



FAULKNER UNIVERSITY

WHISTLEBLOWER PROTECTION

Section: **Employee Relations**
Policy Number: **356**
Past Revisions: **N/A**

Effective: **May 4, 2009**
Revision: **N/A**
Reviewed: **March 2011**

Scope: All Employees; Board Trustees

Purpose: This policy is intended to provide employees an avenue to report suspected or actual occurrences of illegal, unethical or inappropriate events (behaviors or practices) without fear of retribution.

GENERAL PROVISIONS

Faulkner University is committed to operating in an ethical, honest and lawful manner and expects the faculty, staff, administrators and students to conduct their activities in accordance with university policies and applicable laws. This university strives to provide all members of the University community with a safe and productive environment. If any member of the University community has reason to believe or reasonably suspect that the University or any of its agents are acting contrary to any applicable federal, state or local laws or regulations, or contrary to any established University policy, that person may report such action or activity without fear of reprisal or retaliation. The person can report the event with his/her identity or anonymously.

This whistle-blowing policy is intended to offer protection if an individual raises concerns regarding:

- Fraudulent financial reporting
- Deficiencies in internal controls
- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Pursuit of a benefit or advantage in violation with the University's conflict of interest policy
- Misappropriation or misuse of University resources, such as funds, supplies, or other assets
- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked
- Any other activities that constitute serious improper conduct

SAFEGUARDS

Harassment or Victimization – Harassment or victimization for reporting concerns under this policy will not be tolerated. Anyone who retaliates against the Whistleblower (who reported an event in good faith) will be subject to discipline, up to and including termination of Board or employee status. Encouraging others to retaliate is also a violation of this policy.

Confidentiality – Every effort will be made to treat the complainant's identity with appropriate regard for confidentiality, consistent with the need to conduct an adequate investigation.

Disclosure of reports of concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Anonymous Allegations – Submissions may be made anonymously but employees are encouraged to include their name and contact information when submitting an allegation. Appropriate follow-up questions and investigation may not be possible unless the source of the information is identified.

Concerns expressed anonymously will be explored appropriately, but consideration will be given to:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources

Bad Faith Allegations – Although the employee is not expected to prove the truth of an allegation, the employee should be able to demonstrate to the person contacted that the report is being made in good faith. Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a serious violation of University policy. If a complaint is found to have been made maliciously, with reckless disregard for the truth, or with the knowledge that the allegation is false, the individual making the bad faith complaint will face appropriate disciplinary action, up to and including termination of employment or dismissal from a volunteer position. Such conduct may also give rise to other actions, including civil lawsuits.

REPORTING A CONCERN OR POSSIBLE VIOLATION

Employees

The whistle-blowing procedure is intended to be used for serious and sensitive issues. Such concerns include those relating to financial reporting, unethical or illegal conduct. Any University employee with reasonable suspicion of such illegal or improper activity should first notify his/her immediate supervisor. If the concern involves the immediate supervisor, the employee should contact his/her next highest level supervisor and/or the Vice President(s) for the division.

In lieu of or in addition to notification of supervisory personnel, any University employee with such a complaint may contact the Director of Human Resources to register a concern. Supervisors who receive a report must promptly notify the Director of Human Resources and provide the report in writing.

Board Member/Trustees

Trustees should submit their concerns in writing directly to the Chair of the Board of Trustees. Contact information for the Chair may be obtained from the Office of the University President. If the concern involves the Chair, then the concern may be reported to the Vice Chair. The Chair or Vice Chair will then notify the University President. If the concern involves a university employee, the President will notify the Director of Human Resources.

Investigation

The action taken by the University in response to a report of concern under this policy will depend on the nature of the concern.

Initial Inquiries – Initial inquiries will be made to determine whether an investigation is appropriate, and the form that it should take. Some concerns may be resolved without the need for investigation.

Further Information – The amount of contact between the complainant and the person or persons investigating the concern will depend on the nature of the issue and the clarity of information provided. Further information may be sought from or provided to the person reporting the concern.

Employees

When the concern involves an employee, the investigation will be conducted by the Director of Human Resources, appropriate divisional Vice President(s), and any other direct line supervisor of the accused that has been deemed appropriate by the Vice President. The investigation committee may report findings and recommendations to the University President for final decision approval, if the Vice President(s) involved in the investigation deems the offense to be of a certain level of severity. In all other cases, the decision of the committee will be final.

Records of all such allegations shall be logged and kept on file in the Office of the Director of Human Resources.

Board Members/Trustees

When the concern involves a board member, the investigation will be conducted by the Chair of the board, along with the appropriate board committee as deemed appropriate by the board Chair. In a case where the board Chair is named within the concern, the Vice Chair will take lead on the investigation. In all cases, the decision of the investigation committee will be final.

Records of all such allegations shall be logged and kept on file in the Office of the University President.