

Pacific Lutheran University

Policy on Disclosure of Financial Misconduct (Whistleblower Policy)

Approved May 6, 2006

I. Purpose and Applicability

The purpose of this policy is to set forth the Pacific Lutheran University policy on disclosure of misconduct and to protect individual from retaliation in the form of an adverse employment action for disclosing what they believe evidences certain unlawful or unethical practices. This policy is applicable to all employees of Pacific Lutheran University.

II. Statement of Policy

It is the policy of Pacific Lutheran University that employees and applicants shall be free without fear of retaliation to report conduct within Pacific Lutheran University that they reasonably believe may constitute misconduct including but not limited to, the following: wire fraud, mail fraud, bank fraud, securities fraud or questionable accounting and internal controls, auditing matters, illegal or unethical business practices, waste of institution resources, and abuse of authority.

A representative of Pacific Lutheran University shall not take or refuse to 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 Pacific Lutheran University policy. However, employees or applicants who knowingly file false or misleading reports, or without a reasonable belief as to truth or accuracy, will not be protected by this policy, and in the case of an employee, may be subject to discipline, including termination of employment.

III. Process for Disclosure

- A. An employee or applicant shall disclose all relevant information regarding evidence 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 knew of the misconduct. If the employee or applicant would rather contact a source outside of Pacific Lutheran University, he or she may contact the confidential Campus Conduct Hotline service provided by EIIA.

- B. 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.
- C. In the case of disclosure of misconduct involving the President, the disclosure shall be directed to the Chairperson of the Pacific Lutheran University Board of Directors. 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.
- D. 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, their confidentiality is protected to the extent the law allows, and no retaliation takes place.

IV. Complaints of Retaliation as a Result of Disclosure

- A. If an employee or applicant believes that he or she has been retaliated against in the form of adverse employment action for reporting possible misconduct under this policy, he or she may file a written complaint requesting an appropriate remedy.
- B. For purpose 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 a disclosure of information.

V. Process for Adjudication of Complaints Stemming from Disclosure

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

2. Name and title of Pacific Lutheran University official(s) against whom the complaint is made;
 3. The specific type(s) of adverse employment action(s) taken;
 4. The specific date(s) on which the adverse employment action(s) were taken;
 5. A clear and concise statement of the facts that form the basis of the complaint;
 6. A clear and concise statement of the complainant's explanation of how his or her report of possible misconduct is related to the adverse employment action; and
 7. A clear and concise statement of the remedy sought by the complainant.
- C. Within sixty (60) calendar days of receipt of complaint, the President or his/her designee (or the Chairperson of Pacific Lutheran University Board of Directors in the case involving the President) shall consider the written complaint, shall conduct or have conducted an investigation which, in his or her judgment, is consistent with the circumstances of the complaint and disclosure, and shall 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.
- D. 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 Pacific Lutheran University Board of Directors shall be final.

VI. 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 college/university rules, policies and procedures.

VII. Policy is not a Contract

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.