Policy title	Category
Whistleblower Policy	Human Resources
Owner	**Approved by**
Human Resources	Board of Governors

Purpose of this policy

The purpose of this policy is to set forth the Nebraska Wesleyan University policy on Whistleblowing and to protect individuals from retaliation in the form of an adverse employment action for disclosing information which they believe shows certain unlawful or unethical practices. This policy is applicable to all employees of Nebraska Wesleyan University and to applicants for jobs at Nebraska Wesleyan University.

Policy statement

It is the policy of Nebraska Wesleyan University that employees and applicants shall be free from fear of retaliation to report conduct within Nebraska Wesleyan University that they reasonably believe constitutes misconduct, including but not limited to, the following: Breach of the Code of Conduct, wire fraud, mail fraud, bank fraud, securities fraud or questionable accounting and internal controls, auditing matters, harassment, discrimination, hostile workplace, safety and security issues, illegal or unethical business practices, hate messages, faculty and staff handbook violations. violations of laws, mismanagement, waste of institution resources, and abuse of authority.

A representative of Nebraska Wesleyan University shall not take any employment action in retaliation against an employee or applicant who reports possible misconduct under this policy in good faith or who, following such disclosure, seeks a remedy provided under this policy or any law or other Nebraska Wesleyan policy. However, employees or applicants who knowingly file false or misleading reports, or file reports without a reasonable belief as to truth or accuracy, will not be protected by this policy, and in the case of such an employee, may be subject to discipline, including termination of employment.

Process for Disclosure

1. An employee or applicant shall disclose all relevant information regarding alleged misconduct to the President or his/her designee in a signed written document within ninety (90) days of the day on which he or she first knows of the misconduct. If the employee or applicant would rather contact someone outside of Nebraska Wesleyan University, he or she may contact the confidential Campus Conduct Hotline service provided by EllA.
2. The President or his/her designee shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.
3. In the case of disclosure of misconduct involving the President, the disclosure shall be directed to the Chairperson of the Nebraska Wesleyan University Board of Governors. The Chairperson shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.
4. The disclosure recipient will be responsible for:

- Ensuring all investigations are carried out in a fair and unbiased manner
- Ensuring that those making complaints and/or reporting compliance concerns are treated fairly, that their confidentiality is protected to the extent the law allows, and that no retaliation occurs

Complaints of Retaliation as a Result of Disclosure

1. If an employee or applicant believes that he or she has been retaliated against through an adverse employment action for whistleblowing conduct under this policy, he or she may file a written complaint requesting an appropriate remedy.
2. For purposes of this policy, an adverse employment action shall be defined as actions including: discharge, demotion, suspension, being threatened or harassed, or in any other manner discriminated against with respect to compensation, terms, conditions or privileges of employment. This policy does not prohibit an employment action that would have been taken regardless of the whistleblowing conduct.

Process for Adjudication of Complaints Stemming from Disclosure

1. An employee or applicant must file a complaint with the President or his/her designee within ninety (90) days from the effective date of the adverse employment action, or from the date on which the employee or applicant should reasonably have had knowledge of the adverse employment action.
2. Complaints shall be filed in writing and shall include:

- Name and work address of the complainant
- Name and title of Nebraska Wesleyan University official(s) against whom the complaint is made
- The specific type(s) of adverse employment action(s) taken
- The specific date(s) on which the adverse employment action(s) were taken
- A clear and concise statement of the facts that form the basis of the complaint
- A clear and concise explanation of how the complainant's report of possible misconduct is related to the adverse employment action and
- A clear and concise statement of the remedy sought by the complainant

3. Within sixty (60) calendar days of receipt of complaint, the President or his/her designee (or the Chairperson of the Nebraska Wesleyan Board of Governors in a case involving the President) shall (1) consider the written complaint, (2) conduct or have conducted an investigation which, in his or her judgment is consistent with the circumstances of the complaint and disclosure, and (3) report to the complainant the conclusions of the investigation absent overriding legal or public interest reasons. The identity of the complainant and the subject of the complaint shall be kept confidential to the extent possible within the legitimate needs of law and the investigation.
4. The determination shall be in writing and shall include the findings of fact, the conclusions of the investigation, and, if applicable, a specific and timely remedy consistent with the findings. The decision of the President or Chairperson of the Nebraska Wesleyan University Board of Governors shall be final.

False Allegations of Wrongful Conduct

Any employee who knowingly makes false allegations of alleged wrongful conduct shall be subject to discipline up to and including termination of employment, in accordance with university rules, policies, and procedures.

This policy is not a contract and it can be modified at any time with or without notice. It does not provide greater or lesser rights than applicable law provides.

Last revised date
January 17, 2020