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| <b>Policy Name:</b>           | Mercy College Whistleblower Policy  |                       |                          |
| <b>Associated Forms:</b>      | Whistleblower Report Form:<br><a href="https://www.mercy.edu/whistleblower-form">https://www.mercy.edu/whistleblower-form</a> | <b>Policy Number:</b> | 2016-11                  |
| <b>Approval Authority:</b>    | Board of Trustees   | <b>Adopted:</b>       | April 23, 2015           |
| <b>Reviewed:</b>              | Non-Academic Policy Review Council  | <b>Revised:</b>       | October 24, 2016         |
| <b>Responsible Executive:</b> | President   | <b>Approved:</b>      |                          |
| <b>Responsible Office:</b>    | Internal Audit  | <b>Contact:</b>       | Director, Internal Audit |

## **I. Policy Statement**

Mercy College is committed to conducting its affairs in accordance with all federal, state, and local laws and regulations and to ensuring that its internal policies are followed. The College expects all College community members to report conduct or suspected conduct that they in good faith believe may violate the law or College policy (“whistleblowers”) so that the College may investigate and take appropriate action. Suspected violations can be reported confidentially via the College’s hotline at **1-888-OK-MERCY (1-888-656-3729)** or online via the Whistleblower Report Form, found at: <https://www.mercy.edu/whistleblower-form>. The College will ensure that whistleblowers are protected from retaliation for making such reports. This policy should not be used for routine personnel or managerial disputes.

Persons with knowledge of conduct or conditions that pose an imminent threat to the health or safety of any member of the Mercy College community or the public should immediately call 911 or Campus Public Safety at x 9999.

## **II. Reporting Suspected Violations of Law or College Policy**

### **A. Who Should Report**

The following members of the Mercy College community are expected to report conduct that relates to the College and that they in good faith believe may violate federal, state or local law or College policy (“violations”):

- Individuals who are paid by the College, including full-time and part-time faculty and staff;
- Consultants, vendors and contractors doing business with the College;
- Individuals who perform services for the College as volunteers or otherwise assert association with the College, including trustees and officers; and
- Students in any degree, non-degree, diploma, certificate granting or other programs.

### **B. What Should Be Reported**

Suspected misconduct that should be reported includes, but is not limited to, that which involves or relates to the following:

- Fraud, theft, embezzlement, destruction or misuse of College property or resources
- Forgery or unauthorized alteration of documents or computer records
- Falsification or misrepresentation of reports, including timesheets and travel reimbursement forms
- Conflict of interest or ethics violations
- Computer fraud or data security breaches
- Disclosing confidential or proprietary information to unauthorized individuals
- Taking information of another and using it in an unauthorized manner or facilitating identity theft

- Sexual assault, assault, hazing or child abuse or misconduct relating to minors
- Discrimination and harassment, including age, disability, sex-based and race
- Environmental, health and safety violations
- Research or academic misconduct by faculty or staff
- Retaliation for reporting misconduct under this Policy

### **C. How to Report**

#### (1) Employee Whistleblowers

Depending on the nature of the complaint, it may be appropriate for the employee to resolve their concerns at the most local level, by reporting suspected violations through standard management channels, beginning with their immediate supervisor. If the employee does not wish to report a suspected violation to an immediate supervisor, employees may go to a higher level of management or report the misconduct confidentially by contacting the **hotline 1-888-OK-MERCY (1-888-656-3729)**, online via the Whistleblower Report Form, found at <https://www.mercy.edu/whistleblower-form> or contacting the **Director of Internal Audit at 914-674-7296**.

#### (2) Students and other Non-Employee Whistleblowers

Students and those who are not employees of the College should contact the **confidential hotline 1-888-OK-MERCY (1-888-656-3729)**, file a report confidentially via the Whistleblower Report Form online at <https://www.mercy.edu/whistleblower-form> or contact the **Director of Internal Audit at 914-674-7296** to make a report of suspected violations of federal, local or state law or College policy.

### **D. Confidentiality**

Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, to comply with all applicable laws, and to cooperate with law enforcement authorities. While a report may be made anonymously, doing so may hinder the College's ability to investigate and resolve the complaint.

### **E. Investigation of Allegations**

#### (1) Who will conduct an investigation?

Reports will typically be directed to persons responsible for investigation and resolution consistent with Mercy College policies and procedures. In some cases, it may be appropriate for the department manager to investigate a matter. In other circumstances, the complaint may need to be forwarded to a different department within the College for investigation. For example, the College's Title IX Coordinator/Equity Compliance Specialist is responsible for investigating complaints of unlawful discrimination, including sexual harassment and sexual assault. **In all circumstances in which a report is made pursuant to this Policy, the supervisor or manager**

**shall confer with the Director of Internal Audit to determine if an investigation is warranted and if so, who shall conduct the investigation.**

(2) Cooperation Required

Any member of the College community who is interviewed, asked to provide information, the subject of an investigation, or otherwise asked to participate in an investigation, has a duty to fully cooperate with College officials who are charged with conducting an investigation. Participants should refrain from discussing or disclosing the details of the investigation with anyone.

(3) Violations

Confirmed violations under this Policy will result in appropriate disciplinary action up to and including termination from employment in accordance with applicable procedures under the relevant College policies, procedures, bylaws or collective bargaining agreements, or severance of the relationship with the College. In some circumstances, civil and/or criminal charges and penalties may apply.

**III. Retaliation Against Whistleblowers Prohibited**

No Mercy community member who in good faith reports any action or suspected action taken by or within the College that is illegal, fraudulent or in violation of any College policy shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence such as demotion, suspension, termination, or threat to do the same.

Any community member who engages in retaliatory behavior against another individual who has reported a suspected violation or cooperated in an investigation of, or proceeding relevant to, a violation may be subject to discipline, up to and including termination of employment, in accordance with applicable procedures under the relevant College policies, procedures, bylaws or collective bargaining agreements, or severance of the relationship with the College.

**IV. Filing a False Report**

Making a false report or providing false information during the course of an investigation may be grounds for discipline in the absence of good faith belief that the report or the information is true.

**V. Distribution of this Policy**

This policy shall be posted on the Mercy College website and shall be distributed to all new and current employees, board of trustees, officers and students who provide substantial services to the College through electronic notifications or other appropriate means.

## **VI. Administration of this Policy**

The Director of Internal Audit shall be responsible for the administration of this Policy including:

- Monitoring the confidential hotline;
- Disseminating the policy;
- Making periodic updates to the Policy as may be necessitated by changes in law;
- Providing reports to the Chair of the Audit Committee; and
- Notifying law enforcement, regulatory and other governmental authorities when appropriate.