

Student Handbook

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Whistleblower Policy

Saint Mary's College of California

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Whistleblower Policy – Fraudulent or Dishonest Conduct

Saint Mary's College of California, reflecting its Lasallian and Catholic values, expects that its faculty, staff and students will act in a manner that is consistent with those values in their use of College resources and property, including but not limited financial resources of any kind, whether donor funds, College revenue, endowment income, state or federal grants or other aid (all property and resources are collectively referred herein as "College Resources").

To protect the integrity of Saint Mary's learning community and to ensure the highest standards of conduct by and among members of that community, the College will investigate any possible fraudulent or dishonest use or misuse of College Resources or property by faculty, staff, or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by the College up to and including dismissal or expulsion, and civil or criminal prosecution when warranted.

All members of the College community are encouraged to report possible fraudulent or dishonest conduct, including but not limited to misuse of College Resources. An employee should report his or her concerns to a supervisor, department chair or program director. If for any reason an employee finds it difficult to report his or her concern to a supervisor or department or program chair, the

employee can report it directly to the area Vice President, Vice Provost or Dean of the employee's school.

Those receiving reports of suspected fraudulent or dishonest conduct involving employees are required to report such conduct to the Associate Vice President of Human Resources; in the case of students, students should report any concerns to the Director of Community Life.

Definitions

Whistleblower – An employee or student who informs one or more of the individuals identified in the policy statement above about an activity that the employee or student believes to be fraudulent or dishonest.

Baseless Allegations – allegations made with reckless disregard for their truth or falsity. Individuals making such allegations may be subject to the appropriate College disciplinary action and/or legal claims by the individuals accused of such conduct.

Fraudulent or Dishonest Conduct – a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Forgery or alteration of documents.
- Unauthorized alteration or manipulation of computer files.
- Fraudulent financial reporting.
- Pursuit of a benefit or advantage that would create a conflict of interest with one's responsibilities or obligations as a member of the College community.
- Misappropriation or misuse of College resources, such as funds, supplies, or other assets or property.
- Authorizing or receiving compensation for goods not received or services not performed.
- Authorizing or receiving compensation for hours not worked.

Whistleblower Protections

The College will use best efforts to protect whistleblowers against retaliation, as described below. The College cannot guarantee absolute confidentiality, however, and there is no such thing as an "unofficial," "informal," or "off the record" report. The party to whom such conduct is reported will keep the whistleblower's identity confidential, unless:

- The whistleblower(s) agrees to be identified;
- Identification is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report;
- Identification is required by law; or,
- The individual accused of violations of this policy is entitled to the information as a matter of procedural and/or legal right in disciplinary actions.

College employees and students may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including, but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages, or the access to educational benefits).

Whistleblowers who believe they have been retaliated against may file a written complaint with the Associate Vice President of Human Resources if an employee is involved, or with the Dean of Students if a student is involved. This protection from retaliation is not intended to prohibit the individuals identified above (for receiving such reports of improper conduct) from taking action, including disciplinary action, in the usual scope of their duties and responsibilities that are based on valid employment- or student-related factors.

Whistleblowers must be cautious to avoid baseless allegations (as described earlier in this policy).

Whistleblower Procedures

The Associate Vice President of Human Resources, or their designee, shall conduct or direct the investigations of all suspected fraudulent or dishonest conduct with such College officials as may be necessary or appropriate at the discretion of the Vice President for Finance.

In the case of suspected student conduct reported under this policy, the Dean of Students or their designee either investigates the suspected conduct or may refer the investigation of such suspected conduct to the Office of Community Life to investigate allegations of violations of student conduct policies.

Cases involving possible violation of criminal law will be investigated in cooperation with the Director of Public Safety or their designee.

If the facts reported could be a violation of this policy, the Associate Vice President of Human Resources or their designee or, in the case of students, the Dean of Students or their designee, will provide the individual making the accusation with a copy of this policy and review its terms.

If the Associate Vice President of Human Resources or their designee or, in the case of students, the Dean of Students/Office of Community Life or their designee, determines that fraudulent or dishonest conduct occurred, the appropriate College disciplinary steps will be invoked consistent with applicable College policies.

If it is determined that a violation of this policy has not occurred, the Associate Vice President of Human Resources or the Dean of Students will explain to the person who has reported the concern or conduct the reason for the determination and advise the person of other available reporting channels (administrative (-to appropriate government agencies,) or criminal- (to appropriate law enforcement agencies)). Consistent with the requirements of applicable state and federal California laws, the College posts in Filippi Hall near the Human Resources Department additional reporting procedures and Whistleblower information, a toll free number for reporting violations of a state or federal statutes or regulations to applicable government or law enforcement agencies, as well as information regarding retaliation by the College for making such disclosures.

More information for employees can be found at this site:

<https://www.stmarys-ca.edu/human-resources/notice-to-employees-concerning-whistleblower-rights-and-remedies>