

LINCOLN UNIVERSITY

Policy:	Whistleblower Protection Policy
Policy Number:	HRM-120
Effective Date:	April 2009
Revisions:	August 2011
Next Review Date:	August 2013
Review Officer:	Chief Human Resources Officer and Internal Auditor
Status:	Approved by President and Active

1. Introduction

- 1.1. Lincoln University is charged with the responsibility of protecting its resources including those involving its financial affairs and other proprietary and confidential information essential to its operation. The University is committed to conducting its affairs in full compliance with the law and with its own policies and procedures. As part of its commitment, the University has established this policy to reinforce its dedication to high ethical standards and to promote ethical and fair practices, as well as ethical treatment of all members of the University and those who conduct business with the University.
- 1.2. The purpose of this policy is to encourage employees to report suspected unlawful practices and violations of its policies, its undertaking to protect employees from retaliation for making such reports, and to identify the process for submitting a report including the appropriate authority whether staff or board member to whom the report shall be made. This policy is subject to the direct oversight of the Audit Committee of the Board of Trustees.
- 1.3. Definitions:
 - 1.3.1. Acts of misconduct – acts committed in violation of University policies and procedures and acts that are otherwise unlawful in nature.
 - 1.3.2. Good faith report – a report made by exercising sound judgment and acting without malice to avoid baseless allegations or frivolous complaints.
 - 1.3.3. Identified reporting authority – staff or board member specifically identified as the appropriate authority to receive a report involving acts of misconduct.
 - 1.3.4. Policies – guidelines and rules established by the University that govern its practices and procedures.

- 1.3.5. Retaliation – any employment action or inaction by the University that may have an adverse impact on an employee who makes a good faith report or participates in an investigation, hearing or court proceeding. Examples of retaliation include but are not limited to the failure to promote or retain an employee, the discharge from employment and discrimination in a manner that adversely impacts compensation or terms or conditions of employment.
- 1.3.6. Whistleblower – an employee who makes a good faith report of acts of misconduct to the identified reporting authority. A whistleblower is merely a reporting party and not an investigator, and therefore, is not responsible for investigating suspected acts of misconduct or for determining fault or any corrective or remedial actions.

2. Responsibilities

2.1. The University's Responsibilities:

2.1.1. The University will use its best efforts to protect an employee who makes a good faith report of an act of misconduct against any form of retaliation. The University will evaluate all received reports of acts of misconduct, and where appropriate, based on its analysis, conduct investigations and/or take remedial actions. The University shall maintain the confidentiality of reports to the extent permitted by law. The University will keep the employee's identity confidential unless, (1) the employee agrees to be identified; (2) identification is necessary to allow University or law enforcement officials to investigate or respond effectively to the report; or (3) identification is required by law in legal or disciplinary proceedings.

2.2. Whistleblower Responsibilities:

2.2.1. An employee who makes a complaint or report must make the complaint or report in good faith. The employee must be truthful in its report and cooperative with investigators. The employee does have the right to know the status of any investigation concerning his/her report.

3. Making Good Faith Reports

3.1. Employees wishing to make confidential or anonymous good faith reports concerning financial and fraudulent acts of misconduct should visit the University website of the Office of Audit and Control (www.lincoln.edu/auditor). This website has detailed instructions and guidance for submitting good faith reports under the Hot Issues Email Site. An electronic or written report form may be submitted to the Office of Audit and Control as provided on the website. Good faith reports concerning acts

of misconduct and violations of University policies unrelated to financial and fraudulent acts of misconduct must be made to the identified reporting authority specified under the section Hot Issues Frequently Asked Questions also found on the Hot Issues Email Site.

4. Protection Against Retaliation

- 4.1. An employee who makes a good faith report shall not be retaliated against in any manner. Retaliation committed with the intent of adversely affecting the terms or conditions of employment or enrollment including, but not limited to, threats or physical harm, loss of job, adverse or punitive work assignments or impact on wages or grades is strictly prohibited.
- 4.2. An employee who participates in an investigation, hearing or court proceeding related to a report of acts of misconduct shall not be retaliated against in any manner, with the intent of adversely affecting the terms or conditions of employment or enrollment including, but not limited to, threats or physical harm, loss of job, adverse or punitive work assignments or impact on wages or grades.
- 4.3. This protection from retaliation is not intended to prohibit supervisors or administrators from taking action, including disciplinary action, in the usual scope of their duties and based upon valid performance-related factors.
- 4.4. An employee who believes that he/she may have been retaliated against should promptly file a written complaint with the Chief Human Resources Officer or the Office of the President. All reports of retaliation will be investigated and all proven complaints of retaliation shall result in a proper remedy for the employee harmed and the initiation of disciplinary action, up to and including dismissal, against the retaliating employee.

5. Sanctions For False Claims

- 5.1. An employee who makes a report under this policy in bad faith, or knows or has reason to know that his/her report contains false or materially inaccurate information, shall be subject to appropriate disciplinary sanctions up to and including dismissal depending on the circumstances.

6. Oversight of Audit Committee

- 6.1. The administration of this policy is subject to the direct oversight of the Audit Committee of the Board of Trustees. The Audit Committee shall receive confidential reports of communications made through the Hot Issues Email Site and the status and/or responses to those communications from Internal Auditor. The Internal Auditor is appointed by and reports to both the President of the University and the Audit Committee of the Board of Trustees.

Questions regarding this policy may be addressed to:

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