

# F.44 Whistleblower Policy

## Date

7/16

## PREMISE

The University of Southern Indiana is committed to protecting from retaliation individuals who, acting in good faith, disclose unlawful, fraudulent, or other acts of misconduct. Retaliation against any individual for making a good faith disclosure, participating in an investigation of a good faith disclosure, or enforcing this policy is strictly prohibited. Overt or covert acts of retaliation against an individual or group for exercising rights or responsibilities under this policy will be subject to appropriate and prompt disciplinary or remedial action.

## POLICY STATEMENT

All University faculty, staff, and students are required to follow the policies set forth by the University to maintain and uphold the integrity and quality of education, business, and research activities provided by USI. If an individual knows of an unlawful, fraudulent, or other act of misconduct that violates University policy or state and/or federal laws or regulations, or coercion by a University faculty or staff member to commit an unlawful act, he or she is encouraged to contact the Fraud Hotline (812-465-1028 or [fraud@usi.edu](mailto:fraud@usi.edu)) or the appropriate University official:

- Internal Audit Department – Unlawful acts, fraud (see policy Item F.39), or other misconduct
- OSPR, Research Integrity Officer (RIO) – Research misconduct (see policy Item F.28)
- Dean of Students – Academic misconduct and violations of the Student Rights and Responsibilities: A Code of Student Behavior
- Human Resources – Employee misconduct
- Public Safety – Suspicious behavior and criminal law violations that occur on University property
- Athletic Director – NCAA rules and violations

This policy is meant to protect from retaliation any person who is making a good faith disclosure to University officials. This policy is not to be used to bring knowingly false allegations of misconduct against any employee, student, volunteer, agent, or contractor. Disciplinary action will be taken against any individual found to have made a report of misconduct in bad faith, or any individual who, in bad faith, is found to have encouraged another person or group to make such a report.

## DEFINITIONS

Whistleblower (Reporting Individual): A person or entity making a protected good faith disclosure of suspected fraudulent behavior or misconduct is commonly referred to as a whistleblower. Whistleblowers may be employees, students, vendors, contractors, or the general public. The whistleblower does not investigate the facts or determine the corrective or remedial action that may be warranted.

Good Faith Disclosure: Any communication or report about actual or suspected misconduct engaged in by a University employee, student, volunteer, agent, or contractor (who is not also the reporting individual) based upon a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law, regulation, and/or University policy. Communications or reports made in good faith do not disregard facts that would refute such communication or report and are not based upon bias, malice, or other ill intent.

Fraud or Fraudulent Act: Defined in Fraud Policy (see Item F.39)

**Misconduct:** Any act that violates a University policy or state or federal law or regulation being committed by a University employee, student, volunteer, agent, or contractor. Misconduct includes, but is not limited to fraud (Item F.39), research misconduct (Item F.28), theft, bribery, misuse of University property, waste, mismanagement of funds, abuse of authority, or coercion by a University faculty or staff member to commit an unlawful act.

**Retaliation:** Any overt or covert adverse action, including but not limited to harassment, demotion, expulsion, suspension, reassignment, or termination, against any person for making a good faith disclosure, participating in an investigation involving a good faith disclosure, or enforcing this policy.

## RESPONSIBILITIES

1. Whistleblower
  - a. Any individual with information regarding fraud or misconduct on the part of any University employee, student, volunteer, agent, or contractor that violates a University policy or a state or federal law or regulation in connection with their duties to the University is encouraged to make a good faith disclosure to the appropriate University official (see list).
  - b. Refer to the Fraud Policy (Item F.39) or utilize the Fraud Policy Statement link (<https://www.usi.edu/finance-and-administration/fraud-policy-statement/>) for information on how to report fraud or misconduct.
  - c. For information on how to report research misconduct, see the Research Integrity Policy (Item F.28).
  - d. File a written complaint with the Research Integrity Officer (RIO) if related to research misconduct or with Internal Audit if related to fraud or other misconduct if the individual believes he or she has been retaliated against for having made a good faith disclosure or participating in an investigation of a good faith disclosure.
2. Managers and Supervisors
  - a. Speak confidentially with reporting individuals when approached concerning good faith disclosures.
  - b. Take appropriate action, including contacting or referring the matter to the appropriate University official (see list above).
  - c. Provide an environment free from retaliation.
3. Research Integrity Officer or Internal Audit
  - a. Investigate good faith disclosures regarding research misconduct and Fraud or other Misconduct.
  - b. Receive and investigate complaints of retaliation under this policy.
  - c. Provide education and training about this policy.

## WHISTLEBLOWER PROTECTION

Following a good faith disclosure, the University will take reasonable steps to protect the reporting individual from retaliation.

The University cannot guarantee confidentiality, but generally, the whistleblower's identity will not be disclosed unless (1) the person agrees to be identified; or (2) identification is required by legal proceedings.

For having made a report of fraud or misconduct, the whistleblower may not be dismissed from employment or expelled from school; have salary increases or employment related benefits withheld; be transferred or reassigned; be denied a promotion or grade the employee or student otherwise would have received; or be demoted, penalized, or threatened in any way.

University employees have whistleblower protection under Indiana Code 21-39-3, which can be reviewed online at <http://www.in.gov/legislative/ic/code/title21/ar39/ch3.html>.

University employees also have federal whistleblower rights and protections under 41 U.S.C. § 4712 as a result of the University's receipt of federal funds as grantee, contractor, or subcontractor.

Nothing in this policy shall be construed in such a way as to conflict with the provisions and protection of federal laws and regulations or the Indiana Code.

## COMPLAINTS OF RETALIATION

Individuals who believe they have experienced retaliation are encouraged to file a written complaint with the Research Integrity Officer (retaliation related to reports of research misconduct) or Internal Audit (retaliation related to reports of fraud or other misconduct).

The Research Integrity Officer or Internal Audit will receive and investigate complaints of retaliation and may consult with Human Resources personnel and/or legal counsel in conjunction with the investigation and determination of the merits of the complaint.

Notwithstanding the above, if the complaint of retaliation is eligible for review under another policy or an existing grievance or complaint resolution process, the Research Integrity Officer or Internal Audit or his or her designee may refer the complaint of retaliation to the appropriate University official for resolution in accordance with that policy or resolution process.