

**Miles College**  
**Policy Number 300.00**  
**Whistleblower and Non-Retaliation Policy**

**PURPOSE**

This Whistleblower and Non-Retaliation Policy is designed to provide a mechanism for individuals doing work for or on behalf of Miles College to raise good faith concerns, including but not limited to, observed or suspected violations of law, policies or procedures, including but not limited to harassment, discrimination, research misconduct, mishandling of funds and other illegal activities; to facilitate cooperation in any inquiry or investigation by any court, agency, law enforcement, or other governmental body; and to protect individuals who report such action from retaliation or any threat of retaliation of the College.

**SCOPE**

This Policy applies to all individuals doing work for or on behalf of Miles College, including employees, officers, directors, and other organization volunteers.

**POLICY**

Miles College is committed to maintaining a workplace where employees or other individuals doing work on behalf of the College are free to raise good faith concerns about alleged improper or wrongful activity. Such persons are encouraged to report suspected violations of the law; to identify potential violations of policies or procedures of the College, and to provide truthful information in connection with any official inquiry or investigation.

The Miles College expressly prohibits any form of retaliation, including harassment, intimidation, adverse employment action, or any other form of retaliation against individuals who raise suspected violations of law, cooperate in inquiries or investigations, or identify potential violations of policies of the College. Any individual who engages in retaliation will be subject to disciplinary action up to and including termination of employment.

**DEFINITIONS**

“Good Faith Disclosure” means disclosure of College-related misconduct made with a belief in the truth of the disclosure that a reasonable person in the whistleblower’s situation could have believed based upon the facts. A disclosure is not in good faith if made with reckless disregard, or willful ignorance of facts that would disprove the disclosure. A report does not have to be proven true to be made in good faith.

“Retaliation” means any adverse employment action or creditable threat of an adverse action taken by the College, or any individual doing work for or on behalf thereof, in response to a Whistle-blower’s good faith disclosure of College-related misconduct. Such prohibited conduct may include but is not limited to oral or written reprimands, reassignment of duties even in the absence of any reduction in compensation or benefits.

“College-related misconduct” includes any activity by an employee or individual doing work for or on behalf of the College that is undertaken in the performance of the individual’s work-related duties, whether or not such action is taken within the scope of the individual’s employment, that is a violation of any state or federal law or regulation or the College policy (s), including academic or research misconduct, corruption, bribery, theft of property of the College, fraudulent claims, fraud, misappropriation of College or other agency funds, coercion, conversion of assets of the College, discrimination, sexual harassment, violations of civil rights and other illegal or improper practices.

“Whistle-blowing” means good faith reporting of real or perceived College-related misconduct.

“Whistle-blower” means any employee or other individual doing work for or on behalf of the College who, in good faith, reports real or perceived College-related misconduct. Whistle-blowers do not include complainants who raise issues or concerns through the normal course and scope of the individual’s business-related duties.

## **PROCEDURE**

Reports of suspected violations of law or policy and reports of retaliation will be investigated promptly and in a manner intended to protect confidentiality as circumstances allow. The Whistle-blower should make a report of College-related misconduct or retaliation to his/her immediate supervisor or to other individuals or through other mechanisms, including by voicemail, e-mail, mail or fax. Reports of retaliation under this policy must be made in writing to include sufficient detail of the facts and circumstances, including dates/names of relevant persons and the alleged retaliatory acts. Supervisors or other individuals receiving reports under this policy must forward the report to **Human Resources**.

Under the Whistle-blower Policy an investigation will commence if deemed necessary by the College upon its knowledge of the circumstance. The individual designed by the College will conduct an investigation into reports of misconduct. Finding of College-related misconduct will be dealt with pursuant to *the College’s policies and procedures*.

The College will use its best efforts to protect whistle-blowers against any form of retaliation. It cannot guarantee confidentiality, however, and there is no such thing as “unofficial” or “off the record” reporting. The College will keep the whistle-blower identity confidential, unless: the whistle-blower agrees to be identified; identification is required by law; or the person accused of improper activities is entitled to the information as a matter of procedural right in disciplinary proceedings.

Anonymous reports may be made. However, because a thorough investigation often depends upon an ability to gather additional information, the College encourages complainants to identify themselves. The College will not explore anonymous allegations to the extent possible, but will weigh the prudence of continuing such investigations against the likelihood of confirming the alleged facts or circumstances from attributable

sources.

Individuals bringing forth allegations which are not made in good faith may be subject to disciplinary action independent of this Policy.

Any questions regarding this College Whistle-blower and Non-Retaliation Policy should be directed to Human Resources.

Approved by Finance Committee: \_\_\_\_\_  
Date

Recommended to the  
Board of Trustees: \_\_\_\_\_  
Date

Approved by the  
Board of Trustees: \_\_\_\_\_  
Date