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WHISTLEBLOWER POLICY

POLICY STATEMENT

The University of St. Thomas is committed to maintaining the highest ethical standards in all of its business practices. It accepts responsibility for the stewardship of resources and 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, statute, or University policy. At St. Thomas, accountability is the cornerstone of ethical business practice, and this policy is one of the mechanisms for assuring this institutional value.

SECTION I PURPOSE

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

- encourages faculty, staff, students, applicants for employment, 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 undergraduate or graduate students, they may report such activity to the Dean of Students Office in the Division of Student Affairs or the Vice President for Student Affairs.

Nothing in this policy is intended to interfere with legitimate employment decisions.

SECTION II 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 or 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.

SECTION III STATUTORY APPLICABILITY

The State of Minnesota Whistleblower Act, Minnesota Statutes applies to all faculty and staff who perform services for hire in Minnesota and to all employers with one or more employees in Minnesota. The Act prohibits St. Thomas from pursuing any adverse action against faculty or staff who, in good faith,

- (1) Reports a violation or suspected violation of any federal or state law, rule or regulation;
- (2) Is requested by a public body or office to participate in an investigation, hearing, or inquiry; or
- (3) Refuses the employer's order to perform an act that the faculty or staff member has an objective basis in fact to believe violates any federal or state law, rule or regulation.

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

SECTION IV MAKING A PROTECTED DISCLOSURE

Faculty, staff, students, applicants for employment, or other university constituents may make a protected disclosure after witnessing or becoming aware of an improper activity. There are several avenues for making a protected disclosure or retaliatory or reprisal action for making a protected disclosure. Faculty, staff, students, and other constituents may

- (1) Report a potential *Improper Activity* or alleged retaliatory actions anonymously through the University's whistleblower hotline at www.ethicspoint.com or by calling **800-ETHICAL** (managed by EthicsPoint Incorporated—a governance, risk management, and compliance company). Anonymous complaints will be reviewed by the Vice President for Business Affairs and the Associate Vice President for Human Resources and then reported to the Audit and Finance Committee of the Board of Trustees.
- (2) Faculty, staff, applicants for employment, or other constituents may file a complaint with any of the following University administrators:
 - Associate Vice President for Human Resources
 - Executive Advisor to the President
 - Executive Vice President and Chief Administrative Officer
 - Executive Vice President and Chief Academic Officer
- (3) Students may contact the following offices or individuals.

Undergraduate students, contact the

 - Dean of Students in the Division of Student Affairs
 - Vice President for Student Affairs

Graduate students, contact the

 - Dean of the college, school, or program in which you are enrolled
 - Vice President for Student Affairs
- (4) Download and complete the [Improper Activities Report Form](#) and mail to: Associate Vice President for Human Resources, 2115 Summit Avenue, St. Paul, MN 55105
- (5) Download and complete the [Improper Activities Report Form](#) and fax to: (651) 962-6050, ATTN: Dean of Students

When an individual reports a suspected improper activity to an appropriate university administrator, the report is known as a *protected disclosure*. The rights of that individual making the protected disclosure is covered by this policy as described in Section VI below.

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

SECTION V CONFIDENTIALITY

Protected disclosures, complaints of retaliation, 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 and Minnesota Whistleblower Act.

SECTION VI RETALIATION OR REPRISAL

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 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 shall take whatever prudent action is needed to prevent and correct activities that violate this policy. The objective of this provision is to resolve complaints of retaliation internally and swiftly.

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 Office of the Dean of Students, if the complainant is a student.

SECTION VII RESPONSIBILITIES

- 1** The Vice President for Business Affairs shall report any protected disclosure made through the whistleblower hotline to the Audit and Finance Committee of the Board of Trustees.

- 2** The Associate Vice President for Human Resources or his or her designee shall receive and investigate allegations of improper activities and report investigatory findings to the Executive Vice President and Chief Administrative Officer. Similarly, the Dean of Students or the Vice President for Student Affairs receives protected disclosures filed by students and works closely with appropriate University administrators and/or officials to report and investigate claims of improper activity.

- 3** Members of the Academic and Administrative Leadership Group are responsible for complying with and assuring compliance with this policy by faculty and staff within their respective unit(s).

- 4** The Vice President for Students Affairs assures all protected disclosures filed by University of St. Thomas students are processed promptly and in ways consistent with this policy.