

1.9 Policy on Reporting Improper or Unlawful Activities and Prohibition of Retaliation

("Whistleblower Policy")

VII. POLICY ON REPORTING IMPROPER OR UNLAWFUL ACTIVITIES AND PROHIBITION OF RETALIATION in the Faculty Handbook, pp 188 - 190

1.9.1 Introduction

This policy governs the reporting and investigation of claims of certain types of improper or unlawful activities as defined below and the prohibition of retaliation against individuals reporting such activities. It describes the procedures to be followed for the investigation of reports of improper or unlawful activities and for addressing complaints of retaliation for raising such issues. Nothing in this policy shall in any way prevent Vassar College ("the College" or "Vassar") from acting in any manner that is consistent with its responsibilities under any applicable law concerning improper or unlawful activities, nor shall anything in the policy modify, replace, or supplant any obligation that any individual has under any other policy of the College.

1.9.2 Policy Statement

The College seeks to achieve its mission as an educational institution by conducting its affairs ethically and fully complying with all applicable laws, rules, regulations, ordinances, Executive Orders, judicial and administrative decisions, rulings and orders, and ethical standards and College policies. The College acknowledges its responsibility for the stewardship of public and private resources provided in pursuit of that mission. Vassar trustees, officers, employees, independent contractors, and volunteers performing services for the College ("Protected Persons") are expected to adhere to high standards of professional and ethical conduct in carrying out their duties. The College's Governance, policies, management, internal controls, and operating procedures are designed to prevent, deter, and, if necessary, detect improper or unlawful activities. To these ends, the College has established the following procedures to investigate, address, and report, as appropriate, claims of improper activities. These procedures include measures to prevent, and if necessary to respond to, any retaliatory action taken against a Protected Person who, in good faith, reports improper activities.

"Improper Activities" are defined, for purposes of this policy, as actions or failures to act by the College itself, or by its trustees, officers, employees, independent contractors or volunteers in the course of their duties, which may result in violations of applicable law, rules, regulations, ordinances, Executive Orders, judicial and administrative decisions, rulings and orders, and ethical standards and College policies.

Examples of Improper Activities include, by way of example, and without limitation:

- Financial fraud (including bank fraud) or fraudulent statements to any governmental entity;
- Intentional or grossly negligent misstatements, misrepresentations, falsifications, deceptions, or fraud in preparing, reviewing, or auditing any financial statement or report of the College;
- Significant deficiencies in, or intentional noncompliance with, the College's internal accounting controls;
- Theft of the College's assets or embezzlement;
- Misuse or waste of the College's resources;
- Activities endangering the health or safety of the College community or others;

- Misuse of data, either physical or electronic;
- Violations of applicable laws, rules, regulations, Executive Orders, judicial and administrative decisions, rulings, and orders;
- Unlawful discrimination or illegal workplace behavior;
- Violations of ethical standards or any corporate policy adopted by the College or its Board of Trustees, including but not limited to, this policy and the College's Conflicts of Interest Policy;
- Use of official authority, directly or indirectly, to discourage a Protected Person to report a suspected Improper Activity;
- Retaliation against individuals who submit reports or voice concerns about any above.

This policy is not intended to replace the College's applicable student conduct policies, human resources policies, or grievance procedures related to alleged discrimination based on protected class, sexual or any other form of unlawful harassment, or sexual violence. Those policies, found in the [Vassar College Regulations](#), [the Faculty Handbook](#), [Administrative Handbook](#) the most current [Collective Bargaining Agreements](#), are designed to address individual grievances and personal complaints.

1.9.3 Procedures for Reporting Improper Activities

Protected Persons are encouraged to use the procedures outlined below to report Improper Activities.

1. **How to Make a Report.** A report of Improper Activities may be made by any Protected Person by writing to the Chair of the Audit Committee, in care of the Secretary of the Board or, Vice President for Technology & Human Resources and CIO or, if the report involves the Chair of the Audit Committee, to the Chair of the Board of Trustees. The Chair of the Audit Committee is hereby designated to administer this policy.

Vassar uses [NAME] a third-party service provider, to provide you with a way to report activities that may involve unethical or otherwise inappropriate activity or behavior in violation with applicable laws, rules, regulations, and policies at the College. Reporting is available 24 hours a day, 365 days a year. You may also choose to report information anonymously.

THIS IS NOT A 911 OR EMERGENCY SERVICE:

Do not use this site to report events presenting an immediate threat to life or property. Reports submitted through this service may not receive an immediate response. If you require emergency assistance, please contact local authorities.

- **Make a report online: TBD**
 - **To report by phone: TBD**
 - **Report in Writing:** The College recommends that reports of Improper Activities be made in writing. Reports should be factual and contain the specific information known by the person making the report.
2. **Report Promptly.** Reports should be made promptly; the passage of time increases the difficulty of verifying allegations.
 3. **Handling of Reports** The Chair of the Audit Committee or the Chair of the Board of Trustees, as applicable, will ensure that an investigation appropriate to the allegation, including, if appropriate, the retention of legal counsel, accounting, or other specialists, takes place promptly and thoroughly. The

reporting party is not an investigator nor finder of fact, nor do they determine the appropriate corrective or remedial action that may be warranted. If an individual submitting a report self-identifies and provides contact information, the Chair of the Audit Committee or the Chair of the Board of Trustees, as applicable, will acknowledge receipt of the report. The Chair of the Audit Committee or the Chair of the Board of Trustees, as applicable, will report the findings of any investigations to the Audit Committee.

4. **Confidentiality.** The College will treat the information provided with discretion and confidentiality to the extent permitted under law. There may exist circumstances where the College is required to disclose information it is provided, consistent with the need to conduct a thorough and complete investigation. The subject (s) of the report may be notified of the investigation, as the circumstances may require unless prohibited by law. If the confidentiality of the reporting party's identity or information provided must be disclosed, the reporting party will be given notice, if possible.
5. **Cooperation with Investigation.** Vassar expects full cooperation from all individuals in the investigation of a report. An employee's failure to participate or otherwise cooperate in an investigation may result in disciplinary action, up to and including termination of employment.
6. **Response to Violations.** The Chair of the Audit Committee or the Chair of the Board of Trustees, as applicable, will review reports relating to investigations and will make recommendations as to appropriate responses to the Audit Committee. The Audit Committee will review all recommendations and respond with remedial or disciplinary action as appropriate to a finding of Improper Activities. Any allegations of improper activities that may result in subsequent actions bringing disciplinary charges against an academic, administrative, or staff member shall be coordinated with the applicable academic and administrative or staff personnel conduct and disciplinary policies. Any person who is the subject of a whistleblower complaint may not be present at or participate in Board of Trustees or Audit Committee deliberations or votes on the matter relating to such complaint, unless the Board of Trustees or Audit Committee requests that such person present information as background or answer questions at a meeting before the commencement of deliberations or voting relating thereto. No trustee who is an employee of the College may participate in any Board of Trustees or Audit Committee deliberations or voting relating to the administration of this policy.
7. **Policy of Non-Retaliation** The College prohibits any retaliation. No individual, including Protected Persons and former employees, shall suffer intimidation, discrimination, retaliation, or in the case of an employee, adverse employment consequences (whether under this policy or otherwise in a manner that is protected under Section 740 of the New York State Labor Law) for: (a) making a good-faith or reasonable report of Improper Activities; (b) refusing to perform actions that a Protected Person in good faith or reasonably believes would result in a violation of applicable law, rules, regulations, ordinances, Executive Orders, judicial and administrative decisions, rulings and orders, and ethical standards and College policies; or (c) participating in any internal or governmental investigation of a report of Improper Activities. Incidents of retaliation should be reported immediately to the Assistant Vice President for Institutional Equity and Title IX Coordinator for issues involving administrators, staff, contractors, and volunteers, to the Faculty Director of Affirmative Action for issues involving faculty, or to the Chair of the Board of Trustees on matters involving Trustees, and such person will investigate and report the findings to the Chair of the Audit Committee. Reports of retaliation will be investigated promptly, and disciplinary action will be taken where the report is verified and/or substantiated.
8. **Report to Audit Committee.** All investigations and claims of retaliation under this policy

will be compiled annually by the Chair of the Audit Committee, the Assistant Vice President for Institutional Equity and Title IX Coordinator, and the Faculty Director of Affirmative Action, and a summary written report will be provided to the Audit Committee.

9. **Records.** The College will retain on a strictly confidential basis for seven (7) years (or otherwise as required) all records relating to any reported concern and the investigation and resolution thereof. All such records are confidential to the College, and such records will be considered privileged and confidential, subject only to a lawful subpoena or other recognized government authorities.

1.9.4 Distribution of Policy

The College shall inform and provide a copy of this policy to all Vassar employees, students, trustees, officers, independent contractors, and volunteers who provide substantial services to the College. The College may satisfy this requirement by posting this policy on its website and in the College's offices in a conspicuous and well-lighted location accessible to and frequented by employees and applicants for employment at the College. Notification regarding the rights provided under New York Labor Law Section 740, attached as Appendix "A" to this policy, shall be included with such postings.

1.9.5 Contact Information

- Chair of Audit Committee, Attn: Special Assistant to the President and Board Secretary; tel: (845) 437-5909, Office of the President
- Vice President for Technology & Human Resources and CIO, 124 Raymond Avenue, Box 13, Poughkeepsie, New York 12604-0013; tel: (845) 437-7605
- Assistant Vice President for Institutional Equity and Title IX Coordinator or Faculty Director of Affirmative Action, Office of Equal Opportunity and Affirmative Action/Title IX, Box 645, Poughkeepsie, New York 12604-0645; tel: [\(845\) 437-5334](tel:(845)437-5334), email: eoaa@vassar.edu