

Astrophysical Research Consortium

Fraudulent or Dishonest Conduct & Whistleblower Policy Statement

The Astrophysical Research Consortium (ARC) will investigate any possible fraudulent or dishonest use or misuse of ARC resources or property by management, staff, volunteers, or members. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by ARC up to and including civil or criminal prosecution when warranted.

All members of the ARC community are encouraged to report possible fraudulent or dishonest conduct (i.e., serve as whistleblowers). An employee should report his or her concerns to a supervisor or manager. If for any reason an employee finds it difficult to report his or her concern to a manager or supervisor, the employee can report it directly to the ARC Secretary/Treasurer.

Managers or supervisors are required to report suspected fraudulent or dishonest conduct to the ARC Secretary/Treasurer.

For more information about definitions, rights and responsibilities, procedures, and contacts, read the following.

Definitions

Baseless Allegations: allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to institutional disciplinary action and/or legal claims by individuals accused of such conduct.

Fraudulent or Dishonest Conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- forgery or alteration of documents;
- unauthorized alteration or manipulation of computer files;
- fraudulent financial reporting;
- pursuit of a benefit or advantage in violation of ARC's conflict of interest policy;
- misappropriation or misuse of ARC resources, such as funds, supplies, or other assets;
- authorizing or receiving compensation for goods not received or services not performed;
- authorizing or receiving compensation for hours not worked.

Whistleblower: an ARC or SDSS member institution employee who informs a manager, supervisor or ARC Secretary/Treasurer about an activity which that person believes to be fraudulent or dishonest.

Rights and Responsibilities

Managers or Supervisors

Managers or supervisors are required to report suspected fraudulent or dishonest conduct to the ARC Secretary/Treasurer. In addition, managers or supervisors are responsible for maintaining a system of management controls that detect and deter fraudulent or dishonest conduct. Failure by a manager or supervisor to establish management controls or report misconduct within the scope of this policy may result

in adverse personnel action against the manager or supervisor, up to and including dismissal from an ARC related project. The ARC Secretary/Treasurer is available to assist management in establishing management systems and recognizing improper conduct.

Reasonable care should be taken in dealing with suspected misconduct to avoid

- baseless allegations;
- premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation;
- violations of a person's rights under law.

Accordingly, a manager or supervisor faced with a suspected misconduct

- should not contact the person suspected to further investigate the matter or demand restitution;
- should not discuss the case with anyone other than the ARC Secretary/Treasurer or a duly authorized law enforcement officer;
- should direct all inquiries from any attorney retained by the suspected individual to the ARC Secretary/Treasurer;
- should direct all inquiries from the media to ARC Secretary/Treasurer.

Whistleblower Protection

ARC will protect whistleblowers as defined below.

- ARC will use best efforts to protect whistleblowers against retaliation, as described below. It cannot guarantee confidentiality, however, and there is no such thing as an "unofficial" or "off the record" report. ARC will keep the whistleblower's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow ARC or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of Fraud Policy violations is entitled to the information as a matter of legal right in disciplinary proceedings.
- ARC and SDSS member institution employees may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages. Whistleblowers who believe that they have been retaliated against may file a written complaint with the ARC Secretary/Treasurer. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including dismissal, against the retaliating person. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Whistleblowers must be cautious to avoid baseless allegations (as described earlier in the definitions section of this policy).

Contacts

Questions related to the interpretation of this policy should be directed to the ARC Secretary/Treasurer.

Effective Date November 6, 2013