



## Delaware State University

**University Area(s) Responsible:** Office of Human Resources and University General Counsel

**Policy Number & Name:** 4-32:Whistleblower Policy: Reporting Suspected Wrongdoing and Protection from Retaliation

**Approval Date:** 9/9/2013

**Revisions:** \_\_\_\_\_

**Reviewed:** \_\_\_\_\_

**Related Policies & Procedures:** \_\_\_\_\_

### 1. Purpose

The general purpose of this policy is to protect any Delaware State University (DSU) employee or other member of the DSU community who makes a good-faith disclosure of suspected wrongful conduct. This policy establishes the appropriate reporting mechanisms to be used for notification of known or suspected wrongdoing and protection from retaliation.

### 2. Scope and Applicability

This policy applies to all Delaware State University employees.

### 3. Policy

Normally, a report by a University employee of allegations of suspected improper activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, when there is a potential conflict of interest, such reports may be made outside of the traditional reporting mechanism. Reports may be made by mail or via the Hotline established by the University. Such a report is known as a protected disclosure. University employees and applicants for employment who make a protected disclosure are

protected from retaliation. **The University Hotline can be accessed through the web at [www.desu.edu/reportfraud](http://www.desu.edu/reportfraud)**. For reporting through email the address is [reportfraud@desu.edu](mailto:reportfraud@desu.edu). For reporting through regular mail, submit written reports in a sealed envelope directed to Internal Audit and Advisory Services marked “Confidential – Fraud Policy” Room 303, Administration Building, 1200 N. DuPont Highway, Dover, DE 19901. Sufficient information should be provided in order that an investigation may be conducted. This report may be submitted anonymously. Written reports will be forwarded, unopened, to the Associate Vice President of Internal Audit and Advisory Services.

**3.1 Exclusions or Special Circumstances** This policy does not protect an employee who files a report or provides information that he or she knows to be false or provides information with reckless disregard for its truth or falsity. An employee who is determined to knowingly have made false accusations or provided false information during an investigation may be subject to disciplinary action up to and including termination.

#### **4. Procedure**

**4.1 Process of Investigation** - Allegations will be reviewed by the Internal Audit and Advisory Services and will request to initiate the process of investigation. The Internal Audit and Advisory Services may enlist University/ outside legal, accounting, or other advisors, as appropriate to conduct any investigation. If the investigation establishes that a violation of law, external regulation or University policy occurred, appropriate action will be based upon law and University policy.

**4.2 Protection to Whistleblowers and Penalties to Retaliators** – Whistle blowing complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally this means that whistleblower complaints will only be shared with those who have a need to know so that the University can conduct an effective investigation, determine what action to take based on the results of any such investigation, and in appropriate cases, with law enforcement personnel. Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such persons may be entitled to the information as a matter of institutional due process in disciplinary proceedings.

**4.2.1** Whistleblowers who believe that they have been retaliated against may file a written complaint with Internal Audit and Advisory Services. Any complaint of retaliation will be investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

**4.2.2** The University will take the appropriate action to prevent and correct violations of this Whistleblower Policy; such action shall be in accordance with applicable laws and regulations, University policies and procedures, and any applicable collective bargaining agreements. All internal complaints will be investigated and with the discretion, and all information obtained will be handled on a “need to know” basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated. An employee who retaliates against someone who has reported or suspected violation in good faith is subject to discipline up to and including termination of employment.

## **5. Responsibility**

DSU is committed to maintaining the highest ethical standards. All members of the University community have a responsibility to report violations or suspected violations of laws, regulations, University policy or procedure, inappropriate behaviour regarding business practices, accounting or bookkeeping, or use of institutional resources. The University has a responsibility to investigate and report to appropriate parties allegations of suspected improper activities and to protect those employees who, in good faith, report these activities to the proper authority.