



Policies and Procedures Manual

Title: Whistle Blower Policy
Policy Administrator: General Counsel
Effective Date: Feb-01-2010
Approved by: President of the College

Purpose:

This document is intended to inform the College Community of policies and procedures with regard to the reporting of Suspected Violations. The term “Suspected Violations” refers to any action taken by a College employee which is in violation of the College’s Policy on Financial Misconduct or the College’s Conflict of Interest Policy.

Policy:

1.0 Overview

The College expects that all Community Members will conduct their affairs in the highest ethical manner. This policy sets forth the policies and procedures to ensure that individuals who report Suspected Violations (“Whistleblowers”) can do so in a confidential manner without fear of reprisal. This policy expressly prohibits any form of discrimination or retaliation against a Whistleblower. This policy is not intended to replace or supersede any existing College policies which may outline the normal courses of reporting specific workplace infractions.

2.0 Applicability

This Policy applies to all Members of the College Community (“Community Members”). Community Members for this policy are defined as Trustees, Faculty, Staff, Student employees and representatives. Community Members also include individuals who may provide volunteer services to the College.

3.0 Investigation of Suspected Violations

All Community Members are encouraged to report Suspected Violations. It is imperative that a report be filed in a timely manner in order to facilitate the investigation. To aid in reporting, a Suspected Violation Report form may be filled out and mailed to the appropriate recipient (see Procedures – Section 2.0). Each report of a Suspected Violation will be individually reviewed and investigated in a systematic and timely

manner. Depending on the nature of the complaint and the findings of the investigation, the College will take appropriate action against an offending Community Member. The Whistleblower will not be notified as to the status or outcome of the investigation, but may through his or her involvement have knowledge of the eventual outcome. The College is committed to keeping all aspects of the Suspected Violation confidential including the identity of the parties involved; however, this may not be possible depending on the specific circumstances of a particular Suspected Violation.

4.0 Whistleblower Protection

4.1 Responsibility of the College

The College will use its best efforts to protect the identity of the Whistleblower and to protect that person from retaliation. The College cannot guarantee confidentiality if identification of the Whistleblower is necessary to College or law enforcement officials for the purposes of investigating the incident.

4.2 Retaliation

The College prohibits retaliation in any manner by another Community Member against a Whistleblower who, acting in good faith, has reported a Suspected Violation. Retaliation includes but is not limited to demotion, denial of tenure, discharge, threats of physical or emotional harm or any impact (threatened or actual) on the individual's salary or status as an employee in good standing. A Whistleblower who believes that he or she has been retaliated against may file a written complaint with the Director of Administrative Services. Each retaliation complaint will be reviewed and investigated in a systematic and timely manner. A valid retaliation complaint will result in appropriate disciplinary action. Such disciplinary action may include termination, suspension and/or expulsion from the College.

5.0 Baseless Claims

A Baseless Claim results when an allegation is made with reckless disregard for its truth or falsity. A Community Member who makes a Baseless Claim may be subject to disciplinary action by the College and/or legal recourse by individuals who are falsely accused. Community Members are expected to read and understand the College's Policies in order to avoid reporting Baseless Claims.

Procedures:

1.0 Method of Communication

A report may be made in person, via email, via telephone or in a written correspondence. Reports should be factual and contain as much specific information as possible. The Whistleblower may remain anonymous; however, it may be necessary to disclose the Whistleblower's identity to relevant College or law enforcement personnel in order to facilitate an investigation.

2.0 Report Recipient

Communication of a suspected violation should be made according to the following guidelines:

For Whistleblower reports against a member of any division other than the Division of Administration and Finance, reports should be directed as follows:

Elizabeth S. Small
General Counsel
O'Kane Hall 158
esmall@holycross.edu
508-793-3759

If the Whistleblower report is against a suspected violator within the Division of Administration and Finance or if the person filing the report is uncertain as to the division in which a suspected violator is in; such report should be directed to the attention of the Chair of the College's Audit Committee as follows:

William Phelan
Chair, Audit Committee
30 Sutton Place, Apt. 11A
New York, NY 10022-2383
HCAuditChair@holycross.edu

A reporting [Suspected Violation Report Form](#) is attached to this policy and may be used to aid in filing a report of a Suspected Violation. Each report of a Suspected Violation will be individually reviewed and investigated in a systematic and timely manner. Depending on the nature of the complaint and the findings of the investigation, the College will take appropriate action against an offending Community Member.

Forms:

Title: Whistleblower Policy Suspected Violation Report Form
Title

Related Information:

Title
Title

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