
Whistleblower 10-216

APPROVAL: *Signature on file with HR*

DATE: May 14, 2014

PURPOSE

A.T. Still University of Health Sciences (ATSU) is committed to safekeeping the resources that enable the University to carry out its mission, including grant funding and private donations. Consistent with this commitment, general order 10-216 provides avenues for, employees, federal grant award sub-recipients, and Board of Trustees members to report suspected misconduct, dishonesty, and/or fraud and provides reassurance that individuals making such reports, in good faith, will be protected from reprisals or victimization for whistleblowing.

POLICY

A. Reporting violations:

Employees, federal grant award sub-recipients, Board of Trustees members, and other persons who have a concern relating to actual or suspected misconduct, dishonesty, fraud, or other illegal practice have a responsibility to report suspected violations. ATSU wants to know of any/all violations or suspected violations. ATSU has an open-door policy regarding the reporting of violations and suspected violations and recommends employees share their questions, concerns, suggestions, or complaints with someone who can address them promptly and properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if a complainant is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's response, complainants are then encouraged to speak with a member of the ATSU human resources department or a trusted member of management. Supervisors and managers are required to report suspected misconduct, dishonesty, fraud, or other illegal practice to ATSU's human resources director, who has specific and exclusive responsibility to investigate all internally-reported violations.

If the suspected violation relates to the gross mismanagement of a federal contract or grant; gross waste of federal funds; an abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule or regulation related to a federal contract or grant (including the competition for, or negotiation of, a contract or grant), the complainant is further protected by federal whistleblower protection statute 41 U.S.C. §4712. According to the statute, fraud relating to federal grants or contracts may be reported internally or such disclosure can be made to a member of Congress or a representative of a Congressional committee, the Inspector General, the Government Accountability Office, a federal employee responsible for contract or grant oversight or the management at the relevant federal agency, an official from the Department of Justice or other law enforcement agency, or a court or a grand jury. Consistent with section E of this policy, employees and/or grant sub-recipients reporting suspected violations related to federal grants or contracts may not be discharged, demoted, or otherwise discriminated against as reprisal for reporting violations or suspected violations.

B. Investigating the concern:

Following receipt of internal reports, the human resources director will investigate each matter and take corrective and/or disciplinary actions, where appropriate. The human resources director may enlist employees of ATSU including—but not limited to—general counsel, the vice president for finance/CFO, associate vice

president for sponsored programs, director of purchasing, and/or the audit team of the Board of Trustees, as appropriate, to conduct any investigation of complaints regarding financial reporting, utilization of federal awards, accounting, internal accounting controls, auditing matters, or any other form of misconduct, dishonesty, or fraud. In conducting any investigation, the investigator(s) shall use reasonable efforts to protect the confidentiality and anonymity of the complainant.

C. Accounting and auditing matters:

The audit team of the Board of Trustees shall address all reported violations or suspected violations regarding corporate accounting practices, internal controls, or auditing. The human resources director shall immediately notify the audit team of any such report and work with the team until the matter is resolved.

D. Acting in good faith:

Anyone reporting actual or suspected misconduct, dishonesty, fraud, or other illegal practice must be acting in good faith and have reasonable grounds for believing the information disclosed indicates misconduct, dishonesty, fraud, or other illegal practice. Any allegations that prove to be unsubstantiated and/or prove to have been made maliciously or are knowingly false will be viewed as a serious disciplinary and/or lawful offense.

E. No retaliation:

No Board of Trustees member, employee, or grant sub-recipient who—in good faith—reports actual or suspected misconduct, dishonesty, fraud, or other illegal practice shall suffer harassment, retaliation, or adverse employment consequences (including demotion or discharge). An employee who retaliates against someone who has reported an actual or suspected violation—in good faith—is subject to discipline up to and including termination of employment. Policy 10-216 is intended to create a safe environment that encourages and enables Board of Trustees members, employees, federal grant sub-recipients, and others to report violations or suspected violations within the organization without fear of retaliation or discrimination.

F. Confidentiality:

Reports of violations or suspected violations may be submitted on a confidential or anonymous basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

G. Handling of reported violations:

The human resources director will notify the sender and acknowledge receipt of the reported violation or suspected violation within five (5) business days. All reports will be promptly investigated and appropriate corrective action will be taken if/as warranted by the investigation.

H. Reporting responsibility:

It is the responsibility of all Board of Trustees members, employees, and federal grant sub-recipients to comply with general order 10-216 and to report violations or suspected violations in accordance with this whistleblower policy.

RESPONSIBILITY

It is the responsibility of the director of human resources to investigate claims of illegal activity in a timely manner and consistent with University policy.