

NEW POLICY

Acts of fraud, waste, abuse or financial impropriety may compromise the College District's mission. All Board members, employees, students, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved with the College District or who conduct business with the College District will act with integrity in duties involving the College District's fiscal resources.

Please Note: See also the following policies regarding conflicts of interest, ethics, and financial oversight:

- Code of Ethics:
 - for Board members—BBF
 - for employees—DH
 - Financial conflicts of interest:
 - for public officials—BBFA
 - for all employees—DBD
 - for vendors—CFE
 - Compliance with state and federal grant and award requirements: CAA, CAAA, CAAB
 - Financial conflicts and gifts and gratuities regarding federal funds: CAA, CAAB
 - Systems for monitoring the College District's investment program: CAK
 - Budget planning and evaluation: CC
 - Compliance with accounting regulations: CDC
 - Criminal history record information for employees: DC
-

Fraud, Waste, Abuse and Financial Impropriety

The College District prohibits fraud, waste, abuse and financial impropriety, as defined below, in the actions of its Board members, employees, students, vendors, contractors, consultants, volunteers, and others seeking or maintaining an employment, business, or other relationship with the College District.

NEW POLICY

Definitions

The following general terms apply for this policy.

- a. Fraud is any false or dishonest act that constitutes fraud under applicable laws, including any intentional deception or willful misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to that person or another person.
- b. Waste is the loss or misuse of government-funded resources that results from deficient practices, system controls, or decisions.
- c. Abuse is the intentional, wrongful, or improper use of government-funded resources or misuse of office, position, or authority that causes the loss or misuse of government-funded resources.
- d. Financial impropriety is a type of financial fraud.

While it is impossible to define every action that could constitute fraud, waste, abuse, or financial impropriety, those acts may include, but are not limited to:

1. Forgery, falsification, or unauthorized alteration of any document or account belonging to the College District.
2. Forgery, falsification, or unauthorized alteration of a check, bank draft, promissory note, securities, or any other financial document of the College District.
3. Forgery, falsification, or unauthorized alteration of any College District student records, employee records, financial records, or insurance records.
4. Misappropriation of funds, securities, supplies, or other College District property or assets, including employee time.
5. Unlawful or fraudulent handling of money or reporting of College District financial transactions.
6. Acceptance or solicitation of any prohibited gift, favor, or service that may tend to influence the employee in the discharge of the employee's official duties.

NEW POLICY

7. Unauthorized destruction, removal, or use of College District records or property.
8. Unauthorized access to or disclosure of confidential, or proprietary information, or intellectual property of the College District.
9. Unauthorized access to or disclosure of investment activities engaged in or contemplated by the College District.
10. Failing to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or Board policy.
12. Theft or any other willful, dishonest act regarding financial information of the College District.
13. Failure to comply with lawful requirements imposed by law, the awarding government agency, or a pass-through entity for state and federal awards.

Reporting

Anyone who suspects or detects an act prohibited by this policy must report it immediately to a person with authority to investigate that act, including a supervisor, the District President or designee, the Director of Internal Audit, local law enforcement, or as allowed by this policy.

The individual filing the report should not knowingly make false or misleading accusations. The individual or those receiving the report should not alert the suspected individual(s) that an investigation under this policy is underway.

Ethics Hotline

A report of suspected acts of fraud, waste, abuse, or financial impropriety may be filed through a secure and confidential ethics hotline available at: (Information to be entered, when the hotline service provider is selected) or at the toll-free number: (Information to be entered, when the hotline service provider is selected).

State Auditor's Office

A report of suspected acts of fraud, waste, abuse, or financial impropriety may also be made to the Texas State Auditor's Office by

NEW POLICY

any of the methods described on that agency's website at:
<https://sao.fraud.texas.gov/>.

If the College District has reasonable cause to believe that money received from the state or by a contractor of the College District may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct in violation of this policy has occurred in relation to the operation of the College District, such matters will be reported to the Texas State Auditor's Office by the Director of Internal Audit as required by Texas Government Code, Section 321.022.

Controls and Oversight

The District President or designee will maintain a system of internal controls to deter and monitor for fraud, waste, abuse or financial impropriety in the College District.

Each employee who supervises or is responsible for preparing College District records, financial reports, or financial transactions will set an example of honest and ethical behavior and will actively monitor their department or area of responsibility for fraud, waste, abuse, and/or financial impropriety.

Confidentiality

Reports of suspected fraud or financial impropriety will be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation will be advised to keep information about the investigation confidential

Non-Retaliation

The College District prohibits and does not tolerate retaliation against any individual who in good faith files a complaint of suspected fraud, waste, abuse, or financial impropriety or cooperates with an investigation of such alleged acts. Engaging in unlawful retaliation may result in disciplinary action, including dismissal.

However, an individual who intentionally files a false complaint, offers false statements, or submits false evidence is not protected by this provision against retaliation, and may be subject to appropriate disciplinary action. Complaints involving alleged violations of this non-retaliation provision can be filed by employees under policy DGBA, by students under FLD, by community members under GB, or using the Ethics Hotline.

NEW POLICY

Investigations

The District President is responsible for ensuring that allegations of fraud, waste, abuse, or financial impropriety are investigated. The District President may assign the complaint to an appropriate designee to investigate. The Director of Internal Audit must provide timely written notification to the District President or designee when a complaint is received from the Ethics Hotline or the State Auditor's Office.

The District President or designee, in coordination with legal counsel and other internal or external departments or agencies as appropriate, will promptly initiate a thorough investigation of reports of potential fraud, waste, abuse, or financial impropriety. Once an investigation is complete, a report that outlines the results of the investigation will be provided to the District President or designee.

If the report involves the Board or District President, an external third party will be retained by the Board to investigate reports of potential fraud, waste, abuse, or financial impropriety. The external third party will conduct a thorough investigation and provide a report that outlines the results of the investigation to the Board Chair or designee.

Response

If an investigation substantiates a report of fraud, waste, abuse, or financial impropriety, the District President or designee will inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration. If recommended or when circumstances warrant, the District President decides, with input from the Board and consultation from legal counsel as needed, (1) whether to report the acts to regulatory or law enforcement authorities, and/or (2) any other appropriate remedial action. In cases involving monetary loss to the College District, the College District may seek to recover lost or misappropriated funds.

If an employee is found to have committed fraud, waste, abuse, or financial impropriety, the District President or designee will take or recommend appropriate disciplinary action, which may include dismissal from employment.

If a contractor or vendor is found to have committed fraud, waste, abuse, or financial impropriety, the College District will take appropriate action, which may include cancellation of the College District's relationship with the contractor or vendor.

Federal Awards Disclosure

The College District will disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of

NEW POLICY

federal criminal law involving fraud, waste, abuse, or financial impropriety violations potentially affecting a federal grant award. [See CAAB]

Analysis of Fraud

After any investigation substantiates a report of fraud, waste, abuse, or financial impropriety, the District President or designee will analyze conditions or factors that may have contributed to the fraudulent or improper activity. The District President or designee will determine if current administrative procedures are appropriate. If deemed necessary, improved procedures will be developed and implemented to prevent future misconduct. These new or remedial measures will be presented to the Board.