

## **Rule R3-010B: Unlawful Personal Use Expenditures: Repayment Obligation and Appeal Process.**

Revision 0. Effective date: July 1, 2019

### **I. Purpose and Scope**

- A. Purpose: To provide for repayments related to unlawful personal use expenditures by employees of the University of Utah and to identify a relevant appeals process, pursuant to [Utah Code § 53B-7-106](#) “Personal use expenditures for officers and employees of institutions of higher education.”
- B. Scope: This Rule applies to all University of Utah employees and all academic and administrative units of the University, including the University of Utah Hospitals and Clinics.

### **II. Definitions**

[Reserved]

### **III. Rule**

- A. An “unlawful personal use expenditure” is an expenditure of University funds: (1) for a purpose unrelated to the individual’s University employment activities; and (2) that primarily furthers a personal interest of the employee or the employee’s family, friend or associate. A de minimis or incidental expenditure or an expenditure of an authorized vehicle allowance does not constitute an unlawful personal use expenditure.
- B. Unlawful personal use expenditures are prohibited.
- C. If the University finds that an employee has intentionally engaged in an unlawful personal use expenditure, the employee is required to pay the amount of the unlawful personal use expenditure to the University plus an administrative penalty in an amount equal to 50% of the unlawful personal use expenditure.
- D. The University may withhold from the employee’s wages the amount of the unlawful personal use expenditure plus the administrative penalty.

- E. The University finding of an unlawful personal use expenditure should be reported to Human Resources, Internal Audit and the applicable Department Head.
- F. A University finding that an employee must repay an unlawful personal use expenditure may be appealed.
  - 1. To appeal, employee shall submit a written statement to the Chief Human Resource Officer within five (5) business days of the University's finding. The statement shall include specific information relevant to the appeal including circumstances related to the expenditure, including dates, times, locations, and individual(s) involved. When appropriate the Chief Human Resource Officer may designate another person to consider the appeal.
  - 2. If an appeal is timely submitted, the withholding of wages in section D shall not occur until after the appeal process has confirmed the violation.
  - 3. Upon completion of review the Chief Human Resource Officer or designee will issue a memorandum to the employee regarding the decision on the appeal.
- G. This rule governs repayment and appeal of repayment findings only. Nothing in this rule, including proper financial reimbursement being made, shall exempt employees from appropriate corrective/disciplinary measures. This policy does not affect an employee's grievance rights under [Policy 5-203](#) or the Faculty Code, as applicable.
- H. This rule may be modified at any time
- I. Questions regarding this policy may be directed to Human Resources, Employee Relations: 801-581-5469.

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*[Note: Parts III-IV of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

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#### **IV. Rules, Procedures, Guidelines, Forms and other Related Resources**

[Reserved]

#### **V. References**

[Reserved]

#### **VI. Contacts**

The designated contact officials for this Rule are:

Rule Owner (primary contact person for questions and advice): Senior Human Resources Director for Employee Relations (tel. 801-581-5469)

Rule Officer: Chief Human Resources Officer

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

*"A "Policy Officer" will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "*

*"The Policy Officer will identify an "Owner" for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E*

## **VII. History**

- A. Current version: Revision 0. Enacted as Interim Rule by University President Ruth Watkins July 1, 2019 with effective date: July 1, 2019

[Legislative History](#) for Revision 0.