



UNIVERSITY OF GUAM
UNIBETSEDÁT GUÅHAN
Board of Regents

Resolution No. 19-18

**RELATIVE TO APPROVING THE FRAUD, WASTE AND ABUSE POLICY AND
WHISTLEBLOWER PROTECTIONS**

WHEREAS, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges (WASC) Senior College and University Commission (WSCUC) serving the post-secondary needs of the people of Guam and the Western Pacific region;

WHEREAS, the Board of Regents (BOR) sets policies governing the duties, conditions of employment, compensation, salary and emoluments, of all employees of UOG, as provided under the UOG Charter;

WHEREAS, the BOR recognizes the importance of safeguarding UOG's assets, resources and interests;

WHEREAS, the BOR also recognizes the importance of protecting persons who in good faith file complaints against those who abuse UOG assets, resources and interests;

WHEREAS, there have been past incidents at UOG where university property has gone unaccounted for with no clear policy guidance or accountability;

WHEREAS, UOG has reviewed its policies and procedures and has determined that a policy on Waste, Fraud and Abuse Policy and Whistleblower Protections is needed;

WHEREAS, the attached policy has been vetted through the President's Council, Administrative Council, and the Faculty Union; and

WHEREAS, the Academic, Personnel & Tenure (AP&T) Committee has reviewed this policy and recommends its approval by the BOR.

NOW, THEREFORE, BE IT RESOLVED, that the BOR approves the Fraud, Waste and Abuse Policy and Whistleblower Protections effective upon the signing of this resolution.

Adopted this 18th day of April, 2019.

Christopher K. Felix, Chairperson

ATTESTED:

Thomas W. Krise, Ph.D., Executive Secretary

University of Guam

Request for Official Action on a Policy or Regulation

1. Date of this request: 4/10/19
2. Destination of request:
 Board of Regents President SVP VPAF Other _____
 BOR Committee: AP&T BFA Exec Comm Investment Physical Facilities SASARHD
3. Originating Organizational Unit: Legal Counsel
4. Action proponent name: V. Renacia email: vrenacia@triton.uog.edu phone: 735-2992
5. Action requested: Recommend approval of policy to BOR.

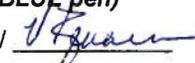
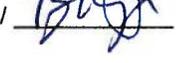
6. Justification supporting action request: Administrative policy to prevent fraud, waste, abuse of university resources.

7. Requested effective date of action, if approved: 4/18/19

8. Manual or document to be altered:
- | | |
|--|--|
| <input checked="" type="checkbox"/> BOR Policy | <input type="checkbox"/> Office of Information Technology |
| <input type="checkbox"/> Academics | <input type="checkbox"/> Office of Marketing & Communications |
| <input type="checkbox"/> Bookstore | <input type="checkbox"/> Office of Research & Sponsored Programs |
| <input type="checkbox"/> Comptroller's _____ | <input type="checkbox"/> Plant Facilities & Maintenance |
| <input type="checkbox"/> Enrollment Management & Student Success | <input type="checkbox"/> Safety & Security |
| <input type="checkbox"/> Human Resources Office | <input type="checkbox"/> Triton Athletics |
| <input type="checkbox"/> JFK Library or MARC | <input type="checkbox"/> Other _____ |
- Location of proposed alteration in manual: To be located in UPM. Version date: 4/18/19

9. Attached:
- a. Proposed Procedure, Regulation, or Policy language (*in unlocked finalized Word file only, no PDFs*).
 - b. Documentation showing appropriate consultation with advisory and/or governance committees has been done.
 - c. Documentation of a public hearing, as applicable.

Consultation Record (as applicable)

Committee	Name / Signature (use BLUE pen)	Position	Date
Originating Unit / AAC	<u>V. Renacia</u> / 	<u>Legal Counsel</u>	<u>4/14/19</u>
Appropriate Dean / Director	_____ / _____	_____	<u>1/1</u>
Academic / Admin Committee	_____ / _____	_____	<u>1/1</u>
Faculty Senate <input type="checkbox"/> NA	_____ / _____	_____	<u>1/1</u>
Faculty Union <input type="checkbox"/> NA	<u>Roseann Jones</u> / 	_____	<u>4/15/19</u>
Administrative Council <input type="checkbox"/> NA	<u>Randy Wiegand</u> / 	_____	<u>4/13/19</u>

Administration Approvals (as applicable)

SVPASA: 	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<u>4/15/2019</u>
VPAF: 	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<u>4/13/2019</u>
President: 	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<u>4/18/2019</u>
Chair, Board of Regents: 	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<u>4/22/2019</u>

FRAUD, WASTE and ABUSE POLICY
and
WHISTLEBLOWER PROTECTIONS

I. **PURPOSE**

This policy is established to protect the assets, resources and interests of the University of Guam (University); to increase the awareness of all employees of the possibility of fraud, waste and abuse; and to govern the reporting and review of allegations of suspected fraud, waste and abuse.

II. **SCOPE**

This policy applies to all employees of the University. Employees are required to report factual information concerning suspected or known fraudulent, wasteful or abusive activities that may involve the University or any of its members.

III. **DEFINITIONS**

Abuse: The intentional excessive or intentional improper use of University resources to the detriment or potential detriment of the University. It includes but is not limited to intentional destruction, diversion, manipulation, misapplication or misuse of University resources; extravagant or excessive use as to abuse one's position of authority, such as significant unauthorized time away from work or significant use of University time for personal business.

Fraud: An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to that person or some other person. A mere mistake or error generally will not constitute fraud unless made with negligent disregard for the truth. It includes but is not limited to theft of any University asset, forgery or falsification of documents, soliciting or accepting a bribe or kickback, claiming unallowable costs or recoveries under federal funds, falsification of time and effort reporting, or any other act that constitutes fraud under applicable federal or Guam law.

Retaliation: An action taken by the University Administration or supervisor which subjects a university individual to real or threatened adverse employment action, or other action regarding compensation, terms, conditions, location, or privileges of employment for reasonably filing a complaint, or otherwise in good faith participating in the internal complaint process or in a complaint process external to the University.

Waste: The careless or needless expenditure of University funds or the consumption of University property that results from deficient practices, systems, controls or decisions to the detriment or potential detriment of the University. Waste can include but is not limited to ordering excessive or unneeded supplies or equipment, the purchase of goods at inflated prices, or

the failure to reuse or recycle major resources or reduce waste generation.

Whistleblower: A person who exposes any kind of information or activity that is deemed illegal, unethical, or not correct within the University.

IV. PROCEDURES

1. Reporting of Fraud, Waste and Abuse

It is everyone's responsibility to be vigilant in providing for the security and accountability of University resources entrusted to them. This policy applies to all University employees. All students, vendors, contractors for the University and others who know or suspect that there has been a violation of this policy, or a violation of Guam or federal law, are strongly encouraged to immediately notify a supervisor or appropriate University administrator of the violation or suspected violation. The violation should be reported whether it was committed by the person reporting the violation or another individual, and it should be reported whether intentional or accidental.

Appropriate University administrators include the President, Vice Presidents, deans, directors, division/department heads, legal counsel, as well as other managers authorized to determine and assign duties to University employees.

Under the Public Employee Protection Act, Title 4 of the Guam Code Annotated, Chapter 4, classified and unclassified employees may also report violations to the Civil Service Commission (CSC), who will investigate such complaints under CSC procedures. Violations of this policy may also be reported to the Guam Police Department (GPD) at 671- 475-8541 or other local or federal authorities. Employees who work under federally funded programs may report violations to the Office of Inspector General (OIG), through the OIG Hotline at 1-800-MIS-USED.

2. Investigation of Reported Fraud, Waste and Abuse

Upon receiving an allegation of fraud, waste and/or abuse, the University administration shall immediately initiate an investigation. An investigator shall be appointed by either the Senior Vice President (SVP) or the Vice President for Administration and Finance (VPAF), depending on the factual circumstances. The supervisor or appropriate administrator shall be notified of any material investigation and updated regularly by the investigator.

All investigations shall be completed within a reasonable period of time, with a goal of completing all investigations within sixty (60) calendar days of initial report. For any investigation taking more than 60 calendar days, the investigator shall promptly provide a written memorandum to the supervisor or appropriate administrator explaining why the investigation has exceeded the 60 calendar day goal.

All investigations will be conducted in as strict confidence as possible, with limited information sharing on a "need to know" basis. The investigator shall provide a confidential report to the University.

The President shall designate a review panel on an ad hoc basis. The review panel shall consist of a minimum of three appropriate parties. Participation among appropriate parties, such as but not limited to the President, the SVP, VPAF, the Comptroller, the legal counsel, dean or director to review the allegations shall allow for comprehensive and coordinated reviews.

The University review panel will evaluate the information contained in the investigation and make a written determination within thirty (30) calendar days. The review panel will also determine whether there should be any external reporting, and the feasibility of pursuing legal remedies against persons or entities involved in the fraud, waste or abuse against the institution.

Remedies include but are not limited to: restitution; forwarding information to appropriate external authorities for criminal prosecution; adverse employment action up to and including termination, in accordance with University procedures. An agent, volunteer or contractor of the University who violates any provision of this policy shall be subject to sanctions which may include but are not limited to contract cancellation or termination of services.

3. Reporting of Violations to Appropriate External Authorities

If the investigation finds that fraud, waste or abuse has occurred, the University legal counsel may, depending on the circumstances, report the findings to the appropriate Federal and local authorities. These agencies may include but are not limited to the Guam Police Department, the Guam Attorney General, the Office of Inspector General, the Federal Bureau of Investigations, and the Guam U.S. Attorney.

4. Confidentiality

The University will maintain confidentiality for employees reporting suspected violations of this policy or other irregularities, misconduct, safety issues, or other concerns to the extent possible under Guam and federal law. Good faith reports of violation will be kept confidential except on a need to know basis and in order to investigate and take appropriate action in response to the report of violation, as determined by the University.

5. Required Cooperation

To the greatest extent allowed by law, policy or contract, all individuals are required to cooperate and provide requested information to University personnel authorized under this policy to investigate and determine the merits of reports of violation and/or complaints of retaliation. Any individual in violation of this policy is subject to action deemed appropriate by the University, which may include discipline up to and including termination from the University.

V. WHISTLEBLOWER PROTECTIONS

1. No Retaliation

In accordance with the Public Employee Protection Act, 4 Guam Code Annotated § 4501 et seq., and the federal Whistleblower Protection Act, Pub.L. 101-12, as

amended, whistleblowers shall be protected from retaliation. A University employee who retaliates against a whistleblower who reports alleged wrongful conduct in good faith is subject to discipline up to and including termination of employment from the University.

2. False Reporting

Individuals who knowingly or with disregard for the truth give false or misleading information when reporting are not protected under this policy and shall be subject to appropriate disciplinary, law enforcement and/or other action. Reports made in good faith pursuant to this policy which are eventually not substantiated do not subject the reporting individual to disciplinary action.



University of Guam Faculty Union

671-735-2511 uogfacultyunion@gmail.com Box 5365 UOG Station Mangilao, Guam 96923

MEMORANDUM

March 11, 2019

TO: Legal Counsel, University of Guam
Roseann M. Jones
FROM: President, University of Guam Faculty Union
RE: Request for Consultation

The Faculty Union Executive Board finds no issue of particular concern with the proposed Fraud, Waste, and Abuse Policy and Whistleblower Protections as it pertains to Agreement 2018.