




MEMORANDUM

To: Council of Presidents
From: Richard R. White, Esq. 
Vice Chancellor for Risk, Audit and Compliance
Date: January 28, 2020
Re: Protocol for Reporting Allegations of Corruption, Fraud, Criminal Activity,
Conflicts of Interest or Abuse

The Office of the Vice Chancellor for Risk, Audit and Compliance (“RAC”) of The City University of New York (“CUNY”) is issuing this memorandum to update you on CUNY’s protocol for reporting allegations of corruption, fraud, criminal activity, conflicts of interest or abuse (“Covered Conduct”). This memorandum replaces the memorandum issued by former General Counsel and Senior Vice Chancellor for Legal Affairs, Frederick P. Schaffer, dated July 1, 2013, titled Protocol for Reporting and Responding to Fraud/Theft Allegations. See Attachment.

Under New York Executive Law § 53(1), the function and responsibility of the Office of the Inspector General (“IG”) is to receive and investigate allegations concerning the Covered Conduct in any agency within its jurisdiction. CUNY is within the IG’s jurisdiction. As CUNY employees, we have an affirmative obligation to promptly report to the IG any information concerning the Covered Conduct by “another . . . employee relating to his or her office or employment, or by a person having business dealings with [CUNY] relating to those dealings.” Executive Law § 55(1). An employee’s failure to report such information could lead to termination and/or other appropriate penalties.¹

The below protocol will ensure that CUNY is reporting instances of the Covered Conduct to the IG and wrongdoing of this type is treated consistently across the University.²

¹ This protocol applies to all CUNY employees employed at the Central Office as well as the University’s eleven senior colleges; seven community colleges; and seven graduate, honors, and professional schools.

² This protocol also covers instances of attempted check and/or credit card fraud committed by anyone against institutional accounts, as well as allegations of the Covered Conduct committed by students, where such conduct occurs during a student’s financial or academic transaction with your campus or the University. Effective November 8, 2019, the IG has instructed CUNY to submit a list of attempted check and/or credit card fraud against institutional accounts at the end of each quarter (March 31st, June 30th, September 30th, and December 31st). Please ensure that the employee at your institution, who is tasked with monitoring/documenting attempted check and/or credit card fraud, provides RAC’s University Executive Director of Investigations Ed Jayetileke each quarterly report 24 hours before its corresponding submission deadline.

- When an individual at your institution becomes aware of any information regarding the Covered Conduct, they should notify campus counsel within two business days of the issue.³
- Thereafter, within three business days, campus counsel will notify RAC's Vice Chancellor and/or the University Executive Director of Investigations regarding the reported Covered Conduct and provide appropriate documentation.⁴
- RAC will work with your institution to ascertain the general facts comprising the allegation in order to notify the IG of the matter in writing.

Your institution **should not** take any steps to investigate the matter (including conducting any interviews of purported persons of interest or witnesses) until the IG has determined whether it will investigate the matter or refer it back to CUNY for follow-up.⁵

This protocol does not preclude anyone within CUNY from reporting allegations of the Covered Conduct directly to the IG.⁶ If you or your employees become aware of instances where the Covered Conduct poses an immediate danger to the safety and security of your campus or its community, please contact your institution's Public Safety Department, the University's Office of Public Safety and/or the New York City Police Department, and notify RAC thereafter.

To avoid compromising potential IG investigations or the investigation of matters that the IG refers back to CUNY, all public communications concerning these matters must be kept confidential and coordinated through RAC.

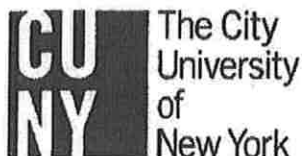
cc: Chancellor's Cabinet
 Administrative Council
 Legal Affairs Designees
 Directors of Human Resources
 Directors of Public Safety
 Council of Personnel Officers /Labor Designees

³ In order to maintain the strictest confidentiality of matters referred to/from the IG, the reporting employee should not report this matter up his/her chain of command, *i.e.*, Director, Manager, Vice President, Dean, President, Vice Chancellor or Chancellor. The institution's counsel will discuss what, if any, additional reporting of the matter is required with RAC's Vice Chancellor and/or Investigations Director.

⁴ You may reach Vice Chancellor White at richard.white@cuny.edu or 646-664-3004, and RAC's University Executive Director of Investigations Jayetileke at edward.jayetileke@cuny.edu or 646-664-9234.

⁵ This directive also applies to each campuses' Department of Public Safety. Any additional steps regarding a matter that was referred to the IG must be coordinated through RAC.

⁶ See <https://ig.ny.gov/form/complaint-form-long>.



General Counsel & Sr. Vice Chancellor for Legal Affairs

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July 1, 2013

To: Council of Presidents

From: Frederick P. Schaffer 
General Counsel and Senior Vice Chancellor for Legal Affairs

Re: Protocol for Reporting and Responding to Fraud/Theft Allegations

I am re-issuing this memo to update contact information. A number of instances of fraud or theft by CUNY employees at our campuses have come to the attention of the Office of the General Counsel, Internal Audit and University Public Safety. It is critical that we address suspected incidents promptly, thoroughly and impartially throughout the University. Accordingly, if there is a suspicion that there has been theft of CUNY or Research Foundation funds or property on your campus, or falsification of official records, or any other scheme to defraud the College or University, by an employee or student, you must immediately contact:

Bill Barry, University Director of Public Safety (212-541-0407);
Gordon Taylor, University Director of Internal Audit (646-746-4283); and
Rick Schaffer, General Counsel (646-664-9210) or Jane Sovern, Deputy General
Counsel (646-664-9209) or Marcia Isaacson, University Chief Compliance
Officer (646-664-9206).

University Public Safety will work from the outset with the campus Director of Public Safety to contact and communicate with the NYPD and other law enforcement agencies. University Internal Audit will conduct necessary financial investigations. After investigation, University Internal Audit, Public Safety and General Counsel, in consultation with the College, will determine appropriate next steps, including referral for criminal prosecution and/or instituting disciplinary charges against an employee or student. Barring extraordinary circumstances, the University will refer instances of fraud or theft to the appropriate law enforcement authorities. The General Counsel's office will serve as liaison with the District Attorney or other prosecutor's office.

Additionally, to avoid compromising investigations, all public communications concerning these matters must be coordinated with my office and the Office of University Relations.

This process will ensure not only that investigations are conducted quickly, fairly and efficiently, but also that these cases are being handled consistently throughout the University.

c: Chancellor's Cabinet
Administrative Council
Directors of Public Safety
Council of Personnel Officers/Labor Designees
Legal Affairs Designees
Richard Rothbard, President of CUNY Research Foundation