

3.1.11.1 Whistleblowing

This policy governs the reporting and investigation of allegations of suspected unlawful and/or unethical activities, the protection of whistleblowers from retaliation, and the protection of the accused. It describes the procedures for investigating known or suspected improper activities and addressing complaints of retaliation for raising such issues.

Bethany College has a responsibility for the stewardship of College resources and the sources of support that enable it to pursue its mission. The College's internal controls and operating procedures are intended to detect and to prevent or deter improper activities. However, intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute unlawful activities. The College has a responsibility to investigate and report to appropriate parties allegations of suspected improper activities, and to protect those employees who, in good faith, report these activities to the appropriate authority.

When a person reports allegations of suspected improper activities to an appropriate authority the report is known as a *protected disclosure*. College employees and applicants for employment who make a protected disclosure are protected from retaliation.

All internal complaints will be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

Any employee who believes he or she has been subjected to or affected by a retaliatory conduct for (1) reporting suspected unlawful activity or (2) refusing to engage in activity that would result in a violation of law, should report such conduct to the Executive Vice President and General Counsel. Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Executive Vice President and General Counsel, of any such report or knowledge of retaliatory conduct.

A College employee may not: (1) retaliate against an employee or applicant for employment who has made a protected disclosure or who has refused to obey an illegal order, nor (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the College. It is the intention of the College to take whatever action may be necessary to prevent and correct activities that violate this policy.

3.1.11.1.1 Procedure

Filing a Report of Suspected Improper Activities

1. Any person may report allegations of suspected illegal and unethical activities. Knowledge or suspicion of improper College activities may originate from academic

- personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, and customers, vendors, students or other third parties. Allegations of suspected improper activities may be reported anonymously.
2. Allegations of suspected improper activities should be made to Executive Vice President and General Counsel either via telephone or the internet. Such reports should be factual and contain as much specific information as possible.
 3. Executive Vice President and General Counsel will forward a report on each allegation of suspected improper action to the President of the College. If the suspected improper action involves the Executive Vice President and General Counsel, it will be forwarded to the President of Bethany College.
 4. Prior to the appointment of the committee to investigate the claim, the Executive Vice President and General Counsel will present the claim to the President of the College. If the President of the College feels the claim is unfounded the President has the authority to dismiss the claim. The Executive Vice President and General Counsel will be charged with documenting the decision not to investigate. If the claim is not so dismissed, the Executive Vice President and General Counsel will form a committee comprised of on vice president, one tenured faculty member (drawn at random) and one staff member (drawn at random). If one of these members is accused or a member of their supervisory area is involved, that member will be excused from the committee for this incident(s). If the suspected improper action involves the Executive Vice President and General Counsel, the President of the College will form the committee as indicated above.
 5. It is the responsibility of the Executive Vice President and General Counsel to keep the President of the College aware of all reported allegations and the progress of the investigating committee, unless the allegation is directed at the President of the College at which time the Executive Vice President and General Counsel will involve the Chair of the Board of Trustees, if in his judgment, such is necessary.
 6. This policy will not cover all situations and claims of discriminatory treatment (e.g. Title VII matters) will be investigated in accordance with procedures set forth in policies relating to such situations, nor does this policy restrict Bethany College or the committee in taking appropriate steps to investigate claims.

3.1.11.1.2 Committee Procedure

1. Review by the President of the College will occur within five business days of the receipt of a claim by the Executive Vice President and General Counsel. Any appointed committee will convene within five business days of the review of a claim by the President of the College.
2. The committee will review all relevant materials.
3. All materials and notes will remain locked in a file in the Personnel Services, including individual committee members notes.

4. The committee's discovery and recommendation will be sent to the President of the College for his review.
5. Anonymous reports will be handled in the same manner.