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Responsible Executive: VP of Finance and Admin.
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Fraud

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I. REASON FOR THIS POLICY

Describe the responsibilities and guidelines relating to misappropriation and theft of university assets and considered to be fraudulent activity.

II. STATEMENT OF POLICY

Fraud should be defined to include the following for purposes of this policy:

1. Conduct within the scope of employment, or conduct apparently within the scope of employment, and representations to USD that constitute:
 - a. Intentional or deliberate acts deprive the State of South Dakota, the Board of Regents, USD or any affiliated organizations or students of something of value (property, money, services, or opportunities).
 - b. Deception, false representation of fact by either conduct or other communication, or concealing what should have been disclosed, or made when the actor knew or should have known that the other party relied upon his or her representations, leading to injury of the State of South Dakota, the Board of Regents, USD or any affiliated organizations or students.
 - c. Examples of a fraudulent act include but are not limited to:
 - i. Embezzlement
 - ii. Misappropriation, misapplication, destruction, removal, or concealment of property
 - iii. Alteration or falsification of documents
 - iv. Theft of any asset (money, tangible property, etc.)

- v. Authorizing or receiving compensation for goods not received or services not performed
- vi. Authorizing or receiving compensation for hours not worked
- vii. Misrepresentation of fact

South Dakota Administrative Rule 55:10:07:04 addresses cause for disciplinary action. Appropriate and timely action will be taken against those proven to have committed a fraudulent act. These remedial actions may include, but are not limited to:

- a. Disciplinary action (up to and including termination of employment of both the employee and supervisor(s))
- b. Restitution for all losses, including investigation and legal expenses
- c. Forwarding information to the appropriate authorities for criminal prosecution
- d. Institution of civil action to recover losses.

Where USD elects to take corrective or disciplinary action, it will proceed under the procedures in place under Board of Regents policy or under any collective bargaining agreement for the respective employment classification.

USD may take corrective or disciplinary action without awaiting the resolution of criminal or civil proceedings arising from the fraudulent conduct.

All investigations will be conducted in confidence insofar as reasonably possible. The name or names of those communicating information about a fraudulent act and the name or names of those suspected of a fraudulent act will be revealed when required in conjunction of the investigation or legal action.

III. DEFINITIONS

Assets: Resources such as money, negotiable securities, and property owned by or under custodial control of the university.

Misappropriations: Wrongful uses of assets (e.g., fraud, embezzlement, and conflict of interest decisions that result in financial losses)

Theft: Taking and removing personal property with intent to deprive the rightful owner of it.

IV. PROCEDURES

Reporting at the inception of a case: A department, upon initiating an investigation of a known or suspected misappropriation or theft, shall notify the University Policy Department. The department shall report the estimated magnitude of the loss and other pertinent details to the University Police Department and cooperate fully in the investigation and audit.

Investigations and reporting: The Chief of the University Police Department will perform the investigation and shall provide a written report to the Office of

Financial Affairs, supervisor over the area that is being investigated, and the Vice President of that area.

The Office of Financial Affairs will perform an audit of the area being investigated and will provide an audit report to the Vice President of Financial Affairs, Vice President of that area, and the supervisor over the area.

If after or during the investigation it appears that a crime has been committed, the Chief of University Police will notify the appropriate Law Enforcement Officials.

V. RELATED DOCUMENTS, FORMS AND TOOLS

[South Dakota Board of Regents Policy 4.8.2](#) Fraud Policy

[South Dakota Administrative Rule 55:10:07:04](#)