

Fraud and Whistleblower Policy

Effective Date:	March 31, 2022
Supersedes:	Fraud and Whistleblower Policy, effective September 1, 2018
Policy Review Date:	To be reviewed every 3 years from effective date
Issuing Authority:	RF President
Policy Owner:	Joshua B. Toas, Vice President of Compliance and Chief Compliance Officer
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Reason for Policy

The Research Foundation ("RF") expects its Employees and representatives to maintain the highest standards of conduct and ethics. All individuals doing work on behalf of the RF must act with honesty, integrity, and transparency in all their dealings as representatives of the RF as outlined in the [RF's Code of Conduct](#). Failure to follow the standards outlined in the Code of Conduct, violating corporate Policy, or committing other acts of Improper Conduct may result in disciplinary action including: possible separation of employment, dismissal from one's board or volunteer duties, and possible civil or criminal prosecution.

Management is responsible for the detection and prevention of fraud, waste, and abuse or other Improper Conduct involving anyone representing or acting on behalf of the RF, or those doing business with the RF, by implementing appropriate risk-based internal controls to protect corporate interests, and determining the appropriate corrective measures to take following an investigation.

This policy is meant:

1. To encourage all RF Employees and independent contractors doing work on behalf of the RF to raise or report good faith concerns regarding suspected or actual Improper Conduct;
2. To facilitate cooperation in any inquiry or investigation;
3. To prohibit Retaliation against any RF Employee making a Good Faith Disclosure or a Disclosure Made Under Reasonable Belief or participating in good faith in a RF investigation under this policy;
4. To facilitate the development of controls aiding the detection and prevention of Improper Conduct; and
5. To promote behavior consistent with the [RF's Code of Conduct](#).

Statement of Policy

Allegations of Improper Conduct must be reviewed by the Office of Compliance Services pursuant to the RF's [Procedures for Investigating Fraud and Misconduct](#) and without regard to the suspected wrongdoer's length of service, position, title, or relationship to the RF. Investigations will be carried out as determined by the Office of Compliance Services.

RF Employees, representatives, and independent contractors shall report suspected fraud, waste, abuse or other Improper Conduct as soon as possible. Supervisors have an affirmative duty to report Improper Conduct to the Office of Compliance Services.

Allegations of Harassment or Discrimination

Any review of complaints or allegations reported to the Office of Compliance Services or through the Speak Up RF- Ethics Hotline, must be conducted at the direction of the Chief Compliance Officer. Allegations that involve potential Discrimination or Harassment in addition to other Improper Conduct must be referred to the Office of Compliance Services for initial review. Complaints or allegations that relate to Discrimination or Harassment will be referred to the Office of Human Resources to be reviewed pursuant to the RF's:

- [Sexual Harassment Prevention Policy](#);
- [Equal Employment Opportunity and Antidiscrimination Policy](#); and
- [Procedure for Resolving Discrimination, Harassment, and Retaliation Complaints](#).

Allegations of assault, unwanted touching, or threats of violence are subject to this Policy and the [Procedures for Investigating Fraud and Misconduct](#), and are not to be considered an Allegation of Harassment or Discrimination as described above.

Reporting

If you know of, or have a Good Faith or Reasonable Belief, that there is an unlawful or unethical situation or that you are a victim of prohibited workplace conduct, you should immediately report the matter through any of the following communication channels:

- Your supervisor, department head, or chair
- Your campus RF human resources office
- Your campus Operations Manager or Deputy Operations Manager.
- The [Speak Up RF - Ethics Hotline](#)
- RF Corporate Human Resources
- [RF Office of General Counsel](#)
- [RF Office of Internal Audit](#)
- [RF Office of Compliance Services](#)
- The RF President

Reports should contain as much specific and factual information as possible, including relevant information concerning dates, places, persons, numbers, etc., to allow a reasonable investigation to take place (See [Fraud Incident Report](#) template). Individuals should not report suspected or actual Improper Conduct to any individual suspected of engaging in that conduct, even if that person is identified as an avenue for reporting a complaint. For example, an RF Employee who suspects their supervisor has engaged in Improper Conduct should not report their suspicions to their supervisor but should instead report through one of the other channels identified above.

Allegations involving potentially criminal acts must be referred to the Office of Compliance Services or the Office of General Counsel. Ongoing acts that threaten the immediate health and safety of staff or facilities must be immediately reported to the appropriate local authorities, *i.e.*, New York State University Police or environmental health and safety. After the immediate threat is addressed, the initial complainant or the supervisor in charge must notify the Office of Compliance Services. Campus-based RF Employees are required to notify their local Operations Manager. Operations Managers and supervisors have an affirmative duty to immediately report Improper Conduct to the Office of Compliance Services.

Individuals may file a complaint or concern anonymously through the Speak Up RF- Ethics Hotline by calling 800.461.9330 or visiting www.rfsuny.org/speakuprf-ethicshotline. The RF will explore all allegations, anonymous or not, to the extent possible and will weigh the prudence of continuing such investigations against the likelihood of confirming the alleged facts or circumstances from attributable sources. The RF will protect anonymous sources to the extent possible or practical.

Individuals that make a Baseless Allegation may be subject to disciplinary action by the RF, and/or legal claims by individuals accused of such conduct.

It is the policy of the Research Foundation to allow individuals to raise concerns or make allegations to numerous officials or offices; however, the ultimate authority to review these allegations rests with the Office of Compliance Services. Individuals who receive an allegation of fraud, waste, abuse or other Improper Conduct must immediately notify the Office of Compliance Services.

Operations Managers or others that supervise RF Employees that are notified of potential Improper Conduct must immediately notify the Office of Compliance Services. An Operations Manager or supervisor who becomes aware of suspected Improper Conduct must not:

- Contact the person suspected to further investigate the matter or demand restitution, unless otherwise directed to do so by the Office of Compliance Services;
- Discuss the case with outside attorneys, the media, or anyone other than RF Counsel, Internal Audit, or the Office of Compliance Services; or
- Report the case to an authorized law enforcement officer without first discussing the case with RF Central Office Management, unless an ongoing act threatens the immediate health and safety of staff or facilities (as mentioned in the "Reporting" section above).

Whistleblower Protection & Prohibited Retaliation

The RF will not tolerate the Harassment of or retaliation against any RF Employee who, in Good Faith or with Reasonable Belief, raises concerns or participates in an RF investigation of potential Improper Conduct.

No RF Employee or representative may take harmful or retaliatory action, whether or not within the scope of the RF Employee's job duties, intended to interfere with the terms and conditions of a Whistleblower's employment or livelihood, as punishment for participating in an internal investigation, or making a Good Faith Disclosure or Disclosure Made Under Reasonable Belief of actual or perceived fraud, waste, and abuse or other Improper Conduct.

Prohibited Retaliation includes, but is not limited to: threats of physical harm;; loss of job; demotion; suspension; punitive work assignments; threats of job loss, demotion or suspension; impact on salary or fees, threatening to contact or contacting United States immigration authorities or other federal, state or local agencies, or reporting or threatening to report an employee's or employee's family or household member's suspected citizenship or immigration status; actions or threats to take such actions that would adversely impact a former employee's current or future employment. Individuals who believe that they have been retaliated against may file a written complaint consistent with the "Reporting" section of this document.

Any complaint of Retaliation will be reviewed, and appropriate corrective measures will be taken if allegations of Retaliation are substantiated. This protection from Retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related or other non-retaliatory factors.

Whistleblower complaints and other allegations of misconduct will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Whistleblower complaints will only be shared with those who have a need to know so that the RF can conduct an effective investigation, determine what action to take based on the results of any such investigation, and in appropriate cases, share investigation results with law enforcement personnel. Should disciplinary or legal action be taken against such person(s) as a result of a Whistleblower complaint, such person(s) may also have the right to know the identity of the Whistleblower.

Whistleblowers or other complainants must not take part in any investigative processes unless explicitly requested to do so by investigators and must not conduct their own investigation or review of the misconduct unless otherwise directed.

Investigation

All allegations of Improper Conduct and related matters, including suspected but unproven matters, will be reviewed and analyzed with documentation of the receipt, retention, investigation, and treatment of the complaint or allegation consistent with the RF's [Procedures for Investigating Fraud and Misconduct](#). The Office of Compliance Services should, as necessary, consult with Internal Audit, Human Resources,

Employee Relations, and the Office of General Counsel in furtherance of the review of allegations. Investigations, when required, will be conducted as thoroughly and efficiently as possible, based on the nature and complexity of the allegations.

The Office of Compliance Services has the primary responsibility for managing and monitoring internal complaints; Whistleblower complaints; allegations of fraud, waste, and abuse or other Improper Conduct; and allegations submitted through the Speak Up RF- Ethics Hotline. Investigations will be coordinated and supervised by the Office of Compliance Services. Allegations of Improper Conduct must not be investigated by or at the direction of an Operations Manager or any other official exercising RF authority unless directed or coordinated by the Office of Compliance Services.

All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer must be directed to Office of Compliance Services or the appointed investigator.

Findings and Corrective Action

Findings will be communicated to appropriate officials at the discretion of the Chief Compliance Officer. If the investigation substantiates that Improper Conduct has occurred, the Office of Compliance Services, Human Resources, Office of General Counsel, and/or Office of Internal Audit may issue reports to appropriate personnel and to the Board of Directors through the Audit Committee.

RF Central Office Management in consultation with the relevant Operations Manager is responsible for determining the appropriate corrective actions to take following an investigation or a finding of Improper Conduct. Employee discipline must be implemented in a manner consistent with the [RF's Progressive Discipline Policy](#).

Referral to Law Enforcement or Regulatory Agencies

Decisions to prosecute or refer the results of an investigation to appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the Chief Compliance Officer in consultation with the Office of General Counsel, the RF President, the Board and others as needed.

RF Central Office Management will determine whether any sponsor disclosure is required after a review of relevant legal requirements and the advice of the Office of General Counsel and the Office of Compliance Services.

Responsibilities

The following table outlines the responsibilities for compliance with this Policy:

Responsible Party	Responsibility
Campus-based RF Employees	<p>Raise or report Good Faith or Reasonable concerns regarding suspected or actual Improper Conduct</p> <p>Immediately report ongoing acts that threaten the immediate health and safety of staff or facilities to the appropriate local authorities, i.e. New York State University Police or environmental health and safety.</p> <p>After the immediate threat is addressed, notify the local Operations Manager.</p>
Operations Managers, Deputy Operations Managers, and Supervisors	<p>Immediately report Improper Conduct to the Office of Compliance Services. Accordingly, an Operations Manager or supervisor who becomes aware of suspected Improper Conduct must not:</p> <ul style="list-style-type: none"> • Contact the person suspected to further investigate the matter or demand restitution unless otherwise directed to do so by the Office of Compliance Services; • Discuss the case with outside attorneys, the media, or anyone other than RF Counsel, Internal Audit, or the Office of Compliance Services; or • Report the case to an authorized law enforcement officer without first discussing the case with RF Central Office Management.
RF Central Office Management	<p>Oversee the detection and prevention of fraud, waste, and abuse or other Improper Conduct involving anyone representing or acting on behalf of the RF or those doing business with the RF by:</p> <ul style="list-style-type: none"> • Implementing appropriate risk-based internal controls to protect corporate interests; • Notifying the Office of Compliance Services of suspected Improper Conduct; and • Determining the appropriate corrective measures to take following an investigation, consistent with the RF's Progressive Discipline Policy. <p>Determine whether any sponsor disclosure is required after a review of relevant legal requirements and the advice of the Office of General Counsel and the Office of Compliance Services.</p>
Office of Compliance Services	Maintain and publicize the Speak Up RF- Ethics Hotline

	<p>Manage and monitor internal complaints; Whistleblower complaints; allegations of fraud, waste, and abuse or other Improper Conduct; and allegations submitted to the Office of Compliance services or through the Speak Up RF- Ethics Hotline.</p> <p>Issue reports to appropriate designated personnel and to the Board of Directors through the Audit Committee.</p>
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Definitions

Baseless Allegations- Allegations made with reckless disregard for their truth or falsity or with willful ignorance of their truth or falsity.

Disclosure Made Under Reasonable Belief- Disclosure of Improper Conduct made with reasonable belief that the situation reported is in violation of law, rule, or regulation or that the individual reasonably believes poses a substantial and specific danger to public health or safety. A disclosure made under reasonable belief is one where any reasonable person would believe such a situation is Improper Conduct.

Discrimination - disparate treatment of an individual based on that individual's Protected Trait. Discrimination includes, but is not limited to disparate treatment in hiring, firing, compensation, training/development, or in terms, conditions or privileges of employment because of an individual's Protected Trait. Differences in treatment are not discrimination under this policy where differences in treatment are permissible under federal and state law.

RF Employee- Current and former RF employees and other individuals doing work on behalf of the RF pursuant to a delegated authority or with assumed authority, including independent contractors.

Good Faith Disclosure- Disclosure of Improper Conduct involving anyone representing or acting on behalf of the RF, or those doing business with the RF, through any of the communication channels listed in the "Reporting" section above, made with a belief in the truth of the disclosure that a reasonable person in the whistleblower's situation could have believed based upon the facts. A disclosure is not in good faith if made with reckless disregard, or willful ignorance of facts that would disprove the disclosure. A report does not have to be proven true to be made in good faith.

Harassment - abuse, intimidation/threats/coercion, assault, and/or other unwelcomed conduct related to a Protected Trait, where the conduct has the purpose or effect of:

- a. unreasonably interfering with an individual's work environment;
- b. subjecting an employee to inferior terms, conditions or privileges of employment; or
- c. creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee.

Such conduct includes verbal, visual, or physical conduct directed at an individual because of a Protected Trait, to include slurs, insults, insulting/derogatory pictures, assault, blocking ingress/egress, and other unwelcome behaviors.

Improper Conduct- A deliberate act or failure to act with the intention of obtaining an unauthorized benefit or misleading an RF representative, government official, vendor or other entity doing business with the RF. Examples of such conduct include, but are not limited to:

- Commission of any crime or offense, including forgery or alteration of documents;
- Unauthorized alteration or manipulation of computer files;
- Fraudulent or otherwise deceptive financial reporting;
- Pursuit of a benefit or advantage in violation of the RF's Conflict of Interest Policy;
- Unauthorized disclosure of confidential or proprietary information;
- Misappropriation, unauthorized destruction, removal, or inappropriate use of the of the resources of the RF, its sponsors, or business partners. Resources includes supplies, equipment or other assets;
- Authorizing or receiving compensation for goods not received or services not performed;
- Any intentional or deliberate activity which results in violation of sponsor terms involving sponsor funds or sponsor reporting;
- Misconduct in science, misconduct in research, or other academic misconduct;
- Authorizing or receiving compensation for hours not worked;
- Violations of law, rule, or regulation;
- Creating a substantial and specific danger to public health or safety; and
- Intentional violations of an RF policy.

Protected Trait- sex, race, color, religion, national origin, citizenship, age, creed, disability, veteran status, marital status, military status, familial status, domestic violence victim status, sexual orientation or gender identity and expression, predisposing genetic characteristics/genetic information, or any other category protected by applicable federal, state, or local law.

Retaliation- Any adverse action or credible threat of an adverse action taken by the RF, or any individual doing work for or on behalf the RF, whether or not in the scope of the acting individual's job duties, in response to a Whistleblower's good faith disclosure or Disclosure Made Under Reasonable Belief of Improper Conduct, involving anyone representing or acting on behalf of the RF, or those doing business with the RF, or in response to any employee's good faith participation in a RF investigation under this policy.

Whistleblower- An RF Employee who, in good faith, reports Improper Conduct involving anyone representing or acting on behalf of the RF, or those doing business with the RF.

Related Information

[RF Code of Conduct](#)

[RF Conflicts of Interest Policy](#)

[Procedures for Investigating Fraud and Misconduct.](#)

[Equal Employment Opportunity and Antidiscrimination Policy](#)

[Procedure for Resolving Discrimination, Harassment, and Retaliation Complaints](#)

[Sexual Harassment Prevention Policy](#)

Forms

[Fraud Incident Report](#)

Change History

Date	Summary of Change
December 22, 2023	Updated Ethics Hotline name and link.
March 31, 2022	Revisions made in accordance with changes to NY Labor Law. Language about "Disclosure Made Under Reasonable Belief" added; revision clarifies scope includes former employees and independent contractors; and additional detail added under prohibited retaliation.
September 1, 2018	Updated reporting channels and provided additional clarification around roles and responsibilities under this policy.
June 30, 2012	New Policy Supersedes the Fraud Policy

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.

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