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SUBJECT: SUSPECTED CRIMINAL MISCONDUCT AND DISHONESTY POLICY

POLICY: Like all organizations, RWCFS is faced with the many risks that come from wrongdoing, misconduct, dishonesty and fraud. We must be prepared to manage these risks and their potential impact in a professional manner.

PROCEDURE: RWCFS Head Start & Early Head Start’s is committed to the deterrence and investigation of suspected misconduct and dishonesty by employees and others. This policy provides specific instructions regarding appropriate action in case of suspected violations.

The impact of dishonesty and misconduct may include:

- Financial loss
- Damage to the reputation of RWCFS, it’s governing boards and its employees
- Negative publicity
- Cost of investigation
- Loss of employees
- Loss of partners, parents & children
- Litigation
- Damaged employee morale

Our goal is to establish and maintain an agency environment of fairness, ethics and honesty for our employees, children, families, partners and anyone else with whom we have a relationship. To maintain such an environment requires the active assistance of every employee and manager every day.

Our Agency is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including recommendation of termination where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

Definition of Misconduct and Dishonesty:

For the purposes of this policy, misconduct and dishonesty include but are not limited to:

- **Illegal or dishonest** acts which violate the Agency’s code of conduct (See Employee Conduct, Personnel Policies and Procedures Employee Handbook, for further guidance.)
- Theft or other misappropriation of assets, including assets of the agency, families we serve, and with others with whom we have a business relationship
- Misstatements and other irregularities in agency records, including the intentional misstatement of the results of operations
- Forgery or other alteration of documents
- Fraud and other unlawful acts
- Any other Acts which may be criminal or illegal

RWCFS Head Start & Early Head Start specifically prohibits these and any other illegal activities in the actions of its employees, managers, executives and other responsible for carrying out the Agency's activities.

Policy and Responsibilities:

Supervisors are expected to promote compliance with policies and procedures and to support employee's effectiveness in their job. Performance issues that affect quality services must be addressed immediately by supervisors. Supervisors must address safety first and must take immediate action to ensure the immediate safety and well-being of people and property. If safety is secure, the next step taken by supervisors suspecting illegal or dishonest acts will be to assure that a report of the matter is forwarded to the immediate attention of the Program Design Director, Executive Director or Board of Directors Chairperson.

REPORTING PROCESS:

It is the responsibility of every employee, supervisor, manager and Board member to **immediately** report **SUSPECTED** misconduct or dishonesty to their supervisor, and or Human Resources/Program Design Director. (When misconduct, dishonesty or unlawful activity is suspected, the concern will be documented on the Employee counseling/Written guidance form and forwarded to Human Resources Manager immediately before follow-up with the employee in question is pursued.) Supervisors and Human Resources, when made aware of such potential acts, must immediately report such acts to the Executive Director, Board of Directors Chairperson, Security, Regional Officer, legal and/or other appropriate representative. Any reprisal against any employee or other reporting individual, reporting a violation in good faith, is strictly forbidden.

Due to the important yet sensitive nature of the suspected violations, effective professional follow up is critical. Supervisors, while appropriately concerned about "getting to the bottom" of such issues, should not in any circumstances perform any investigative or other follow up steps on their own. **Concerned but uninformed supervisors represent one of the greatest threats to proper incident handling.** All relevant matters, including suspected but unproved matters, should be referred immediately to those with follow up responsibility. Supervisors must consider each performance concern for potential violation of this policy and indicate this potential on the counseling form.

To facilitate reporting of suspected violations, especially in those situations where the reporting individual wishes to remain anonymous, the agency has established that you contact the Human Resources Manager (Program Design Director) directly.

Additional Responsibilities of Supervisors:

Employees with supervisory and review responsibilities at any level have additional deterrence and detection duties. If you have supervisory or review responsibility, then in addition to reporting suspected violations as is required above, you have three additional responsibilities.

- First, you must become aware of what can go wrong in your area of responsibility.
- Second, you must put into place and maintain monitoring, review and control procedures which will prevent acts of wrongdoing.
- Third, you must put into place and maintain monitoring, review and control procedures which will detect acts of wrongdoing promptly should prevention efforts fail.

Authority to carry out these three additional responsibilities is often delegated to subordinates. However, accountability for their effectiveness cannot be delegated and will remain with supervisors and managers.

Assistance in effectively carrying out these responsibilities is available through the Program Design Director and the Executive Director.

Responsibility and Authority for Follow Up and Investigation:

The Program Design Director and the Executive Director have the primary responsibility for all investigations involving the agency.

Properly designated members of the investigative team will have:

- Free and unrestricted access to all agency records and premises, whether owned or rented
- The authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of investigative or related follow up procedures.

All investigations of alleged wrongdoing will be conducted in accordance with applicable laws and agency procedures.

Reported Incident Follow Up Procedure:

Care must be taken in the follow up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that follow up and investigation is underway, and to avoid making statements which could adversely affect the agency, an employee, or other parties.

Accordingly, the general procedures for follow up and investigation of reported incidents are as follows:

1. Employees and others must immediately report all factual details as indicated in the Policy, using the Employee counseling/Written guidance form (if violation of this policy is suspected, submit to supervisor and Program Design Director immediately—do not proceed with counseling employee).
2. The Program Design Director and the Executive Director have the responsibility for follow up and, if appropriate, investigation of all reported incidents.
3. All records related to the reported incident will be retained wherever they reside.
4. Do not communicate with the suspected individuals about the matter under investigation.
5. In appropriate circumstances and at the appropriate time, the Program Design Director and the Executive Director will notify the Board of Directors Chairperson.
6. The Executive Director will also notify other Agency representatives as he/she deems necessary.
7. The Program Design Director may also obtain Legal Council at any time throughout the course of an investigation or other follow up activity on any matter related to the report, investigation steps, proposed disciplinary action or any anticipated litigation.
8. Neither the existence nor the results of investigations or other follow up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively,
9. All inquiries from an attorney or any other contacts from outside of the agency, including those from law enforcement agencies or from the employee under investigation, should be referred to the Program Design Director or the Executive Director.

10. Investigative or other follow up activity will be carried out without regard to the suspected individual's position or level, or relationship with the agency.

Questions or Clarifications Related to This Policy

All questions or other clarifications of this policy and its related responsibilities should be addressed to the Agency's Executive Director who shall be responsible with the support of the Program Design Director for the administration, revision, interpretation, and application of this policy.