed violations will result in appropriate disciplinary action up to and including termination from employment, following applicable procedures under University Bylaws, policies or collective bargaining agreements, or severance of the relationship with CUNY. In some circumstances, civil and criminal charges and penalties may apply.

2. Protection from Retaliation

No one at CUNY shall engage in any retaliatory behavior, including intimidation, harassment, discrimination, or, in the case of an employee, the imposition of an adverse employment consequence, against anyone who files a report under this policy.

Any individual who engages in retaliatory behavior against another individual who has reported a suspected violation or cooperated in the investigation of a violation will be subject to discipline, up to and including termination of employment, following applicable procedures under University Bylaws, policies or collective bargaining agreements, or severance of the relationship with CUNY.

Any employee who believes that s/he or another individual who reported a suspected violation is being retaliated against should complete a Report of Alleged Misconduct or contact the University's Director of Human Resource Investigations.

3. Filing a False Report

Making a false report or providing false information during the course of an investigation may be grounds for discipline in the absence of a good faith belief that the report or information is true.

4. Cooperation

All employees are expected to cooperate fully in the investigation of any suspected violation.

5. Distribution of Policy

This policy shall be posted on CUNY websites and distributed to new and current employees, students and volunteers who provide substantial services to CUNY through electronic notifications and other means.

6. Administration of Policy

The University's General Counsel or his/her designee is responsible for the administration of this policy and for making reports to the Board of Trustees, or a committee thereof, consistent with the Board's Bylaws.