

Misuse of State Property Policy of the University of North Carolina at Pembroke

Authority: Board of Trustees

History:

- First Issued: March 20, 2003.
- Last Revised: September 20, 2013.

Related Policies:

- [North Carolina General Statute §143B-920 - Department heads to report possible violations of criminal statutes](#) – *Recodified from §114-15.1*
- [North Carolina General Statute §14-91 - Embezzlement of State property by public officers and employees](#)
- [North Carolina General Statute §126-84 – Protection for Reporting Improper Government Activities.](#)
- [North Carolina General Statute §126-85 – Protection from Retaliation](#)
- [North Carolina General Statute §143-749 – Obstruction of Audit](#)
- [UNC Policy Manual 300.8.4\[G\] - Guidelines on Reporting Misuse of State Property by State Employees](#)

Additional References:

- [SBI Form 78 – State Property Incident Reporting Form](#)

Contact Information: Office of the General Counsel, 910.775.4593; UNCP Police and Public Safety Investigator, 910.521.6235

1. BACKGROUND

1.1 [North Carolina General Statute §143B-920](#) requires state employees who have information or evidence of misuse of state property, including the use of state property for personal gain, to report such information or evidence to their immediate supervisor within three (3) days. The supervisor must then report the matter to the head of their institutional agency who in turn must report the matter within 10 days to the director of the State Bureau of Investigation (SBI). Misuse of state property includes attempted arson, arson, damage of, theft from, or theft of, or embezzlement from, or embezzlement of, or misuse of any state owned personal or real property.

1.2 State owned personal property may include, but is not limited to, motor vehicles, telephones, copiers, computers, credit cards, and fax machines.

1.3 University of North Carolina [Guidelines](#) on Reporting Misuse of State Property by State Employees appoints the chancellor of each constituent institution to function as the institutional head.

1.4 By delegation of the chancellor, the UNCP Police and Public Safety Investigator (“investigator”) has been delegated the function of reporting information or evidence of misuse of state property to the SBI, upon referral of the general counsel. The surrogate reporting official to the SBI shall be the UNC Pembroke general counsel.

1.5 To ensure consistent procedural response to the SBI, fairness to any UNC Pembroke employee suspected or accused of misuse of state property, and coordinated institutional response, this policy addresses the process for reporting information or evidence of misuse of state property by UNC Pembroke employees.

1.6 This policy applies to all permanent and temporary UNC Pembroke employees.

2. REPORTING INFORMATION OR EVIDENCE OF MISUSE OF STATE PROPERTY AT UNC PEMBROKE

2.1 Any UNC Pembroke employee who receives information suggesting or is aware of possible misuse of state property as defined above must report such information to their immediate supervisor with no delay and within three (3) days, unless the suspected misuse involves the immediate supervisor, in which case the matter must be reported directly to the general counsel with no delay. Any supervisor receiving such information must report the matter immediately to the general counsel. The general counsel in accordance with paragraph 1.4 will determine whether or not it is appropriate to notify the SBI.

2.1.1 In the event the general counsel is unable to receive information regarding the possible misuse of state property, the investigator shall act as the surrogate official to whom employees should report suspected misuse with no delay and within three (3) days.

2.2 Employees who, in good faith, report suspected misuse are protected against retaliation by the university for making such a report in accordance with [North Carolina General Statute §126-85](#). Employees who are aware of misuse against the university and fail to report it may be subject to disciplinary action or prosecution, as appropriate.

2.3 Employees are required to cooperate with the investigator, the Office of the General Counsel, as well as the SBI, its officers and agents and any audit investigation in aid of such investigations involving the misuse of state property. Employees may be requested by the university or an investigative unit to keep their knowledge of the investigation confidential, pending conclusion of any investigation.

2.4 Failure to comply with the reporting requirements of NCGS §114-15.1 could result in removal of the employee from their position with the university or in criminal prosecution.

2.5 In accordance with [North Carolina General Statute §143-749](#), it shall be a Class 2 misdemeanor for any officer, employee, or agent of a State agency subject to the provisions of this statute to willfully make or cause to be made to a State agency internal auditor or the internal auditor's designated representatives any false, misleading, or unfounded report for the purpose of

interfering with the performance of any audit, special review, or investigation or to hinder or obstruct the State agency internal auditor or the internal auditor's designated representatives in the performance of their duties.¹

3. REPORT TO THE SBI AND UNIVERSITY INTERNAL REVIEW AND INVESTIGATION

3.1 If the general counsel determines that notification to the SBI is appropriate, the investigator will send written notification to the SBI ("SBI Notification"), in accordance with paragraph 1.4.

3.2 A copy of the SBI Notification will be sent by the investigator to the general counsel, UNC Pembroke's director of Internal Audit, the vice chancellor for Finance and Administration and the chancellor. In consultation with the general counsel, the investigator and the director of Internal Audit will determine the extent to which each office will be further involved and whether the investigator or the director of Internal Audit will request the assistance of the SBI or the State Auditor in reviewing or investigating the allegations.

3.3 If the allegations of misuse involve an identified department or employee, a copy of the SBI Notification will be sent to the appropriate vice chancellor to which the unit reports, and the director for Human Resources. The supervisor of the unit in which the suspected misuse is alleged to have occurred also may be notified, as appropriate. Each vice chancellor and unit supervisor will work with the Office of the General Counsel, the investigator, the director of Internal Audit and the director for Human Resources, as appropriate, to address resolution of personnel and other issues relating to the reported allegations.

3.4 The results of the Police and Public Safety and/or Internal Audit reviews and investigations will be reported to the general counsel by the investigator and the director of Internal Audit, respectively. The director of Internal Audit and the investigator, in consultation with the director of Police and Public Safety, shall make other reports to state or local government units as are otherwise necessary and appropriate for the performance of their respective unit responsibilities.

¹ NCGS §143-749, as enacted on the 23rd day of Aug. 2013, applies to offenses committed on or after Dec. 1, 2013.