ADMINISTRATIVE DIVISION	UNIV University Administration
POLICY NUMBER	UNIV 1.53
POLICY TITLE	University Investigative Responsibilities
SCOPE OF POLICY	
DATE OF REVISION	USC System
RESPONSIBLE OFFICER	Chief Audit Executive
ADMINISTRATIVE OFFICE	Audit & Advisory Services

PURPOSE

The purpose of this policy is to identify the university offices that have responsibilities for responding to and investigating complaints or allegations of improper behavior, violations of applicable laws, policies, or regulations, and other similar circumstances. To the extent that other existing University procedures or policies apply to the handling of a specific situation, those policies are not displaced by this policy.

DEFINITIONS AND ACRONYMS

Information Security - The protection of information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction to preserve the confidentiality, integrity, and availability of University information and information systems.

Research Security - Safeguarding the research enterprise against the misappropriation of research and development to the detriment of national or economic security, related violations of research integrity and foreign government interference.

Whistleblower - An individual or entity that reports any wrongdoing by the university or a university employee that results in substantial abuse, misuse, destruction, or loss of substantial public funds or public resources, or is an intentional violation of federal, state or local laws, university policies, or state ethics guidelines, which is not merely technical or of a minimal nature.

POLICY STATEMENT

The offices listed in this policy have the authority and expertise to respond to and investigate complaints and allegations as outlined herein, in other applicable policies, regulations, and laws, and as otherwise assigned by the President/Chancellor or his/her designee in special circumstances.

This policy defines a process by which these offices may determine how to handle situations for which the authority is unclear, includes multiple offices, or involves a conflict of interest on the part of the usual investigative office. Mere failure to follow this policy will not invalidate any investigation or the results thereof. No person or entity has a right to expect that investigations will be conducted solely in compliance with this policy. This policy shall not limit the power of the university to conduct investigations in some manner or through some process other than those described herein.

There also may be situations in which both the university and another entity have a direct interest in the outcome of a specific investigation and may work together in such circumstances.

PROCEDURES

A. Reporting

Individuals have numerous avenues by which they may report complaints, concerns, or allegations, including through their supervisory chain of command (employees) or academic units (students), Audit & Advisory Services, the USC Integrity Line and other reporting systems specific to the type of allegation. Various university policies (referenced at the end of this policy) specify obligations for faculty, staff, and/or students to report dishonest acts or fraud, discrimination, harassment, etc. If complaints or concerns are received by an individual or unit that is not responsible for addressing the concern, such individual or unit must refer the matter to the designated university office or official for handling and must not initiate or complete any investigations on their own.

B. Information Sharing

The offices with response and/or investigative responsibilities will promptly share information with other office(s) that may also have responsibility in addressing the complaint. For example, if Audit & Advisory Services receives an allegation that involves misuse of university resources and includes information about alleged disparate treatment on the basis of a person's protected class, the protected class information will be promptly shared with the Office of Civil Rights and Title IX.

If allegations involve potential criminal investigations, the office receiving the report shall coordinate with the USC Division of Law Enforcement and Safety (LES) to avoid affecting evidence or compromising witnesses.

Cooperation with law enforcement may require the university to temporarily suspend the fact-gathering portion of an investigation; however, the university will promptly resume its investigation as appropriate and in coordination with LES. The university need not wait for the conclusion of criminal proceedings and may take, as needed, immediate steps to provide appropriate supportive measures or other necessary actions.

C. Offices with Investigative Jurisdiction. System or campus authority is noted beside each investigative office. The offices identified with campus authority are for the Columbia and/or Palmetto College (PC) campuses as indicated below. For other campuses, the Chancellor is responsible for designating investigative officers for these areas.

1. Athletics Compliance Services (campus)

Responds to alleged violations of the National Collegiate Athletics Association (NCAA) bylaws, alleged violations of the Southeastern Conference (SEC) policies, and alleged violations of university Athletics Department policies.

2. Audit & Advisory Services (AAS) (system)

   Responds to a variety of issues including allegations of fraud, misuse or waste of university resources, conflicts of interest (in consultation with other offices), and violation of related university policies that do not fall under the purview of other investigative offices. For example, violations of research or athletic policies that also involve fraud or misuse of university resources are within the responsibility of AAS.

3. Civil Rights and Title IX (campus/ PC)

   Responds to alleged violations of the university's Discrimination, Harassment & Sexual Misconduct policy. Collaborates with the Division of Human Resources (HR) in reviewing alleged violations of the university's policy on prohibited consensual relationships. Assists Office of General Counsel in responding to external allegations related to an individual's protected class status, such as complaints from the SC Human Affairs Commission, the US Equal Employment Opportunity Commission (EEOC), the U.S. Department of Education Office for Civil Rights, and other agencies. Addresses Americans with Disabilities Act (ADA) complaints.

4. Economic Engagement (system)

   Responds to allegations related to copyrights and intellectual property.

5. Environmental Health and Safety (EHS) (system)

   Responds to safety and/or health-related requests and complaints (occupational, environmental, fire and lab safety).

6. Office of General Counsel (OGC) (system)

   Responds to allegations and complaints pertaining to the privacy and security rules of the Health Insurance Portability and Accountability Act (HIPAA) and collaborates with Office of the Registrar in responding to allegations of FERPA violations.

   Serves as a resource and advises the other investigative offices in the fulfillment of their responsibilities as warranted by the specific situation.

   Does not typically have authority as the lead investigator of any other internal allegations or complaints but may do so at the specific direction of the President or other authority.

7. Human Resources (HR) (system)

   Responds to allegations of staff misconduct and violations of related university policies that are not specifically reviewed by other units. These investigations include, but are not limited to, nepotism, conflicts of commitment, inappropriate supervisor behaviors, timecard abuse, grievances, and whistleblower complaints. Additionally, HR administers the University Disciplinary Action and Termination for Cause policy and collaborates with the Office of Civil Rights and Title IX to review alleged violations of the university's policy on prohibited consensual relationships.

   Student employment issues, including but not limited to, falsification of timesheets, attendance, misconduct between student workers that is not protected-class based, etc. are investigated by unit supervisors in accordance with the Student Employee Policy HR 1.86.

8. Information Security (system)

   Coordinates incident response for information security incidents, assessing the risks of the event and initiating the Incident Response Plan when needed.

9. Information Technology (DoIT) (system)

   Provides technical support to authorized University investigations, including the identification, preservation, collection, and provision of available information system data and other technical information, in accordance with applicable University policies, procedures and legal requirements.

10. Institutional Animal Care and Use Committee (“IACUC”) (system)

    Responds to complaints and concerns regarding the welfare of laboratory animals.

11. Institutional Review Board (“IRB”) (system)

    Responds to noncompliance associated with research studies involving human subjects. Collaborates with the General Counsel’s Office on disclosures and allegations of HIPAA violations associated with research studies involving human subjects.

12. Law Enforcement and Safety (campus/ PC)

    Serves as the university’s law enforcement agency. Responds to and investigates alleged criminal conduct or allegations involving threats to public safety, including identity theft. Addresses allegations of assault or abuse related to programs involving minors.

13. President’s Office/ Chancellor’s Office (system/campus)

    Manages formal institutional complaints against the university/campus that are received by the President/Chancellor or the President’s/Chancellor’s office. The President’s/Chancellor’s office typically refers the complaint to the appropriate university office or administrator for review and response.

14. Provost (campus)

    Responds to and investigates allegations of faculty member misconduct or incivility, conflicts of interest or commitment, and administers the faculty progressive discipline policy. In situations where allegations involve faculty members and the Provost is not the primary investigative office; the responsible office will consult/collaborate with the Office of the Provost as appropriate.

15. Registrar (system)

    Responds to allegations of violations of the Family Educational Rights and Privacy Act (FERPA) in collaboration with Office of General Counsel, and Information Security as appropriate.

16. Research Compliance (ORC) (system)

    Responds to allegations of research misconduct (e.g., falsification, fabrication, plagiarism) made against faculty, staff, and students engaged in research activities and investigates conflicts of interest disclosures and non-compliance with disclosure requirements when associated with a sponsored project.

17. Research Security (ORS) (system)

    Responds to allegations of misappropriation, compromise or unauthorized disclosure of research security or export controlled regulated data.

18. Sponsored Awards Management (SAM) (system)

    Responds to sponsors' requests to investigate activities related to sponsored programs, including but not limited to federal, state, foundation, and industry sponsors.

19. Student Advocacy (campus)

    Responds to student grievances and inquiries pursuant to the Student Grievance Policy.

20. Student Conduct and Academic Integrity (campus)

    Administers the student conduct process, which includes responding to alleged violations of the Student Code of Conduct.

D. Investigative Unit Conflicts of Interest or Unclear Jurisdiction

1. When a report of alleged misconduct or material failure to comply with university policy is received or discovered by any of the offices listed in section C. of this policy, that office must determine whether its involvement may be a conflict of interest. For example, if a complaint alleges violations of the University's Policy Against Discrimination, Harassment & Sexual Misconduct but also questions the actions and decisions of the Office of Civil Rights and Title IX, that office may have a conflict in responding to the complaint. In such event, the office should refer the complaint to the Office of General Counsel for guidance.

2. Any office that receives a complaint for which investigative authority is unclear will promptly notify the Office of General Counsel for guidance.

E. Joint Investigation Teams

1. Some cases involve alleged or apparent behavior or misconduct that falls within the purview of multiple offices. For example, an allegation may be received that an employee misused university funds, violated the University's Policy Against Discrimination, Harassment & Sexual Misconduct, and violated NCAA bylaws. In these cases, a joint investigation team may be established; however, the university has the discretion to determine the investigative method it deems most prudent.

2. In cases involving multiple authorities, the office receiving the complaint will form an assessment team consisting of the offices needed to review the particulars and determine the appropriate course of action.

    a. The assessment team will determine the office(s) which are in the best position to respond to/investigate the complaint and document its decision.

b. Designation of a lead office is not required but may be appropriate, especially in cases where the majority of the allegations being reviewed fall under the purview of one office, or where the allegations that fall under the purview of one office are of significantly higher risk than the other allegations.

c. The joint investigation team will create an investigation plan, which will accommodate potential investigative and reporting requirements that may differ between offices.

3. When multiple university offices are assigned to a joint investigation team, they may share information and documentation among themselves as if they were working within the same university office, but care should be taken to ensure that information is not shared in a manner prohibited by law. Each office will be responsible for ensuring confidentiality within the investigation of information it receives and retaining whatever documentation is required to comply with their specific protocols and professional standards.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

ACAF 1.33 Intellectual Property
ACAF 1.35 Copyright
ACAF 1.50 Outside Professional Activities for Faculty
ACAF 1.80 Faculty Workplace Incivility
ACAF 1.82 Faculty Progressive Discipline
ACAF 3.03 Handling of Student Records
BTRU 1.06 Audit & Advisory Services
BTRU 1.18 Conflicts of Interest and Commitment
BTRU 1.20 Dishonest Acts and Fraud
BTRU 1.22 Reporting Violations of State and Federal Laws or Regulations
HR 1.27 Nepotism
HR 1.39 Disciplinary Action and Termination for Cause
HR 1.42 Grievance
HR 1.86 Student Employee Policy
IT 3.00 Information Security
IT 5.00 Digital Accessibility
CR 1.00 Policy Against Discrimination, Harassment & Sexual Misconduct
CR 3.00 Access for Individuals with Disabilities
RSCH 1.00 Misconduct in Research and Scholarship
RSCH 1.03 Research and Human Subjects
RSCH 1.06 Disclosure of Financial Interests and Management of Conflicts of Interest Related to Sponsored Projects
RSCH 1.10 Prohibition on Participation in Malign Foreign Talent Recruitment Programs
RSCH 5.03 Care and Use of Laboratory Animals
STAF 6.27 Student Grievance Policy
STAF 6.29 Student Health Condition Disturbances Policy
FINA 4.12 University Identity Theft and Detection Program
UNIV 1.52 Responsible Use of Data, Technology, and User Credentials
UNIV 1.60 HIPAA Compliance
UNIV 2.00 Freedom of Information Policy

UNIV 2.10 Prohibited Consensual Relationships
UNIV 4.00 Programs involving minors

HISTORY OF REVISIONS

DATE OF REVISION	**REASON FOR REVISION**
Date 1	New policy approval