Fraudulent or Dishonest Conduct Policy

Policy Statement

Vermont Law School's aspirations reflect our values (including being a community that values respect, integrity, innovation, openness, justice and responsibility and promotes ethical decision making). This policy and its related procedures reflect the desire to conduct the Law School's business ethically and with integrity.

Vermont Law School will investigate any possible fraudulent or dishonest use or misuse of Law School resources or property by faculty, staff or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by the Law School up to and including dismissal or expulsion, and civil or criminal prosecution when warranted. This policy does not override the other existing internal policies, nor the disciplinary procedures outlined therein. When conduct covered by the Code of Conduct has been reported, it shall be prosecuted pursuant to the Code of Conduct procedures.

All members of the Law School community are encouraged to report possible fraudulent or dishonest conduct. An employee should report his or her concerns to a manager or supervisor. A student should report his or her concerns to the academic or administrative manager for the Law School or department.

If for any reason an employee or student finds it difficult to report a concern to a manager or supervisor, a report should be made directly to the V.P. for Finance and Administration, the President and Dean, the Chair of the Board of Trustees or anonymously by contacting Lighthouse Services, Inc. Lighthouse Inc. is a service that provides anonymous reporting to Vermont Law School.

- Toll-Free: 844-430-0008
- Website: www.lighthouse-services.com/vermontlaw
- Email: reports@lighthouse-services.com
- Fax: 215-689-3885 (must include company name with report)

Applicability of the Policy
This policy applies to all Vermont Law School faculty, staff and students.

Policy Elaboration

1. **Rights and Responsibilities**

   a. ***Managers or Supervisors***
   Managers and supervisors are required to report suspected fraudulent or dishonest conduct to the V.P. for Finance and Administration, the President and Dean, or the Chair of the Board of Trustees. In addition, managers and supervisors are responsible for maintaining a system of management controls that deter and/or detect 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. The V.P. for Finance and Administration, the President and Dean, or the Chair of the Board of Trustees is available to assist management in establishing management controls and processes to deter and/or detect improper conduct.

b. ***Reasonable Care:***

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; or
- violations of a person's rights under law.

Accordingly, a manager or supervisor faced with suspected misconduct:

- should not contact the person suspected to investigate the matter further or demand restitution;
- should not discuss the case with anyone other than the V.P. for Finance and Administration, the Law School's President and Dean, or the Chair of the Board of Trustees, or a duly authorized law enforcement officer;
- should direct all inquiries from any attorney retained by the suspected individual to the Vice President for Finance and Administration, the President and Dean, or the Chair of the Board of Trustees; and
- should direct all inquiries from the media to the Law School's Communications Office, or in the event that the Communications Office cannot be contacted, to the Law School's Vice President for Finance and Administration, the President and Dean, or the Chair of the Board of Trustees.

2. Protection against Retaliation

The Law School will use best efforts to protect persons who in good faith report suspected fraudulent or dishonest conduct against retaliation. This protection applies whether or not the suspected misconduct is ultimately substantiated, if the report was made in good faith. The Law School, however, cannot guarantee confidentiality, and no report shall be treated as "unofficial" or "off the record." The V.P. for Finance and Administration, the President and Dean, or the Chair of the Board of Trustees will keep the reporting person's identity confidential, unless:

- the person agrees to be identified;
- identification is necessary to allow Law School or law enforcement officials to investigate or respond effectively to the report;
- identification is required by the Law School's Honor Code, or by the law; or
- the person accused of violations of this Policy is entitled to the information as a matter of legal right or Law School procedure in disciplinary proceedings.

Law School employees may not retaliate against a person who makes a good faith report of suspected fraudulent or dishonest conduct with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including but not limited to, threats of physical harm, loss of job or educational status, punitive work assignments, or impact on salary or wages). A person who believes that he or she has been retaliated against may file a written complaint with the V.P. for Finance and Administration, the President and Dean, or the Chair of the Board of Trustees. 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, based on valid performance-related factors in the usual scope of their duties.

It is important to note that this Policy is intended to address only suspected fraudulent or dishonest conduct. It is not intended to address and does not apply to every day workplace or academic dissatisfactions or disagreements with supervisors or co-workers. The Law School has a grievance procedure through which concerns of that type can be raised and addressed.

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 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 (provided that acts of academic dishonesty or misconduct by students shall be dealt with under the Vermont Law School Code of Conduct and acts of academic dishonesty or misconduct by faculty shall be dealt with under the applicable Law School policy, as appropriate);
- unauthorized alteration, manipulation or access to computer files;
- fraudulent financial reporting;
- pursuit of a benefit or advantage in violation of the Law School's conflict of interest policy;
- misappropriation or misuse of Law School resources, such as funds, supplies or other assets;
- authorizing or receiving compensation for goods not received or services not performed; or
- authorizing or receiving compensation for hours not worked.

Procedures

Once malfeasance has been reported pursuant to the procedures set forth above, actions shall be taken either pursuant to the Code of Conduct or through other appropriate investigative procedures to resolve the matter.