

OFFICE: HUMAN RESOURCES

POLICY: 1.3

SUBJECT: WHISTLEBLOWER POLICY

REVIEWED/REVISED: October 2019

POLICY

Elmhurst University requires its Board of Trustees, officers and employees to observe high standards of business and personal ethics in conducting and carrying out their duties and responsibilities. Employees and representatives of the University are expected to practice honesty and integrity in fulfilling their responsibilities, and to comply with all University policies, applicable laws and regulations governing these actions.

1.3.1 Reporting Responsibility

Employees and representatives of the University are to report known or suspected violations regarding the University's *Conditions of Work and Personal Conduct Policy*, ethics, or improper official activity as defined within this policy.

1.3.2 Definitions

- University Resources

For purpose of this policy, the term "University Resources" is defined to include, but not be limited to the following, whether owned by or under the management of the University:

- cash and other assets, whether tangible or intangible
- real or personal property
- receivables and other rights or claims against third parties
- intellectual property rights
- any non-University entity billing for products or services provided to the University
- facilities and the rights to use of University facilities
- the University name, logo, seal, and any trademarks of the institution
- University records, including student and patient records

- Improper Official Activities

An improper official activity is any activity by an employee or representative of the University that is undertaken in the performance of the employee's official duties, whether or not that action is within the scope of his or her employment, that:

- involves discrimination, harassment, or workplace violence
- violates any state or federal law or regulation including, but not limited to corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty
- is illegal

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- involves gross misconduct, incompetency, or inefficiency
- involves the inappropriate use or misuse of University computers and software, email system, or web pages
- is a misuse of student, employee, or other's personal information obtained in the course of one's job responsibilities

1.3.3 No Retaliation

No University employee or representative who, in good faith, reports a violation shall suffer harassment, retaliation or adverse employment consequences because of making or participating in the investigation of a complaint. Any employee or representative of the University who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable employees and others to raise serious concerns within the University prior to seeking outside resolution.

1.3.4 Reporting Violations

The designated University officials who will receive reports of allegations of suspected improper University activities based on allegation classification are:

- president
- vice president for business and finance/CFO
- executive director of human resources
- vice president for student affairs/dean of students
- vice president for academic affairs/dean of faculty
- chair, Board of Trustees
- chair, Human Resources Committee, Board of Trustees
- chair, Audit Committee, Board of Trustees

1.3.5 Investigation

The designated University official(s) who will be responsible for investigating and resolving specific complaints and allegations is dependent upon the specific allegation or the individual(s) involved in the concern or complaint. Should the concern involve a member of the Board of Trustees, the chair of the Board of Trustees or the chair of the Human Resources Committee will oversee the investigation. The president has direct access to the Human Resources Committee of the Board of Trustees and is required to report to the committee at least annually on compliance activity during the fiscal year.

NOTE: The Audit Committee of the Board of Trustees shall address all reported concerns or complaints regarding institutional accounting practices, internal controls or auditing. The president or vice president for business and finance/CFO shall immediately notify the Audit Committee chair of any such complaint and work with the chair until the matter is resolved.

1.3.6 Acting in Good Faith

Anyone filing a complaint concerning a known or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of University policies, applicable

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laws, or regulations governing these actions. Any unsubstantiated allegations that are proven to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

1.3.7 Confidentiality

Known or suspected violations may be submitted on a confidential basis by the complainant using an independent contracted service 24 hours a day, 7 days a week via the internet at intouchwebsite.com/ElmhurstEthics, via email at ElmhurstEthics@getintouch.com or via a toll free number (833)238-4427 (833-2-ETHICS.) Reports of known or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

1.3.8 Handling of Reported Violations

Except in cases of anonymous submissions, the designated University official will provide an update of the reported violation or suspected violation within five business days on the website at intouchwebsite.com/ElmhurstEthics. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation. There is no requirement to disclose the nature of any corrective action to the complainant or any other employee on campus.

1.3.9 Jurisdictional Interests

This policy does not change the responsibility for conducting investigations but clarifies normal jurisdictional interests. Individual employee grievances and complaints regarding terms and conditions of employment will continue to be reviewed under the applicable academic and staff personnel policies. Matters regarding conditions of employment, disciplinary issues, grievances, or the administration of benefits should follow the established policies already in place at Elmhurst University. Elmhurst University retains the right to redirect matters reported under this policy to more appropriate resources as determined by the designated University official.