University Policy

Policy: Whistleblower Policy

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Approved by/Owner:
Vice President for Finance and Administration, Chief Financial Officer and Treasurer of the Corporation

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University Policy

1. Purpose

St. Catherine University recognizes its obligation to its employees and constituents to maintain high ethical standards, to protect the integrity of the institution’s learning community and to ensure high standards of conduct by and among members of the community of St. Catherine University. Accordingly, St. Catherine University will investigate any alleged improper activity by its employees, students, or other members of the St. Catherine University community. Anyone found to have engaged in improper activity is subject to disciplinary action up to and including dismissal or expulsion and civil and criminal prosecution, when appropriate.

The general purpose of this policy is to protect any St. Catherine University employee or other member of the St. Catherine University community who makes a good faith disclosure of suspected improper activity. More specifically it:

- encourages an atmosphere that allows individuals to meet their obligations to disclose violations of law and serious breaches of conduct covered by St. Catherine University policies
- informs individuals how allegations of improper activity may be disclosed
- protects individuals from retaliation by adverse academic or employment action taken within St. Catherine University as a result of having disclosed improper activity, and
- provides individuals who believe they have been subject to retaliation a process to seek relief from retaliatory acts that fall within the authority of St. Catherine University.

All members of the St. Catherine University community are expected to abide by state and federal regulations as well as St. Catherine University policies. Furthermore, a St. Catherine University employee cannot be compelled by a supervisor or St. Catherine University official to violate a law or a policy of St. Catherine University. In the interests of the institution, individuals who have knowledge of specifics acts that she or he reasonably believes violate the law or institutional policy must disclose those acts to an appropriate St. Catherine University official.

St. Catherine University will take whatever action is necessary to prevent and correct violations of the Whistleblower Policy; notwithstanding the foregoing, any individual who files a baseless allegation shall not be protected under this policy.

2. Scope

This policy is intended to supplement but not replace existing policies and or other referenced documents of the institution.

3. Objectives

- Conduct the business of the institution in a manner consistent with the interest of the constituents and the public trust.
- Uphold the fiduciary responsibilities for effective governance of the institution.
- Compliance with the laws and regulations to which St. Catherine University is subject and promulgating procedures to interpret and apply these laws and regulations with the setting of the St. Catherine University community.
4. Definitions

- **Baseless allegation** – an allegation of improper activity made with knowledge that it is false or with reckless disregard for its truth or falsity.
- **Good faith report** – an allegation of improper activity made by an individual who believes that improper activity may have occurred. However, an allegation is not in good faith if it is a baseless allegation.
- **Illegal order** – any directive to violate or assist in violating an applicable federal, state or local law, rule or regulation or any order to work or cause others to work in conditions outside their line of duty that would unreasonably threaten the health or safety of employees or the public.
- **Improper activity** – a serious violation of institutional policy; a violation of applicable state or federal law; or the use of institutional property, resources or authority for personal gain or other non institutional related purpose as provided under St. Catherine University policy. Examples include but are not limited to: corruption, malfeasance, bribery, theft, fraudulent claims, coercion, malicious prosecution, misuse of institutional property, willful omission to perform duties, gross misconduct.
- **Key employee** – for purposes of this policy the definition of key employee is the most current definition from the Internal Revenue Service. At the writing of the policy the most current definition was as follows: only those persons (other than an officer, director or trustee) who (a) had reportable compensation from the institution and all related entities exceeding $150,000 for the year (the “$150,000 test”); (b) had or shared organization-wide control or influence similar to that of an officer, director, or trustee, or managed or had authority or control over at least 10 percent of the organization’s activities, assets, income or expenses, or had or shared authority over 10% or more of the organization’s capital expenditures, budget or compensation for employees (the “responsibility test”); and (c) was within that group of the organization’s top 20 highest paid persons for the year who satisfied both the $150,000 test and the responsibility test.
- **Retaliation** – adverse academic or employment action against an individual because that person has made a good faith report of improper activity or has participated in an investigation, proceeding or hearing involved a good faith report of improper activity.
- **Whistleblower** – whistleblowers may be St. Catherine University employees (academic or staff), applicants for employment, students, patients, vendors, contractors or the general public. The whistleblower’s role is as a reporting party. They are not investigators or finders of fact, nor do they determine the appropriate corrective or remedial action that may be warranted.

5. No retaliation

St. Catherine University will not retaliate against persons who in good faith report a violation of a law, regulation or institutional policy under this policy. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. The Whistleblower policy is intended to encourage and enable persons to raise serious concerns about alleged improper activities within the institution. Those who reasonably believe that there has been retaliation by another St. Catherine University employee for reporting improper activity may file a written complaint to the President. If the President’s office finds that retaliation has taken place, the retaliating employee(s) are subject to appropriate disciplinary actions or remedies including dismissal. The prohibition against retaliation is not intended to shield employees from supervision, nor prohibit managers or supervisors from exercising legitimate supervisory responsibilities in the usual scope of the duties based on other institutional policies and performance related factors.
6. Summary of roles and responsibilities

All members of St. Catherine University community are strongly encouraged to be familiar with this policy and to report any potential improper activity. The preferred method of reporting any issue of concern for the employee is to first discuss the issue with their supervisor. Alternatively, reports may be made to the Human Resources department. Individuals must make a reasonable attempt under the applicable circumstances to ascertain the accuracy of information to be furnished and may be subject to disciplinary action for knowingly submitting false information.

This policy does not fundamentally change the responsibility for conducting investigations but clarifies certain processes of oversight and compliance with institutional and legal interests. Individual are responsible for being knowledgeable of this policy and to report suspected improper activity in good faith.

Supervisors and managers are responsible to:

- familiarize employees, students and volunteers with this policy and incorporate it into orientation materials
- document findings of wrongful conduct for inclusion in the individual’s personnel file, and
- schedule training on an ongoing basis for leaders, supervisors, managers, faculty, staff, student employees, and volunteers.

The office of Public Safety:

The office of Public Safety is responsible for all investigations of known or suspected criminal acts within its jurisdiction. In cases involving primarily criminal concerns, the office of Public Safety should be the lead investigators.

The office of Human Resources is responsible to:

- accept and investigate (where appropriate) reports of whistleblowers
- accept and investigate complaints of retaliation for those who make a disclosure
- provide training for managers about this policy
- provide information about this policy during employee orientation and other applicable Human Resources directed training.

The office of the President is responsible to:

- accept and investigate disclosures regarding matters related to key employees, officers, members of the Board of Trustees, committees with board delegated powers
- accept and investigate complaints of retaliation for those who make a disclosure related to key employees, officers, members of the Board of Trustees, committees with board delegated powers
- provide training about this policy for key employees, officers, members of the Board of Trustees, committees with board delegated powers.

Individuals making baseless allegations may be subject to institutional disciplinary action and/or legal claims by individuals wrongly accused of such improper activity.
7. Handling of reported allegations of improper activity

The sections below identify the key roles and responsibilities for handling reporting allegations of improper activity once these have been reported. Reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation. Allegations of improper activity may be submitted on a confidential basis or may be submitted anonymously. Reports will be kept confidential to the extent possible, consistent with the need for an appropriate investigation, and disposition.

Filing a report of alleged improper activity

- Reports of alleged improper activity are encouraged to be in writing so as to assure a clear understanding of the concerns raised. Reports may also be made orally.
- Reports must be factual and should contain as much information as possible to allow for a proper assessment of the nature, extent and urgency of preliminary investigative procedures.
- Reports, including those by persons who are not employees of St. Catherine University should be made to the office of Human Resources.
- Supervisors, managers, faculty members, or others who receive a report alleging improper activity shall ensure that the matter is promptly reported to their supervisor and Human Resources.
- Human Resources will notify the office of the President of reports of improper activity Human Resources receives.
- In the event that any person with a reporting obligation under this policy believes there is a conflict of interest on the part of the person to whom the allegations of improper activities are to be reported, the report shall be made to the next higher level of authority.
- Whistleblowers should be cautioned that their identity may become known for reasons outside the control of the investigators or St. Catherine University.
- Whistleblowers shall refrain from obtaining evidence for which they do not have a right to access. Such improper access may itself be an improper activity.
- Whistleblowers are “reporting parties” not investigators. They are not to act on their own in conducting any investigative activities, nor do they have a right to participate in any investigative activities other than requested by the investors as described below.
Investigating a report of alleged improper activity

- Upon receipt of a report of alleged improper activity, the office of Human Resources will establish a working group to investigate the report on a timely basis or refer the report for investigation as appropriate. For example, the office of Human Resources may need to refer an investigation to the office of Public Safety in the investigation of a criminal matter, or to the office of the President in the event of a matter involving a key employee, officer, member of the Board of Trustees or a member of a committee with board delegated authority.
- Investigators have a duty of fairness, objectivity, thoroughness, ethical behavior, and observance of legal and professional standards.
- Investigations should be launched after preliminary consideration by the working group has established that a) the allegation is not a baseless allegation and that the allegations concern improper activity b) the allegation is accompanied by information specific enough to be investigated or c) the allegation has or directly points to corroborating evidence that can be pursued.
- St. Catherine University will determine the appropriate form and content of communications with the subject, the whistleblower, and any third parties at the close of the investigation.
- Where another policy or procedure of the institution applies (for example, policies of the institution regarding the investigation or disposition of sexual harassment or complaints against faculty members), that policy or procedure will apply.

8. Additional required communication
If an investigation leads St. Catherine University to conclude that a crime may have been committed, the results of the investigation shall be reported to the appropriate public authorities. The office of Public Safety shall be the conduit for communications with law enforcement unless the working group determines a different strategy.

9. Help with this policy
- Employees – contact Human Resource Department
- Key employees, officers and Board of Trustees – contact the Office of the President

10. Reference documents:
- Internal Revenue Service – form 990 and instructions

11. Revision history

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<th>Document Revision</th>
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<td>V.P. Finance &amp; Administration</td>
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