

University of St. Thomas Policies

TITLE: Whistleblower Policy

Policy Number: H.06.01

SCOPE: This policy applies to members of the University of St. Thomas Board of Directors, administrators, faculty, staff, student employees, and volunteers.

PURPOSE: To proactively promote legal and policy compliance by encouraging all members of the University of St. Thomas community to report any financial improprieties, illegal practices, or serious policy violations committed by University employees or agents and to protect from retaliation those who make such good-faith reports.

Reports filed under the Whistleblower policy are distinguished from grievances by the non-personal nature of the offense. Whistleblowers are commonly witnesses to a breach in ethics as opposed to being the victim of such an offense. Most often reports filed under a Whistleblower policy are of breaches of legal or financial strictures.

POLICY/PROCEDURE

Policy Statement

This policy encourages good faith reports of concerns or allegations of violations of Federal, State, and local laws, as well as accreditation and governing body requirements. This policy is also designed to encourage good faith reports of allegations of misconduct concerning compliance with University's policies and procedures. The University is committed to maintaining the highest legal and ethical standards. The University requires all employees and agents to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. University officials will not compel or attempt to compel faculty, staff, students, applicants for employment, or other university constituents to violate a federal, state, local law, , governing body, accreditation or University policy requirement. At the University of St. Thomas, accountability is the cornerstone of ethical practices, and this policy is one of the mechanisms for assuring continuity with the University's core values.

I. Definitions

"University employees or agents" – members of the University of St. Thomas Board of Directors, administrators, faculty, staff, student employees and volunteers.

"Violation" – a breach by a university employee or agent of applicable (1) federal, state or local laws; (2) regulations of any governing or accrediting body.

II. Procedure

A. Responsibility to Report and Protection from Retaliation

If any University of St. Thomas employees or agents have a good faith reason to believe or suspect that a violation has or will occur, they have a responsibility to report those violations or suspected violations. University students, alumni, vendors, and guests may also report violations pursuant to this policy if they so choose. As long as report is made in good faith, the individual

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will not suffer harassment, retaliation, or adverse employment consequences based on making the report. Anyone who reasonably believes they have been retaliated against in violation of this policy should immediately contact the Office of Human Resources.

B. Prohibition Against Bad Faith Reporting and Retaliation

Any employee or agent who does not act in good faith in reporting a violation or suspected violation (e.g. files a frivolous report or a knowingly false report) may be subject to disciplinary action up to and including termination of employment, and/or legal action. This determination would be made initially by the first person who receives the report on the chain of command, and will be reviewed as the report moves up the chain. Additionally, University employees and agents will not harass, retaliate, or take any adverse action against an individual who makes a report in good faith (or who encourages others to do the same). Such retaliation, harassment or adverse action may be subject to discipline up to and including termination of employment.

C. Reporting Options – There are two reporting options: traditional and anonymous.

1. Traditional Reporting

When possible, violations should be reported according to the procedures provided under other applicable University policies. Examples of University policies that set forth procedures for reporting violations include, but are not limited to, the Faculty Senate Grievance Policy, the Employee Complaint Procedure Policy, and the Sexual Harassment Policy (in each of these cases, the one filing the grievance or complaint is the one personally aggrieved). A determination that the report has been filed in good faith and belongs under the rubric of this policy rather than another complaint policy is made by the first officer in the chain of command based on evidence presented.

For violations that do not fall under existing policies or that do not have an established reporting procedure, the following guidelines should be followed (assuming there is no need for anonymous reporting):

- a. Members of the Board of Directors and University Administrators:** report to the Board Chair or to the Office of Human Resources.
- b. Faculty:** report to their Department Chair or to their Dean. If it is not appropriate to report to the chair or dean for any reason, the faculty member should report to the Vice President for Academic Affairs or may also contact the Office of Human Resources.
- c. Staff Members:** report to their immediate supervisor. If it is not appropriate to report to the immediate supervisor for any reason, the staff member should report to the supervisor's superior or may also contact Office of Human Resources.
- d. Students/Student Employees:** Student employees should report to their immediate supervisor. If it is not appropriate to report the violation to the supervisor for any reason, the student employee should report to the supervisor's superior or may also contact the Office of Human Resources. If the violation does not relate to student employment, students should report to the Vice President of Student Affairs or to their academic dean.

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e. Volunteers: report to the University employee who coordinates their volunteer activity. If it is not appropriate to report the violation to the coordinator for any reason, the volunteer should report to the coordinator's superior, or the Office of Human Resources.

f. Alumni, Vendor, or Guest – report to the Office of Human Resources.

2. Anonymous Reporting

If for any reason an individual finds it difficult to use one of the traditional reporting structures, the report may be made anonymously. Reports submitted traditionally or anonymously will be forwarded to the proper university official for review.

3. Review

To ensure that proper steps were taken to investigate and resolve complaints in a timely manner, the Executive Committee of the Board of Directors will, at least once a year, review a summary of all reports received and subsequent actions taken.

APPROVED: Dr. Robert Ivany

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