



Board Policy
Chapter 7 – Human Resources

BP 7700 REPORTING FRAUD, WASTE, OR ABUSE

Santa Monica College is committed to the responsible stewardship of its resources and supports an internal appraisal function that includes the investigation of alleged fraud, irregularities, abuse, illegal acts, and suspected misconduct of college employees. Managers, faculty, staff, students or interested citizens are encouraged to report known or suspected dishonest acts by employees, outside contractors, or vendors.

Dishonest acts, either known or suspected, such as those listed below, should be reported:

- Theft or misappropriation of funds, supplies, property, or other college resources
- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Improper and/or wasteful activity
- Falsification of reports to management or external agencies
- Pursuit of a benefit or advantage in violation of the college's conflicts of interests policy
- Authorization or receipt of compensation for hours not worked

To facilitate the reporting of waste, fraud, or abuse the District shall maintain an anonymous system for reporting with multiple reporting methods such as, but not limited to, telephone, website, and mail.

Employees reporting suspected wrongdoing are protected under Federal and State law from retaliation by management and other employees.

Allegations are reviewed to determine the probability that the alleged act(s) could have occurred. This review will be conducted under the direction of the Executive Vice President and/or the Vice President of Human Resources, or their designee, and will include identification of losses, prevention of additional losses, application of appropriate personnel procedures, recovery of assets, and assistance with criminal investigation or prosecution. All reviews and investigations shall be conducted confidentially.

AR 7700 Reporting Fraud, Waste, or Abuse includes specific provisions for regular reporting of fraud, waste, and abuse to the Board of Trustees.

Whistleblower Protection

The Superintendent/President shall establish administrative regulations regarding the reporting and investigation of suspected improper activities by District employees and the protection from retaliation of those who make such reports in good faith and/or participate in the investigation of such reports. Good faith is a sincere and reasonable belief or motive that is not characterized by malice or foreknowledge that the report is false.

For the purposes of this policy and any implementing regulations, "improper activity" refers to any activity by the District or one of its employees that (a) violates a state or federal law or regulation, including but not limited to corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, or (b) is economically wasteful or involves gross misconduct, incompetency, or inefficiency.

The regulations established by the Superintendent/President shall provide for the following:

1. Individuals may report suspected incidents of improper activities without fear of retaliation.
2. Reports are investigated thoroughly and promptly.
3. Remedies are applied when allegations regarding improper activities are verified.
4. Protections are provided to and retaliation is prohibited against employees or applicants for employment who, in good faith, report suspected improper activities or participate in the investigation of such reports.
5. Protections are provided to and retaliation is prohibited against employees who refuse to obey an illegal order.
6. District employees shall not directly or indirectly use or attempt to use the official authority or influence of his/ ~~or~~ her position for the purpose of interfering with the right of an individual or entity to make a report of a suspected improper activity to the District or to other non-District authorities.
7. Employees who violate this policy shall be subject to discipline up to and including termination.

Also see AR 7700 Reporting Fraud, Waste, or Abuse

References: Education Code Sections 87160-87164;
 Labor Code Section 1102.5;
 Government Code Section 53296;
 Private Attorney General Act of 2004 (Labor Code Section 2698)

Adopted: February 2, 2009 (for BP 6117) and March 4, 2014 (for BP 2116)

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(Replaces SMC BP 2116 and BP 6117)