

Whistleblower Policy

POLICY

Fitchburg State University encourages all faculty, staff, students, and volunteers, acting in good faith to report suspected or actual wrongful conduct. The university is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an illegal order as defined in this policy.

University faculty, staff, students, or volunteers may not retaliate against an individual who has made a protected disclosure or who has refused to obey an illegal order. University faculty, staff, students or volunteers may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate supervisor or other appropriate administrator or supervisor within the operating unit, or other appropriate university official about matters within the scope of this policy.

It is the intention of the university to take whatever action may be needed to prevent and correct activities that violate this policy.

POLICY GUIDELINES

I. Definitions

- A. Wrongful Conduct – A serious violation of university policy; a violation of applicable state and federal laws; or use of the university property, resources, or authority for personal gain or other non-university related purpose except as provided under university policy.
- B. Protected Disclosure – Communication about actual or suspected wrongful conduct engaged in by a university employee, student, volunteer, agent, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or university policy. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct to:
 1. The disclosing individual's supervisor, either verbally or in writing, or
 2. Any office listed in this policy under Procedure Section I – Reporting Violations, either verbally or in writing, or
 3. The appropriate governmental unit, law enforcement office or ethics commission after first providing written communication about the wrongful conduct to the appropriate university administrator as identified in Procedure Section I – Reporting Violations of this policy.

Individuals who wish to be protected by the University Whistleblower Protection Act must provide a written report that provides sufficient detail to identify and describe the violation.

- C. Retaliation – Adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

II. Intent of Policy

- A. This policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated university official or public body. More specifically it:
 - 1. Encourages individuals to disclose wrongful conduct engaged in by others to the appropriate university official so that prompt, corrective action can be taken by the university,
 - 2. Informs individuals how allegations of wrongful conduct can be disclosed,
 - 3. Protects individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self-report their own misconduct are not afforded protection by this policy), and
 - 4. Provides individuals who believe they have been subject to reprisal or false allegations a fair process to seek relief from these acts.
- B. Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy. This policy is also intended to protect individuals against false allegations of wrongful misconduct.
- C. Nothing in this policy is intended to interfere with legitimate employment decisions.

III. Regulations

- A. Acting in good faith. Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of this policy.
- B. False Allegation. Any employee or volunteer who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report or wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including termination. Any student who makes false allegations in the non-employment setting will be subject to judicial action. Allegations that are not substantiated yet are made in good faith and are not subject to corrective action.
- C. Retaliation. No individual who makes a protected disclosure will suffer harassment, retaliation, or adverse employment consequences. Any person who retaliates against any individual who makes a protected disclosure is subject to discipline up to and including termination. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the university prior to seeking resolution outside the university.
- D. Confidentiality. Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously through the university's anonymous reporting line. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance with the Public Records Act. Confidentiality may not be maintained where identification is required by law or in order to enable the organization or law enforcement to conduct an adequate investigation.
- E. Handling Protected Disclosures. The offices (listed in Procedure Section I – Reporting Violations below) receiving the protected disclosure will notify the disclosing individual (if her or his identity is known) and acknowledge receipt of the reported violation or suspected violation within ten working days for most issues and within 24 hours for alleged criminal or environmental violations. All reports will be promptly investigated within 45 calendar days and appropriate corrective action will be taken if warranted by the investigation.

PROCEDURE

I. Reporting Violations - Whistleblower Policy Reporting Form

- A. Individuals should share their questions, concerns, suggestions, or complaints with a university administrator who can address them properly. In many cases the individual's supervisor is in the best position to address an area of concern. If an individual is not comfortable speaking with their supervisor, or is not satisfied with the supervisor's response, individuals should take their concerns to the offices listed below that will investigate and/or address the concern as appropriate.
 - Office for the Provost and Vice President for Academic Affairs – 978-665-3421
 - Office for the Vice President for Finance and Administration – 978-665-3171
 - Office of Human Resources & Affirmative Action – 978-665-3172
- B. Supervisors who receive protected disclosures are required to contact the office of Human Resources and Payroll Services at 978-665-3172.
- C. You may also contact one of the Commonwealth's Whistleblower Hotlines: 800-322-1323

II. Individual Responsibilities

- A. Be knowledgeable about this policy.
- B. Report violations or suspected violations of the policy to the individual's direct supervisor or to the appropriate administrator or office as noted above.

III. Unit Responsibilities

- A. Familiarize employees, students and volunteers with this policy and incorporate into your orientation materials.
- B. Maintain findings of wrongful conduct or false allegations in the individual's personnel file.
- C. Information concerning this policy will be communicated on an annual basis to faculty, staff and student employees and volunteers.

IV. Office of Human Resources and Payroll Services Responsibilities

- A. Accept and investigate protected disclosures regarding employment matters.
- B. Accept and investigate complaints of retaliation for making protected disclosures.
- C. Provide information about this policy during New Employee Orientation and Human Resources Professional training.

RESOURCES

Human Resources and Payroll Services