

SOUTHEASTERN UNIVERSITY

GENERAL ADMINISTRATIVE POLICY

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TITLE: Whistleblower Policy
POLICY NUMBER:
EFFECTIVE DATE: November 20, 2008
REVISION DATE:
ACCREDITATION STANDARDS:

POLICY:

Southeastern University is committed to maintaining the highest ethical standards in all of its business practices. It accepts responsibility for the stewardship of resources and the private support it receives, which enables the university to pursue its mission and strategic objectives. Supervisors, managers, or other university officials shall not compel or attempt to compel faculty, staff, students, applicants for employment, or other university constituents to violate a law, statutes, or university policy. At Southeastern University accountability is the cornerstone of ethical business practice, and this policy is one of the mechanisms for assuring this institutional value.

PURPOSE:

The general purpose of this policy is to encourage faculty, staff, students, applicants for employment, and other constituents, who engage in good faith, to report an alleged improper activity with assurance they will be protected from retaliation or reprisal. More specifically, this policy:

- Encourages faculty, staff, students, applicants and other university constituents to disclose breaches of conduct covered by university policies or relevant local, state, or federal statute;
- Provides information about how an individual can make a protected disclosure and to whom;
- Protects faculty and staff from retaliation or reprisal by adverse employment action as a result of having disclosed or reported an improper activity to university officials who can take corrective action, and
- Provides individuals a fair process to seek relief from retaliation or reprisal when they believe they have been subjected to such prohibited acts.

Although not required, faculty and staff may report any protected activity to their immediate supervisor, department head, dean, or vice president who, in turn, shall follow the guidance of this policy. In the case of students, they may report such activity to the Vice President for Student Life.

SCOPE:

This policy prohibits Southeastern University from pursuing any adverse action against faculty, staff who, in good faith,

- Reports a violation or suspected violation of any federal or state law, rule, or regulation;

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- Refuses the employer's order to perform an act that the faculty or staff member has an objective basis in fact to believe violates a federal or state law, rule, or regulations.

Moreover, the University complies with relevant provisions of the Sarbanes-Oxley Act of 2002 and has established an anonymous whistleblower hotline as discussed in the section below.

DEFINITIONS:

- A. **Business Practices.** Major management or internal control systems of the University, which includes, but not limited to, financial systems (i.e. accounting, auditing, contracting, procurement, timekeeping, and reporting), human resources, and workplace safety practices.
- B. **Improper Activity.** A serious violation of any applicable local, state, federal law or regulation, or University policy or procedure including, but not limited to, those relating to corruption; malfeasance; bribery; theft of University property or assets; fraud, coercion; conversion; forgery; misappropriation or misuse of university assets or proprietary information; kickbacks; illegal discrimination; immigration or health and safety regulations; falsification or destruction of University records, including time reports; or misuse of one's official University position or authority for personal gain or for other non-university related purpose except as provided under University policy.
- C. **Protected Disclosure.** A good faith communication about an actual or suspected business or financial misconduct by a University faculty, staff, student, or other constituents, which applicable laws and statutes or University policy prohibits. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct.
- D. **Retaliation.** Adverse action taken against an individual because he or she has made a protected disclosure or participated in an investigation, proceeding or hearing involving an allegation of business of financial misconduct,
- E. **Whistle-blowing.** An act that occurs when a faculty or staff member who opposes, complains about, reports, makes public, or threatens to make public the improper activity of the employer, its managers, faculty, or staff.
- F. **Baseless Allegation.** Any allegation made with reckless disregard for its truth or falsity. Individuals making such allegations may be subject to disciplinary action by the University up to and including dismissal, expulsion, and/or civil or criminal prosecution when warranted.

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FORMS AND APPLICABLE DOCUMENTS:

PROCEDURES:

An individual may make a protected disclosure after witnessing or becoming aware of an improper activity. Faculty, staff, students, and other constituents may:

- Report an improper activity **anonymously** through the University's whistleblower hotline at www.ethicspoint.com or by calling 800-ETHICAL. Anonymous complaints will be reviewed by the Vice President for Finance and Administration **and** the Director for Human Resources. In the event both offices previously mentioned are implicated in the complaint the President will review the complaint. All complaints will be reported to the Finance and Audit Committee of the Board of Regents.
- If anonymity is not desired, faculty, staff, applicants for employment, or other constituents may file a written complaint with any of the following administrators: President, Vice President for Finance and Administration, Vice President for Academic Affairs, Vice President for Development, Vice President for Student Life, or the Director for Human Resources.
- Students may contact the Vice President for Student Life, or the President.
- Download and complete the Improper Activities Report Form and mail to: Associate Vice President for Human Resources, 2115 Summit Avenue, St. Paul, MN 55105.

The University will investigate all protected disclosures promptly and, where warranted, take appropriate and timely action. To the extent possible, the University will inform a claimant in writing of the disposition of an investigation into claims of improper activities.

Protected disclosures and investigatory records will be kept confidential to the extent possible and consistent with the University's need to conduct an adequate investigation and in accordance with the Sarbanes-Oxley Act.

Any allegation made with reckless disregard for its truth or falsity will subject the individual making such allegations to disciplinary action by the University up to and including dismissal, expulsion, and/or civil or criminal persecution when warranted.

Faculty, staff, students, applicants for employment, or other University constituents are protected from interference with or retaliation for making or having made a protected disclosure or refusing to follow illegal orders or instructions as defined in this policy. Similarly, faculty, staff, University officials, or other University constituents may not directly or indirectly use or attempt to use the official authority or

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influence of their positions or offices to interfere with the rights of an individual to make a protected disclosure to their immediate supervisor, manager, or another appropriate University official about matters within the scope of this policy. The University will take whatever prudent action is needed to prevent and correct activities that violate this policy.

Any individual who believes he or she has been subjected to an adverse employment action based on a protected disclosure may contest the action by filing a written complaint with the Department of Human Resources, if the complainant is a faculty or staff member, or with the Vice President for Student Life if the complainant is a student.

APPROVAL:

DISTRIBUTION:

AUTHOR: