Monroe 2-Orleans BOCES Policy
Series 4000 – Non-Instructional/Business Operations
Policy #4474 – 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 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 (if available), or the Independent (External) Auditor, or the School Attorney, or the Board. 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 this investigation, if the BOCES determines that a BOCES official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, BOCES policy and regulation, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the BOCES does not preclude the filing of civil and/or criminal charges as may be warranted. When BOCES officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities should be immediately notified.

A party dissatisfied with the investigating officer’s determination or where a complaint remains unresolved, the complainant may appeal the determination to the District Superintendent or their designee within ten calendar days of notification of the determination by filing a written appeal

and stating the basis for the disagreement with the determination. The District Superintendent or their designee will hold a meeting within five business days and render a determination within ten business days. The District Superintendent or their designee's determination shall be final.

Prohibition of Retaliation

The Board prohibits any retaliatory behavior directed against those individuals who, in good faith, report allegations of suspected financial improprieties/fraud and/or wrongful conduct as well as witnesses and/or any other individuals who participate in the investigation of an allegation of financial impropriety/fraud and/or wrongful conduct. Follow-up inquiries shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the BOCES.

Knowingly Makes False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action and/or criminal sanctions if applicable.

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