

## I. POLICY

The college requires its employees to maintain the highest ethical standards. Employees are required to be honest and conscientious and to comply with all applicable laws, regulations, and policies when carrying out their duties and responsibilities.

Employees must report suspected fraud, corruption, conflicts of interest, or other unethical conduct within the college. The following procedure sets out methods for employees to report such conduct.

## II. REFERENCES

- A. Utah Public Officers' and Employees' Ethics Act, U.C.A. § 67-16-1–15.
- B. Utah Protection of Public Employees Act, U.C.A. § 67-21-1–10.

## III. DEFINITIONS

- A. Abuse of Authority: An arbitrary or capricious exercise of power that adversely affects the employment rights of another, or results in a gain to the person exercising the authority or to another.
- B. Adverse Action: An action against an employee in a manner that negatively affects the employee's employment status, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges.
- C. Conflict of Interest: A discrepancy between the official duties and responsibilities of an employee and the employee's private interests.
- D. Ethics and Compliance Hotline: A confidential platform for individuals to report unethical conduct.
- E. Ethics and Compliance Committee: A standing committee that is responsible for receiving, assessing, responding to, and maintaining records of reports of suspected improper activities.
- F. Good Faith: The reasonable belief and accurate restatement that observed conduct violates a law, regulation, or board of regents or college policy.

- G. Gross Mismanagement: The action or failure to act by an employee, with respect to the employee's responsibility, that causes harm or risk of harm to the college or its mission.
- H. Retaliatory Action: Conduct that causes an adverse action and includes threats and attempts to cause adverse action.
- I. Unethical Conduct: Conduct that violates the Utah Public Officers' and Employees' Ethics Act, U.C.A. § 67-16, or SLCC policy Conflict of Interest, External Employment, and Consultations, or Employee Conduct. For example, abuses of authority, conflicts of interest, gross mismanagement, theft, fraud, or waste, abuse, or misuse of college funds, etc.

#### **IV. PROCEDURE**

##### **A. Reporting Unethical Conduct**

1. Employees should report observed unethical conduct to:
  - a. the employee's immediate supervisor unless the supervisor is involved in the unethical conduct; or
  - b. the employee's next level supervisor that is not involved in the unethical conduct.
2. If, after speaking with the employee's supervisor, the employee feels the unethical conduct has not been resolved, the employee should report the conduct to the college's Ethics and Compliance Hotline or the college's director of Internal Audit.
3. If reported to the director of Internal Audit, the director will promptly forward the report through the hotline.
4. Reports of unethical conduct may also be anonymously reported to the hotline, SLCC director of Internal Audit, the Utah Board of Regents, or the Utah Office of the State Auditor.
5. The ethics and compliance hotline is not intended for emergency use.

##### **B. Good Faith**

1. An employee who has reported unethical conduct is presumed to have acted in good faith.

2. The presumption of good faith may be rebutted by showing that the employee knew or reasonably should have known the report was malicious, false, or frivolous.
3. Malicious, false, or frivolous complaints will be referred to the director of Employee Relations or designee for possible corrective action.
4. A finding of no merit by the committee is not proof of a malicious, false, or frivolous complaint.

#### C. Confidentiality

Employees are encouraged to report unethical conduct on the record. However, if the employee does not want to be identified, the college will take reasonable precautions to prevent disclosure of the identity of an employee.

#### D. Ethics and Compliance Committee

1. The committee includes members representing Internal Audit, Risk Management, the Dean of Students, People & Workplace Culture, Public Safety, and academic departments.
2. The committee is designed to receive reports regarding suspected unethical conduct.
3. Reports received by the committee concerning harassment or discrimination, sexual misconduct, public safety concerns, employee grievances, or general working conditions are outside the committee's scope of authority. They should be reported to the appropriate college department or supervisor. Any such reports received by the committee will be forwarded to the appropriate college department or supervisor.
4. Reports submitted to the hotline are sent to the members of the Ethics and Compliance Committee. If a committee member is cited in the report, the report will not be sent to that member.
5. Initial Determination
  - a. Within two business days, the Ethics and Compliance Committee will review the report to determine the appropriate action based on the nature and severity of the allegations.

- b. The committee may consult an appropriate department representative when determining the appropriate action.
  - c. An investigation will be initiated upon the recommendation of the majority of the committee.
  - d. Within one day of the committee's initial review, the committee will acknowledge receipt of the report through the secure hotline communications system.
- E. Reports Concerning the President or Other Members of the Executive Cabinet

Reports about the president or another executive cabinet member may be reported to the Ethics and Compliance Hotline. In the event such a report is received, the Ethics and Compliance Hotline Committee may refer the report to the chairperson of the Board of Trustees Audit Committee.

F. Investigations

1. If the committee initiates an investigation, the director of Internal Audit will appoint a lead investigator.
2. The investigation will proceed as follows:
  - a. The lead investigator will provide a brief message to the reporting party informing the reporting party an investigation is underway.
  - b. The lead investigator will interview any person with relevant information. The lead investigator may also review any relevant evidence, such as e-mails, text messages, or phone records.
  - c. Failure to respond to the investigation will not prevent the completion of the investigation.
3. Under the direction of the college's executive cabinet, the committee may retain independent counsel, accountants, or private investigators to conduct a complete investigation.
4. Investigations should be completed within 60 days. However, depending on the nature of the investigation, this period may be extended for a reasonable time upon the judgment of the chairperson of the Ethics and Compliance Hotline Committee.

5. Upon completion of the investigation, the lead investigator will complete a report that includes:
  - a. a summary of the allegations made;
  - b. a summary of the investigative steps taken to verify the allegations; and
  - c. a determination of whether the evidence, evaluated under a preponderance of the evidence standard, supports a finding that a violation of college policy occurred;
6. If a policy violation more than likely occurred, the committee will:
  - a. provide the report and recommend corrective action to the director of Employee Relations or designee;
  - b. close the investigation on the Ethics and Compliance Hotline; and
  - c. provide the report to the president of the college and the Board of Trustee Audit Committee. If a submitted report is about the president, the committee will provide the report to the chair of the Board of Trustees Audit Committee.

#### G. Investigation not Warranted

1. If the committee determines that an investigation is not warranted or the complaint is beyond the committee's scope of authority, the committee will notify the appropriate college department or supervisor of the subject of the complaint.
2. The appropriate college department or supervisor of the subject of the complaint shall:
  - a. take appropriate action; and
  - b. report what actions were taken to the committee.
3. The committee will inform the reporting party that action was taken through the secure hotline communications system.

## H. Retaliatory Action Prohibited

The college and its members are prohibited from taking retaliatory actions because of an employee's good faith report of unethical conduct or participation in any way in any investigation of alleged unethical conduct.

## I. Allegations of Retaliatory Action

In compliance with the Utah Protection of Public Employees Act, U.C.A. § 67-21-1–10, the college's [Grievance Hearing Committee](#) will function as the college's Independent Personnel Board that will hear and act on any allegations of retaliation.

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The originator of this policy & procedure is the director of Internal Audit. Questions regarding this policy may be directed to the originator by calling 801-957-4009.