

# Elmira College

## Whistleblower Policy

### 1. Intent.

The College shall endeavor to protect any Trustee, Officer, employee, key person or volunteer who provides substantial services to the College from intimidation, harassment, discrimination or other forms of retaliation on the part of the College, or any of its Trustees, Officers, employees or volunteers, as a consequence of the good-faith filing of a report relative to possible violations of any statute, regulation, applicable ethical standard or policy or procedure of the College.

### 2. Disclosure.

If any Trustee, Officer, employee or volunteer reasonably believes that some policy, practice, or activity of the College, may violate any statute, regulation, applicable ethical standard or policy or procedure of the College, such individual may file a confidential written report summarizing his or her concerns with the Director of Human Resources or the designated Employee Protection Officer, as appropriate.

### 3. Investigation & Resolution.

The investigation of any alleged misconduct or omission governed by this policy shall be conducted in the following manner:

- a. The reporting person shall file the confidential written report with the Director of Human Resources or other designated Employee Protection Officer, as appropriate, within thirty (30) days of witnessing the alleged misconduct or omission, whereupon said officer, shall act as follows:
  - i. Maintain the confidentiality of the whistleblower by not disclosing to other Trustees, Officers, employees or volunteers of the College, the existence of the alleged misconduct or omission, the underlying factual circumstances of the filing of the written report, except as needed in order to properly investigate the matter,
  - ii. Conduct an appropriate investigation of the matter within approximately thirty (30) days of receipt of the written report, or as soon as practicable thereafter,
  - iii. Review the policies and procedure of the College, making particular note of the alleged misconduct or omission,
  - iv. Assess and investigate, in the most confidential manner possible, the concerns of the whistleblower, via written questionnaire and/or interview, as well as those of other Trustees, Officers, employees or volunteers who may have an understanding of, or be complicit in, the alleged misconduct or omission, in order to reach a full understanding of the matter and, if necessary, develop potential recommendations for resolution,

- v. Prepare and submit a written report on the matter to either the Audit Committee or an *Ad Hoc* Whistleblower–Employee Protection Committee of the Board, as appropriate, together with recommendations as to resolution and a timeline for implementation of recommended actions, and,
  - vi. Forward a copy of the written report to the Board of Trustees.
- b. The Audit Committee or Whistleblower–Employee Protection Committee, as appropriate, shall act on the written report of the Director of Human Resources or other designated Employee Protection Officer, as appropriate, review findings and recommendations identified therein, and submit to the Board of Trustees a written assessment of the matter, recommendations as to resolution and a timeline for implementation of recommended actions; and,
  - c. Upon receipt of the written report of the Director of Human Resources or other designated Employee Protection Officer, as appropriate, and the written assessment of the Audit Committee or Whistleblower–Employee Protection Committee, as appropriate, the Board of Trustees, at its next scheduled regular meeting, or a special meeting called for that purpose, shall consider the matter and render binding determinations as to resolution, up to, and including, the suspension or removal of any Trustee, Officer, employee or volunteer of the College found to have engaged in the subject misconduct or omission.

#### **4. Retaliation Protections.**

Upon filing a written report of alleged violation(s) of statute, regulation or applicable ethical standard, any Whistleblower shall be protected, directly and indirectly, from intimidation, harassment, discrimination or other forms of retaliation on the part of the College or any of its Trustees, Officers, employees or volunteers.

#### **5. Documentation.**

The Audit Committee or Whistleblower–Employee Protection Committee, as appropriate, and the Board of Trustees shall assure that the matter is properly documented in the records of the College, including minutes of any meeting of any Committee and the Board where the matter was considered and/or addressed, paying particular attention to the confidentiality of this policy.

#### **6. Limitations.**

This policy does not protect any Trustee, Officer, employee or volunteer of the College acting in bad faith; who is deliberately dishonest; and/or, has personally gained a profit, or some other advantage, to which he or she is not legally entitled. No Trustee, Officer, employee or volunteer should expect protection under this policy if he or she is complicit in the misconduct or omission that is the subject of his or her concern, unless his or her complicity is, itself, prompted by duress or is motivated by reasonable fear of some form of intimidation, harassment, discrimination or other form of retaliation.

**7. Publication.**

A copy of the policy shall be distributed to all Trustees, Officers, employees and volunteers who provide substantial services to the College.

**8. Employee Protection Officer.**

The College shall designate an Employee Protection Officer who is responsible for the administration of the College's compliance reporting and whistleblower protection programs, including the investigation of reports of improper conduct and the implementation of correction actions, if any. The Audit Committee shall review the activities of the Employee Protection Officer, as appropriate.

**The current Employee Protection Officer is:**

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