

November 23, 2010

To: Deans, Directors, Department Heads, Academic Fiscal Officers, and Business Managers

From: Mark Donovan, Vice Chancellor for Administrative Services

Re: UIC Rule or Policy Violations Involving Potential Criminal Action

The purpose of this memo is to help guide employees regarding their responsibility to report apparent violations of UIC rules or policies by fellow employees that may involve potential criminal action. It is important to understand that a rule or policy violation may also be a violation of Illinois State, Federal, or Local laws, including criminal laws. Decisions made shortly after the discovery of the violation may have a significant effect on the criminal and disciplinary outcomes.

### **Applicability**

For purposes of these guidelines, the term employee is defined as any person employed by the University regardless of category (e.g., academic, academic professional, civil service), including student employees. Note that the investigative and disciplinary processes may differ depending on the type of employee (e.g., student employees are subject to the Student Disciplinary Process), but the reporting of the rule or policy violation should follow the same procedure as set forth herein.

### **Discovery of a Rule or Policy Violation Involving Potential Criminal Action**

Upon discovery of a rule or policy violation involving potential criminal action, all relevant information should be presented to the Department/Unit Head to determine whether there was a possible violation of Illinois State, Federal, or Local law, including criminal laws. University Police and/or University Counsel should be consulted.

### **No Violation of Criminal Law**

Where there appears to be no violation of criminal law, the Department/Unit Head should determine the appropriate investigatory and administrative/disciplinary process and then follow the appropriate process(es). Depending on the employment status of the person alleged to have engaged in the wrong-doing, and the circumstances of the alleged violation, an appropriate disciplinary process or employment action should be initiated. The Department/Unit Head should consult with Human Resources or the Dean of Students Office (for student employees) to determine which process is appropriate.

### **Possible Violation of Criminal Law**

If, after consulting with UIC Police and/or University Counsel, the Department/Unit Head finds sufficient evidence to believe that the rule/policy violation is also a violation of criminal law, the Department/Unit Head **must:**

- Notify the appropriate Vice Chancellor of the situation and explain that there is a possible criminal law violation;
- Notify UIC Police and report the suspected criminal law violation;
- Cooperate with the ensuing investigation and prosecution of the accused and request that other employees with knowledge of the incident also cooperate—this may include communicating with and assisting UIC Police as they assemble all evidence and witness accounts relevant to the criminal investigation and prosecution. **Under no circumstances should the Department/Unit Head or any other employee negotiate any agreement or settlement with the accused or a representative for**

**the accused. Nor should the Department/Unit Head accept any form of restitution from, or negotiate any restitution agreement with the accused. Only the relevant Vice Chancellor has the authority to make such decisions on behalf of the University.**

If UIC Police determine that criminal charges should be filed, UIC Police will sign the original criminal complaint; however, as noted above, the Department /Unit Head and/or designee is expected to cooperate with the investigation by providing testimony, documentary and other evidence related to the matter, as requested by UIC Police.

Plea agreements will only be negotiated through University Counsel with the prosecutor's office.

An act that violates criminal law would be a violation of UIC rules and policy and thus may subject the employee to a distinct, yet corresponding, administrative investigation, disciplinary process and/or employment action. UIC Police will cooperate in such processes to the extent their cooperation does not jeopardize the criminal case.

The following process flowchart entitled "Investigation of UIC Rule or Policy Violations Involving Potential Criminal Action" is provided for additional clarification. Any questions about the specific implementation of this memo may be directed to University Police and/or University Counsel.

MD/dk

Other related policies: Disclosure of Wrongful Conduct and Protection from Reprisal (Whistleblower Protection) <http://www.obfs.uillinois.edu/cms/One.aspx?portalId=909965&pageId=913596>

# Investigation of UIC Rule or Policy Violations Involving Potential Criminal Action

