

Clemson University Administrative Policy:

Policy Regarding External Investigations and Enforcement Actions

Office of Primary Responsibility: Office of General Counsel (656-3414)

Policy Number:

Adopted: mm/dd/2009

Revised: N/A

1.0 Purpose

To ensure that appropriate University officials are aware of any formal investigations, inquiries or other enforcement actions by any external State or Federal agency or regulatory body; to ensure that the University responds promptly and appropriately to any investigation, inquiry or other enforcement action; and to provide assistance and counsel to University faculty, staff and students involved or implicated in their official capacity in any investigation, inquiry or other enforcement action.

2.0 Applies to: This policy applies to all University faculty, staff and students.

2.0 Policy

It is the policy of Clemson University that the Office of General Counsel be notified immediately by any faculty member, staff member or student who becomes aware of any investigation, inquiry or other enforcement action initiated against or implicating Clemson University or any University faculty, staff or student acting in their official capacity. Such notice shall be required prior to the disclosure of any information or records, allowing access to records or facilities or answering any questions by the faculty, staff or student.

2.1 Definition of Terms:

2.1.1 "Enforcement action" shall mean any investigation, inquiry, notice of claim or notice of violation made by an external agency against Clemson University or any Clemson University faculty, staff or student in their official capacity.

2.1.2 "External agency" shall mean any Federal, State or Local governmental entity which possesses the authority to render penalties and/or impose sanctions against the University or any of its faculty, staff or students in their official capacity. An example of an "external agency" would be the S.C. Department of Health and Environmental Control. A private organization without authority to impose legal

penalties or sanctions, such as the Southern Association for Accreditation of Colleges and Schools would not qualify as an "external agency".

- 2.1.3** "Notice" shall mean an oral or written notification to the Office of General Counsel. Each budget unit may designate an individual or office responsible for providing such notice to Office of General Counsel. All notice shall be made in a timely manner.
- 2.1.4** "Contact" shall mean any oral or written communication, including production or access to documents or other University records, between a University faculty, staff or student and any representative of an external agency.
- 2.1.5** "Official capacity" shall mean any activity in which a faculty member, staff member or student is or was engaged by virtue of their employment by or enrollment at Clemson University.

3.0 Procedures:

University faculty, staff and students contacted by a representative of an external agency shall immediately notify the Office of General Counsel. The Office of General Counsel will take the following actions, as applicable:

- a. Verify the jurisdiction and authority of the external agency seeking to initiate the enforcement action.
- b. Advise appropriate University personnel of the pending enforcement action, for example, Public Affairs, Internal Audit, Research Compliance.
- c. Notify appropriate outside entities of the pending enforcement action, such as insurance carriers.
- d. Work with affected units of the University on an appropriate response to the pending enforcement action.
- e. Advise affected employees on the appropriate response to requests for documentation, records, access to witnesses and other issues.
- f. Advise the affected employee on legal representation.