



<b>POLICY:</b>	Fraud Policy
<b>FIRST DRAFT:</b>	ET 2014#10, (amendments, FRC 2014#04)
<b>ADOPTED:</b>	BR 2014#02 (pro-tem) <sup>1</sup> BR 2014#04
<b>AMENDMENTS:</b>	None to Date
<b>REVIEW:</b>	June 2019

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<sup>1</sup> Pending consultation in accordance with the Protocol for Policy Development

## 1. PURPOSE

1.1 Mary Immaculate College (MIC) recognises the importance of protecting the College, its reputation and its employees from the consequences of fraudulent activity. Accordingly, MIC expects the highest standards of ethical behaviour from all College staff, students and others who transact business with the institution. This policy sets out the responsibilities of members of staff of MIC where fraud or suspected fraud has been identified.

1.2 The procedure covers:

- Definition of fraud
- Statement of principles
- Procedures for reducing the potential for fraudulent activity
- Procedures for reporting and investigating suspected fraud

## 2. SCOPE

2.1 This policy relates to fraud involving the funds and assets of MIC and is applicable to all College and College-controlled funds and assets including research grants and consultancy projects administered by the College.

2.2 Members of staff shall ensure that they are familiar with other relevant MIC policies, procedures and regulations, including (but not limited to):

- (a) MIC Staff Handbook
- (b) MIC Financial Policies and Procedures
- (c) MIC Code of Conduct for Staff
- (d) MIC Policy & Procedures for Data Protection
- (e) MIC Policy & Procedures for Dignity at Work
- (f) MIC Policy for Responsible Computing
- (g) MIC Policy & Procedures for Dealing with Complaints by Staff
- (h) MIC Policy & Procedures for Dealing with Disciplinary Issues

## 3. DEFINITION

3.1 The term “*fraud*” is used to describe such acts of dishonesty as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, false pretence, false accounting, and collusion in the foregoing. For the purposes of this procedure, the term “*fraud*” includes attempted fraud.

3.2 For practical purposes fraud may be defined as the use of deception to obtain an advantage or attempt to obtain an advantage, avoid an obligation, or cause loss to another party.

3.3 It is not possible to give an exhaustive listing of the activities and behaviours which constitute fraud. Some of the following are examples of fraudulent behaviour:

- Knowingly creating false or misleading financial reports;
- Offering or accepting gifts or hospitality in return for favourable decisions;
- Claiming payment for goods not received or services not performed;

- Claiming payment for time not worked;
- Submitting false or exaggerated claims for reimbursement of expenses;
- Forging or altering documents;
- Purchasing items for personal use with College funds;
- Theft, misappropriation or unauthorised use of College property

#### **4. GENERAL PRINCIPLES**

- 4.1 It is MIC policy to investigate all cases of suspected fraud and, when appropriate, to pursue legal remedies available under the law. Any allegation of fraud against a member of MIC staff will be investigated with reference to the College Policy & Procedures for Dealing with Complaints by Staff and/or the College Policy & Procedures for Dealing with Disciplinary Issues.
- 4.2 Any alleged act of fraud involving members of MIC staff that is found to have substance upon investigation, or pursuant to a criminal conviction, or through acknowledgement by the member(s) of staff concerned, shall result in the appropriate disciplinary and legal actions against the member(s) of staff to include the possibility of termination of employment, restitution and/or forwarding information to the appropriate authorities for criminal prosecution. Where appropriate, suspected fraud will be reported to the Gardaí or other appropriate civil authorities for investigation.

#### **5. REDUCING THE POTENTIAL FOR FRAUDULENT ACTIVITY**

- 5.1 MIC employs a range of actions to reduce the potential for fraudulent activity including written policies and procedures requiring transactions to be properly authorised and providing for sufficient segregation of duties.
- 5.2 Those members of staff with management or supervisory responsibilities shall ensure that all members of staff in their unit are aware of MIC policies and procedures and that these policies and procedures are adhered to at all times.

#### **6. REPORTING PROCEDURES**

- 6.1 Members of staff shall report all cases of fraud or suspected fraud to their Line Manager/Head of Department or the Vice President of Administration and Finance as appropriate and without delay. On receipt of such a report, the person receiving the report shall report the matter to the Vice President Administration & Finance.
- 6.2 In circumstances where members of staff are unable to report the matter to their immediate Supervisor/Line Manager/Head of Department, they shall themselves report the matter to the Vice President Administration & Finance.
- 6.3 In making a report, members of staff must take care to avoid making incorrect or unfounded accusations or alerting suspected individuals. The good name and reputation of individuals who may be subject to suspicion of fraud, is not undermined where an honest and reasonable report of suspicious circumstances is made.
- 6.4 Anonymous reporting which is not supported by material evidence will be disregarded by MIC.

## 7. INVESTIGATION PROCEDURES

- 7.1 On receipt of a report relating to fraud or suspected fraud, the Vice President Administration & Finance will convene an investigation committee which may comprise the Vice President Administration & Finance (or nominee), the Director of Finance, Associate Vice President Administration, and Chairperson of the Audit & Risk Committee. The group may also include other relevant staff, external specialists and legal counsel which the group considers necessary to its deliberations. Where the person suspected is a member of staff, the Director of Human Resources may also be a member of the group.
- 7.2 Preliminary investigation of the facts shall normally be led by the Chairperson of the Audit & Risk Committee supported, where deemed necessary, by specialist external experts-
- 7.3 Employees will be protected by the College, insofar as is reasonably possible, against intimidation, victimisation or discrimination for making an allegation under this policy, being the subject of an investigation under this policy, or for assisting in an investigation under this policy.
- 7.4 The requirements of natural justice must be applied in dealing with fraud or suspected fraud.
- 7.5 Any person making a report in accordance with these procedures shall provide the Investigation Committee with a comprehensive written account of the relevant facts and circumstances of the fraud or suspected fraud, normally within 10 working days of the establishment of the Committee. On receipt of this material a copy will be sent by the secretary of the Investigation Committee to the person against whom the allegation has been made with a view to allowing them to prepare a response.
- 7.6 The person against whom the report of fraud or suspected fraud is made will normally make a written response to the report.
- 7.7 The Committee may require individuals to appear before it and may question such individuals.
- 7.8 Due confidentiality must be observed at all times throughout the investigation by all parties to the process.
- 7.9 The investigation will be carried out with sensitivity and with due respect for the rights of both the person making the report and the person against whom the report of fraud / suspected fraud is made.
- 7.10 The Committee is empowered to vary timeframes.

**8. DISCIPLINARY PROCEDURES**

- 8.1 Following completion of the preliminary investigation and where the facts established by the preliminary investigation warrant further action, the matter may be referred for investigation in accordance with the College's established disciplinary procedures or to the Gardaí or other appropriate authorities.
  
- 8.2 If the investigation finds sufficient evidence to state that the allegations were deliberately falsified, Mary Immaculate College may initiate disciplinary procedures against the person who made the allegation.