

Applies to: Faculty, Staff, Student Employees, Students and Volunteers.

POLICY

Issued: October 1, 2008

Fitchburg State College encourages all faculty, staff, students, and volunteers, acting in good faith to report suspected or actual wrongful conduct. The College 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.

College 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. College 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 individuals immediate supervisor or other appropriate administrator or supervisor within the operating unit, or other appropriate College official about matters within the scope of this policy.

It is the intention of the College 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 College policy; a violation of applicable state and federal laws; or use of the College property, resources, or authority for personal gain or other non College-related purpose except as provided under College policy.
- B. Protected Disclosure – Communication about actual or suspected wrongful conduct engaged in by a College 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 College 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 College administrator as identified in Procedure Section I – Reporting Violations of this policy.

Individuals who wish to be protected by the college 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.

Applies to: Faculty, Staff, Student Employees, Students and Volunteers.

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 College official or public body. More specifically it:
 - 1. Encourages individuals to disclose wrongful conduct engaged in by others to the appropriate College official so that prompt, corrective action can be taken by the College,
 - 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 College prior to seeking resolution outside the College.
- D. Confidentiality. Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously through the College's 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.
- 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.

Applies to: Faculty, Staff, Student Employees, Students and Volunteers.

PROCEDURE

I. Reporting Violations

- A. Individuals should share their questions, concerns, suggestions, or complaints with a College 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.
 - 1. Office for the Vice President for Academic Affairs – 978-665-3185
 - 2. Office for the Vice President for Finance and Administration – 978-665-3739
 - 3. Office of Human Resources & Affirmative Action – 978-665-3172
- B. Supervisors who receive protected disclosures are required to contact the office of Human Resources at: 978-665-3172.

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 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

For Forms:

Human Resources Website – www.fsc.edu/hr

Applies to: Faculty, Staff, Student Employees, Students and Volunteers.

INSTRUCTIONS

Submit this form to the appropriate office, based upon the type of actual or suspected wrongful conduct being reported:

1. Office for the Vice President for Academic Affairs – 978-665-3185
2. Office for the Vice President for Finance and Administration – 978-665-3739
3. Office for Human Resources – 978-665-3172

Person reporting the actual or suspected wrongful conduct: *(do not complete this section if you wish this to be an anonymous report)*

Name: _____ Title: _____

Department: _____

Campus mail address: _____

Campus Phone: _____ E-mail address: _____

Person against whom the report of actual suspected wrongful conduct is being made:

Name: _____ Title: _____

Department: _____

Campus mail address: _____

Campus Phone: _____ E-mail address: _____

Use the back of this form if needed to describe the alleged wrongful conduct. Include specific facts and any documents you have, as well as the names of any individual at Fitchburg State with whom you have discussed your concerns.