



## KANSAS WESLEYAN UNIVERSITY

### WHISTLEBLOWER REPORTING POLICY

<b>Administrative Division</b>	<b>University Operations</b>
<b>Policy Title</b>	<b>Whistleblower Reporting Policy</b>
<b>Administrative Office</b>	<b>Human Resources Office</b>
<b>Effective Date of Policy</b>	<b>March 1, 2019</b>

#### **Purpose**

Kansas Wesleyan University (KWU) expects its employees (faculty, staff, and student workers), vendors, and visitors to observe high standards of business and personal ethics, in the performance of their duties and responsibilities following university policies and procedures. The university provides various mechanisms to assist and encourage employees to come forward in good faith with reports or concerns about suspected compliance issues.

#### **Scope of Policy**

This policy applies to all faculty, staff, student workers, vendors, and visitors to campus.

#### **Implementation**

This policy is effective March 1, 2019.

#### **Definitions**

*Protected Disclosure* – Communication about actual or suspected wrongful conduct engaged in by a university faculty member, staff member, student worker, volunteer, or contractor (who is not also the disclosing individual) based on good faith and reasonable belief that the conduct has both occurred and is wrongful under university policies and/or applicable laws. Individuals who are aware of, or have reason to suspect wrongful conduct should report the conduct promptly.

*Whistleblower* – A person or entity reporting improper use of university assets, misappropriations, or improper commercial business transactions or activities is commonly referred to as a whistleblower. Whistleblowers may be university employees (faculty or staff), applicants for employment, students, vendors, contractors, or the general public. The whistleblower's role is as a reporting party. Whistleblowers are not investigators or finders of fact, nor do they determine the appropriate corrective or remedial action that may be warranted.

*Wrongful Conduct Concern ("Concern")* – A violation of university policies; a violation of applicable local, Kansas, and Federal laws; or the use of university property, resources, or authority for personal gain or other non-university-related purposes.

## **Policy**

The university is committed to protecting individuals from interference when making a "Protected Disclosure" and from retaliation for having made a Protected Disclosure or for having refused to follow an illegal instruction.

The principal objective of this policy is to encourage and enable university representatives, without the fear of retaliation, to raise concerns regarding suspected unethical and/or illegal conduct or practices on a confidential and, if desired, anonymous basis, so that the university can address and correct inappropriate conduct and actions.

It is a violation of university policy to threaten, intimidate, or retaliate against an individual for raising allegations of harassment or discrimination, participating in an investigation, complaint process, or hearing, filing a complaint alleging harassment or discrimination, or encouraging others to report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. The university will take immediate and responsive action to any form of retaliation. Any employee found to have acted in a retaliatory manner may be subject to disciplinary action up to and including termination of employment.

This policy is not intended to be the method for reporting violations of the university's applicable human resources policies, problems with colleagues, co-workers, or supervisors, or for reporting issues related to alleged employment discrimination or sexual or any other form of unlawful harassment, all of which should be handled following the university's employment or Title IX policies. Those policies are designed to address individual grievances and personal complaints. This policy does not replace the Grievance Procedure in the KWU Faculty Handbook.

The university will exercise its authority to take whatever action may be needed to prevent and correct activities that are found to constitute wrongful conduct.

## **Reporting Responsibility**

It is the responsibility of all university representatives to report, in good faith, concerns they may have regarding actual or suspected activities that may be illegal or in violation of the university's policies with respect to, without limitation, fraud, theft, embezzlement, accounting, or auditing irregularities, bribery, kickbacks, and misuse of the university's assets, as well as any violations or suspected violations of business and personal ethical standards.

## **Procedure**

KWU's internal controls and operating procedures are intended to detect and prevent or deter improper use of university assets, misappropriations, or improper commercial business transactions or activities. Violations of laws, regulations, policies, and procedures may constitute improper use of university assets, misappropriations, or improper commercial business transactions or activities. KWU has a responsibility to investigate and report to appropriate parties the allegations of any such suspected improper activities.

1. Concerns should be reported either verbally or in writing as soon as practicable to the president, provost, or vice presidents to whom the disclosing individual reports; or directly to the Human Resources Office.

2. The Director of Human Resources shall review the report and coordinate with appropriate individuals to investigate and determine the facts. In all instances, Kansas Wesleyan University retains the prerogative to determine when circumstances warrant an investigation and, in conformity with this policy and applicable laws and regulations, the appropriate investigative process and/or disciplinary process to be employed.
3. Whistleblowers should be cautioned that their identity may become known for reasons outside of the control of the investigators or university administrators. Should the whistleblower self-disclose his or her identity, Kansas Wesleyan University will no longer be obligated to maintain such confidence.
4. Similarly, the identity of the subject(s) of the investigation will be maintained in confidence with the same limitations.
5. Whistleblowers may report suspected non-compliance issues without fear of reprisal or retaliation. Diligent efforts will be made to protect the complainant from retaliation for his/her activities in cooperation with, or initiation of, an inquiry or investigation, provided the complaint is not undertaken in bad faith.
6. Examples of improper conduct include, but are not limited to the following:
  - Forgery or alteration of documents
  - Unauthorized alteration or manipulation of computer files
  - Fraudulent financial reporting
  - Pursuit of a benefit or advantage in violation of Gonzaga'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
  - Knowingly allowing others to do a dishonest act

### **No Retaliation**

No university representative who in good faith reports a concern shall suffer intimidation, harassment, retaliation, discrimination, or adverse employment consequences because of such report. Any employee of the university who retaliates against someone who has reported a concern in good faith is subject to discipline up to and including termination of employment.

### **Acting in Good Faith**

Anyone reporting a concern must act in good faith and have reasonable grounds for believing that the information disclosed may indicate a violation of a law, university policy, and/or ethical standards. Any allegations that prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **Confidentiality**

The university takes seriously its responsibility to enforce this policy and therefore encourages any person reporting a concern to identify him or herself to facilitate any resulting investigation. Notwithstanding the foregoing, in reporting a Concern, university representatives can request that their report be treated confidentially (including that the university takes reasonable steps to ensure that the identity of the reporting person remains anonymous).

Concerns will be kept confidential to the extent possible, consistent with the need to conduct a thorough and complete investigation.

**Records**

The university will retain on a strictly confidential basis for seven (7) years (or otherwise as required under the university's Record Retention and Disposal Policies in effect from time to time) all records relating to any reported concern and the investigation and resolution thereof. All such records are confidential to the university and will be considered privileged and confidential, subject only to a lawful subpoena or other recognized government authorities.

**Compliance**

Compliance with this Whistleblower Reporting Policy is mandatory for all faculty, staff, student workers, and vendors. Any violations of this policy will be handled through the standard disciplinary procedure according to the respective university guidelines.