



Volume 1: Volume Title: Governance

Chapter 4: Chapter Title: Compliance

Section 1: Policy Name: Reporting Policy

Approval Authority: Board of Trustees

Interpreting Authority: Chief Ethics and Compliance Officer

Effective: February 4, 2016

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Next Review Date: February 2021

Reporting Policy

Policy Statement

Manhattanville College is committed to ensuring compliance with federal, state, and local laws, administrative regulations, and College policies, regulations, or procedures (Laws, Regulations, and Policies).

The Reporting Policy provides a mechanism to report possible non-compliance with Laws, Regulations and Policies.

The Reporting Policy is to be read in conjunction with the Non-Retaliation Policy to prevent retaliation against any College Community Member for making an Inquiry, participating in an investigation, reporting any action or suspected action taken by or within the College that is illegal or fraudulent including reporting possible non-compliance with Laws, Regulations, and Policies.

Entities Affected by the Policy

Board of Trustees, faculty, staff, and students as well as anyone doing business for or with the College. This would include volunteers and Alumni Board members. (College Community Member)

Policy Background

This Policy supersedes the Whistleblower Policy.

Policy Procedures

Reporting Requirement

If emergency, contact Manhattanville Campus Safety at 914-323-SAFE (7233)

All College Community Members with a reasonable good faith belief that possible non-compliance with Laws, Regulations, and Policies has occurred have a duty to report such possible non-compliance.

Failure to report possible non-compliance in accordance with this Reporting Policy is, in and of itself, a violation of the Reporting Policy that may subject any College Community Member failing to make such a Report to discipline pursuant to applicable College policies and procedures.

The College is legally required to report certain types of serious possible non-compliance with Laws, Regulations, and Policies to external agencies. An example of required reporting to an external agency is identified in the Registered Sex Offender Policy, Policy 7.3.2.

No College Community Member is permitted to engage in Retaliation against any College Community Member who reports possible non-compliance with Laws, Regulations, and Policies.

If a College Community Member reports a possible non-compliance with Laws, Regulations, and Policies implicating his/her own possible non-compliance, reporting those possible non-compliances does not exempt him/her from the consequences of non-compliance. However, prompt and forthright disclosure of a possible non-compliance with Laws, Regulations, and Policies by a College Community Member, even if the non-compliance with Laws, Regulations, and Policies constitutes a violation will be considered a positive constructive action and may be considered a mitigating factor if the College Community Member is subject to appropriate disciplinary action.

Deliberately false and/or malicious accusations of non-compliance are serious offenses and College Community Members who make such accusations will be subject to appropriate disciplinary action.

College Community Members shall be truthful in the reporting of possible non-compliance with Laws, Regulations, and Policies and shall be cooperative in assisting in any investigation of possible non-compliance. Although cooperation in any investigation is required, making a Report does not necessarily entitle the Reporter to be involved in an investigation nor to be advised of the status or disposition of a Report.

Reporting Process – College Administrator/Office

Any College Community Member who wants to make a Report regarding possible non-compliance with Laws, Regulations, and Policies should contact ANY of the following appropriate College administrators/offices. This listing is **NOT** in order of reporting hierarchy; rather this listing is to provide information and resources as to the various appropriate College administrators/offices to which a Report could be made.

- Appropriate College administrator/office as so designated by the applicable College policy
 - Examples:
 - Matters that may fall under the Sexual Misconduct Policy, Policy 1.5.2, should be reported to the Title IX Coordinator.
 - Matters that fall under the Conflict of Interest Policy, Policy 1.2.2, should be reported to the Vice President or Provost and the Director, Human Resources, if it involves faculty/staff and to the Chair, Board of Trustees, and Chair, Audit Committee if it involves Trustees.
- Supervisor
- Next highest level of supervisor
- Director, Human Resources
- Chief Ethics and Compliance Officer
- Chair, Audit Committee
- Chair, Board of Trustees

Investigations

All Reports of non-compliance will be investigated by only the appropriate authorized College administrator/office. College Community Members who are not authorized or responsible for investigating Reports of possible non-compliance should not conduct investigations.

The College administrator/office responsible for compliance with a particular Law, Regulation, or Policy will conduct the investigation.

- Examples:
 - If the report of a potential non-compliance with a Law, Regulation, or Policy concerns a member of the Board of Trustees, the investigation will be conducted by the Chair, Audit Committee.

- If the report of a potential non-compliance with a Law, Regulation, or Policy concerns the Chair, Audit Committee, the investigation will be conducted by the Chair, Board of Trustees.
- If the report of a potential non-compliance with a Law, Regulation, or Policy concerns a staff member, the investigation will be conducted by the Director, Human Resources.

The College administrator/office should carefully review the complaint in order to determine if an informal investigation is warranted prior to initiating an extensive investigation.

The Chief Ethics and Compliance Officer will be notified by and will work closely and cooperatively with the College administrator/office which is conducting the investigation. If the appropriate College administrator/office is the subject of the investigation, the Chief Ethics and Compliance Officer will determine how best to proceed with the investigation.

All investigations will be conducted promptly.

The College will make reasonable efforts to preserve the confidentiality of individuals who wish to remain confidential, subject to limitations imposed by the law.

Investigation Updates

When a Report is made a response to the Reporter should be initiated within ten (10) Business Days of the Report being received. This response may be an acknowledgement of receipt, a direct answer, an action plan for obtaining the answer for the Reporter, or that the Report has been forwarded to the appropriate College administrator/office responsible for investigating, interpreting, and monitoring a specific law or regulation.

If a Reporter believes his/her report of non-compliance is not receiving proper attention, the Reporter may take his/her concerns to the Chair, Audit Committee, Board of Trustees and/or the Chief Ethics and Compliance Officer.

Results of Investigation

Upon conclusion of the investigation, the results of the investigation will be provided to the applicable College administrator/office for appropriate action.

- Examples:
 - If the investigation determines that a Trustee or Alumni Board member has violated a Law, Regulation, or Policy, the results of the investigation will be provided to the Chair, Audit Committee, for appropriate action.
 - If the investigation determines that the Chair, Audit Committee, has violated a Law, Regulation, or Policy, the results of the investigation will be provided to the Chair, Board of Trustees, for appropriate action.

- If the investigation determines that faculty, staff, student, or volunteer has violated a Law, Regulation, or Policy, the results of the investigation will be provided to the College administrator/office responsible for administering appropriate action.

The Chief Ethics and Compliance Officer will provide the Chair, Audit Committee, with a report of any possible non-compliance with Laws, Regulations, or Policies within forty-five (45) Business Days of the Chief Ethics and Compliance Officer being informed of the matter. The Chief Ethics and Compliance Officer will also provide reports of the results of the investigations within forty-five (45) Business Days after the conclusion of the investigation.

Definitions

Business Day

- A day in which the College is open for business

College Community Member

- Board of Trustees, faculty, staff, and students as well as anyone doing business with or for the College. This would include volunteers and Alumni Board members.

Inquiry

- Asking a question, seeking guidance, or requesting assistance on compliance with Laws, Regulations, and Policies

Laws, Regulations, and Policies

- Federal, state, and local laws, administrative regulations, and College policies, regulations, or procedures

Report

- Disclosure of possible non-compliance with Laws, Regulations, and Policies

Reporter

- All College Community Members with a reasonable good faith belief that a possible non-compliance with federal, state and local law, administrative regulations, or College policies, regulations, or procedures has occurred

Retaliation

- Any adverse action a College Community Member experiences as a result of the College Community Member making an Inquiry, participating in an investigation, or making a reasonable good-faith Report of possible non-compliance with Laws, Regulations, and Policies

Responsibilities

Chief Ethics and Compliance Officer

- Responsible for providing oversight, guidance, and coordination of College-wide efforts proactively aimed at promoting an institutional culture of compliance with Laws, Regulations, and Policies. Responsible for referring all Reports to the appropriate College administrator/office. Responsible for reporting to the Chair of the Audit Committee, Board of Trustees, any possible non-compliance with Laws, Regulations, or Policies within forty-five (45) Business Days of being made aware of the report as well as providing an update within forty-five (45) Business Days of the conclusion of the investigation.

College Administrator/Office

- Responsible for receiving Report and, if authorized, responsible for investigating, interpreting, and monitoring a specific law or regulation. If not authorized or responsible for investigating Reports of possible non-compliance the College administrator/office should not conduct investigations.

College Community Member

- Responsible to report, based upon reasonable good faith, possible non-compliance with Laws, Regulations, and Policies. Shall be truthful in reporting non-compliance and cooperative in assisting in investigations

Violations of the Policy

Violations of this Policy will be handled in accordance with this policy and College policies and procedures as well as any applicable federal, state, and local laws and regulations.

Interpreting Authority

Chief Ethics and Compliance Officer

Statutory or Regulatory References

Enactment of the New York Non-Profit Revitalization Act of 2013

Relevant Links

Non-Retaliation Policy, Policy 1.5.3

Policy Adoption Review and Approval

Recommended approval by President's Cabinet on January 7, 2016

Approved by President on January 7, 2016

Approved by Board of Trustees on February 4, 2016