

**Brevard College**  
**Policy on Disclosure of Unlawful or Unethical Conduct**  
**(Whistleblower Policy)**

Approved 6-29-09

**I. Purpose and Applicability**

It is the expectation of Brevard College that employees and applicants shall be free without fear of retaliation to report conduct within Brevard College that they reasonably believe may constitute unlawful or unethical conduct including but not limited to, the following: wire fraud, mail fraud, bank fraud, securities fraud or questionable accounting and internal controls, auditing matters, harassment, discrimination, hostile workplace, safety and security issues, illegal or unethical business practices, NCAA violations, wrongful termination, hate messages, faculty and staff handbook violations, violations of laws, mismanagement, waste of institution resources, and abuse of authority.

The purpose of this policy is to set forth the Brevard College policy on disclosure of unlawful or unethical conduct and to protect individuals from retaliation in the form of an adverse employment action for disclosing what they believe evidences certain such practices. This policy is applicable to all employees of Brevard College and to applicants for jobs at Brevard College.

**II. Statement of Policy**

A representative of Brevard College shall not take or refuse to take any employment action in retaliation against an employee or applicant who reports possible unlawful or unethical conduct under this policy in good faith or who, following such disclosure, seeks a remedy provided under this policy or any law or other Brevard College policy. However, employees or applicants who knowingly file false or misleading reports, or without a reasonable belief as to truth or accuracy, will not be protected by this policy, and in the case of an employee, may be subject to discipline, including termination of employment.

**III. Process for Disclosure**

- A. First and foremost employees should be able to openly raise any relevant concerns related to unlawful or unethical conduct to their supervisor or the area Vice President. This can be done orally or in writing.
- B. If employees are unable to raise the matter with their supervisor or the area Vice President for whatever reason or if they think the issue has not been properly addressed, they may contact the Vice President for Business and Finance for staff issues or Vice President for Academic Affairs for faculty issues.
- C. If they still have concerns or feel the matter is too serious to be dealt with in (A) or (B), then they should disclose all relevant information regarding their concern to the President or his/her designee in a signed written document within ninety (90) days of the day on which they first knew of the unlawful or unethical conduct. (Appendix A lists individual respondents/designees to particular target areas as assigned by the President.) If the employee or applicant would rather contact a source outside of Brevard College, they may

contact the confidential Campus Conduct Hotline service provided by Educational and Institutional Insurance Administrators (EIIA). (Detailed contact information in Appendix B)

- D. The President or his/her designee shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.
- E. In the case of disclosure of unlawful or unethical conduct involving the President, the disclosure shall be directed to the Chairperson of the Brevard College Board of Trustees. The Chairperson shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.
- F. The disclosure recipient will be responsible for:
  - 1. Ensuring all investigations are carried out in a fair and unbiased manner.
  - 2. Ensuring that those making complaints and/or reporting compliance concerns are treated fairly, their confidentiality is protected to the extent the law allows, and no retaliation takes place.

#### **IV. Complaints of Retaliation as a Result of Disclosure**

- A. If an employee or applicant believes that they have been retaliated against in the form of adverse employment action for reporting possible misconduct under this policy, they may file a written complaint requesting an appropriate remedy.
- B. For purposes of this policy, an adverse employment action shall be defined as actions including: discharge, demotion, suspension, being threatened or harassed, or in any other manner discriminated against with respect to compensation, terms, conditions or privileges of employment. This policy does not prohibit an employment action that would have been taken regardless of a disclosure of information.

#### **V. Process for Adjudication of Complaints Stemming from Disclosure**

- A. An employee or applicant must file a complaint with the President or his/her designee within ninety (90) days from the effective date of the adverse employment action or from the date on which the employee or applicant should reasonably have had knowledge of the adverse employment action.
- B. Complaints shall be filed in writing and shall include:
  - 1. Name and work address of the complainant;
  - 2. Name and title of Brevard College official(s) against whom the complaint is made;
  - 3. The specific type(s) of adverse employment action(s) taken;

4. The specific date(s) on which the adverse employment action(s) were taken;
  5. A clear and concise statement of the facts that form the basis of the complaint;
  6. A clear and concise statement of the complainant's explanation of how his or her report of possible misconduct is related to the adverse employment action; and
  7. A clear and concise statement of the remedy sought by the complainant.
- C. Within sixty (60) calendar days of receipt of complaint, the President or his/her designee (or the Chairperson of the Brevard College Board of Trustees in the case involving the President) shall consider the written complaint, shall conduct or have conducted an investigation which, in his or her judgement, is consistent with the circumstances of the complaint and disclosure, and shall report to the complainant the conclusions of the investigation absent overriding legal or public interest reasons. The identity of the complainant and the subject of the complaint shall be kept confidential to the extent possible within the legitimate needs of law and the investigation.
- D. The determination shall be in writing and shall include the findings of fact, the conclusions of the investigation, and, if applicable, a specific and timely remedy consistent with the findings. The decision of the President or Chairperson of the Brevard College Board of Trustees shall be final.

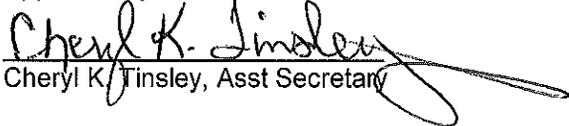
## **VI. False Allegations of Wrongful Conduct**

Any employee who knowingly makes false allegations of alleged wrongful conduct shall be subject to discipline, up to and including termination of employment, in accordance with college rules, policies and procedures.

## **VII. Policy is not a Contract**

This policy is not a contract and it can be modified at any time, with or without notice. It does not provide greater or lesser rights than applicable law provides.

Approved by the Executive Committee of the Board of Trustees on June 29<sup>th</sup>, 2009.

  
Cheryl K. Tinsley, Asst Secretary

# Appendix B

## Re: Campus Conduct Hotline

As part of our college's/university's continuing effort to promote "zero tolerance" of unethical conduct in the workplace, I am pleased to announce a new service. It is called **Campus Conduct Hotline**® and it is designed to minimize any apprehension you may have and make it possible for you to report concerns about possible violations of our institution's Code of Ethics and employment policies. The **Campus Conduct Hotline**® system is available for your use around the clock, seven days a week. Because the **Hotline** is operated by an independent organization, any calls made through this **Hotline** are completely confidential and anonymous.

Using this new reporting service is easy. If you have a question or concern about a possible violation of our Code of Ethics or employment policies, simply dial toll-free to **866.943.5787**.

Once you have dialed the toll-free number, here is how the reporting and follow-up processes work:

- Your call will be greeted promptly and courteously by a person who makes certain you understand the **Campus Conduct Hotline**® program and how it functions. If you prefer to make your report in a language other than English, just let the person who answers know and they will arrange for a translator to participate.
- At the beginning of the interview, you will be provided with a five digit, randomly generated case number that you should use to check back for updates and requests for additional information. Be sure to write this number down and remember where you put it!
- You will then be interviewed about the question or concern that is on your mind.
- Your interview will not be recorded. Instead, the interviewer will be typing notes of your conversation. Whether or not you choose to provide your name is completely up to you.
- Within one business-day of your call, a summary of the interview will be forwarded to our institution. Our goal will be to have a basic response back to you in five business days.

- To receive your response, you will need to call back and provide the five digit case number that has been assigned to you. At that time, you might be asked to provide additional information or to call back at a later date. You will be able to keep checking back for updates until your case is closed.

Because of the built-in confidentiality, it is important that you try to be as specific as possible about the information you provide. For example, we will need to know the name of the department you work in and the location you are calling about. And, please be sure to call back in five business days to check to see if any additional information is needed. Alternatively, if you would like someone to contact you directly, you can leave your name along with a phone number where and when you would prefer to be called.

To repeat, at no time is any caller required to identify himself or herself and all information provided can be completely confidential and anonymous.

We are committed to maintaining the highest ethical standards in our workplace. If you experience or observe what you believe is inappropriate behavior and are unsure what to do, I hope you will use the **Campus Conduct Hotline**® to report it.