

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Policy No. GA-13

Whistleblower Policy

1 General Information.

- 1.1 Scope: This policy establishes procedures and protections for reporting fraudulent or dishonest conduct involving Marshall University, its agents, or employees.
- 1.2 Authority: W. Va. Code §18B-1-6.
- 1.3 Passage Date: October 31, 2019
- 1.4 Effective Date: December 3, 2019
- 1.5 Controlling over: Marshall University
- 1.6 History:
 - 1.6.1 This policy amends the original policy passed October 12, 2006, amended July 31, 2017

2 Policy.

- 2.1 Marshall University (hereinafter referred to as the “Institution”) requires administrators, staff, and faculty to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the Institution must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.
- 2.2 The objective of the Marshall University Whistleblower Policy is to establish policies and procedures for:
 - 2.2.1 The submission of concerns regarding dishonest or fraudulent conduct on a confidential and anonymous basis.
 - 2.2.2 The protection of employees reporting any dishonest or fraudulent conduct from retaliatory actions.
 - 2.2.3 The receipt, retention, and treatment of concerns received by the Institution.

3 Definitions.

- 3.1 Whistleblower: An individual who informs the Institution or the “concerns hotline contractor” about any potential fraudulent or dishonest conduct. The report may be anonymous (see sections 4.1 and 4.2)
- 3.2 Fraudulent or Dishonest Conduct: Examples of such conduct include, without limitation:
 - 3.2.1 Forgery or alteration of any documents.
 - 3.2.2 Unauthorized alteration or manipulation of computer files.
 - 3.2.3 Fraudulent financial reporting.
 - 3.2.4 Pursuit of a benefit or advantage in violation of the Board of Governors’ conflict of interest policies.
 - 3.2.5 Misappropriation or misuse of University resources, including funds, supplies, or other assets.

- 3.2.6 Authorization or receipt of compensation for services not received or not performed, or hours not worked.
- 3.2.7 Illegal or dishonest activities of the Institution's employees and/or agents.
- 3.3 Baseless Allegations: Allegations made with knowledge they are false or reckless disregard for their truth or falsity.

4 Reporting Responsibility.

- 4.1 Each employee of the Institution has an obligation to report in accordance with this Whistleblower Policy any suspected or known fraudulent or dishonest conduct (collectively referred to as Concerns). Such reports should be factual rather than speculative or judgmental, and should contain specific information to allow for proper assessment of the nature, extent, and urgency of the issues raised in the report. Employees that report Concerns on an anonymous basis must provide sufficient corroborating evidence to justify the commencement of an Investigation. Unspecified wrongdoing or broad allegations without verifiable evidentiary support may not lead to an investigation.
- 4.2 The report may be anonymous, as desired by the Whistleblower. The reporting process does not require a Whistleblower to provide identifying information.

5 Reporting Concerns.

- 5.1 Employees should report all Concerns using the Concerns hotline, currently provided by Navex Global, which is available by telephone at for English speaking (833)880-0009, or for Spanish speaking (800)216-1288, or via the internet at www.lighthouse-services.com/marshall. Concerns may be reported in a confidential and anonymous manner.
- 5.2 The Concerns hotline contractor will forward all concerns to, the chair of the Board of Governors Finance and Audit Committee, hereinafter called "Finance Chair"; and to the program administrator.

6 Acting in Good Faith.

- 6.1 Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, a violation of the Board of Governors' conflict of interest policies, or a dishonest or fraudulent activity (see section 3.2). The act of making baseless allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil penalties and lawsuits.

7 Confidentiality.

- 7.1 Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible under law and consistent with the need to conduct an adequate investigation.
- 7.2 Disclosure of reports of Concerns by reviewing investigators to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment.

8 No Retaliation.

- 8.1 This Whistleblower Policy is intended to encourage and enable employees to raise Concerns within the Institution for investigation and appropriate action. With this goal in mind, no employee who, in good faith, reports a Concern shall be subject to retaliation or adverse employment

consequences, including, without limitation, threats of physical harm, loss of job, punitive work assignments, impact on salary or wage. Moreover, an employee who retaliates against someone who has reported a Concern in good faith is subject to discipline, up to and including termination of employment and potential civil penalties.

- 8.2 A whistleblower who believes that he/she has been retaliated against may file a grievance in accordance with the institution's grievance procedures or mail a written complaint in a sealed envelope addressed to the Finance Chair, Marshall University Board of Governors, c/o General Counsel's Office, One John Marshall Drive, Huntington, West Virginia 25755 (sealed envelopes will be delivered intact to the Finance Chair.)

9 Authority of the Chair.

- 9.1 All reported Concerns will be forwarded to the Finance Chair in accordance with the procedures set forth herein. The Finance Chair shall be responsible for investigating, and making appropriate recommendations to the Board of Governors, with respect to all reported Concerns.

10 Handling of Reported Violations.

- 10.1 The Finance Chair will appoint an individual who is responsible for administering the Whistleblower program through the use of the "concerns hotline contractor" selected by the Board. This individual (hereinafter referred to as the Program Administrator) will report directly to the Finance Chair on matters arising under this policy. The Program Administrator's responsibilities under this Policy include:
- 10.1.1 Administering and implementing ongoing compliance with any approved and established Board of Governors procedures for handling of the reported Concerns under this policy.
 - 10.1.2 Administering procedures as approved by the Board of Governors to assure that reports of Concerns will be collected, reviewed promptly, treated or resolved in an appropriate matter, and retained.
 - 10.1.3 Making himself or herself available to discuss with the Finance Chair any Concerns raised or reports filed.
 - 10.1.4 Ensuring that employees may submit reports of Concerns in a confidential and anonymous manner.
- 10.2 The Finance Chair will have oversight for the ongoing compliance under this Policy. Through the means of the "concerns hotline contractor," the Finance Chair or a designee, will notify the sender and acknowledge receipt of the Concern within seven business days, if possible. It will not be possible to acknowledge receipt of Concerns submitted anonymously.
- 10.3 The Finance Chair will see that all reports are promptly investigated and the findings are reported with recommended corrective action(s) to the Board of Governors, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the reporter by means of the "concerns hotline contractor" for complete closure of the Concern if the Concern was not made anonymously.
- 10.4 The Finance Chair must obtain the consent of the Board of Governors to retain outside legal counsel, accountants, private investigators, or invest any other expense deemed necessary to conduct a full and complete investigation of the reported Concerns.