

# Whistleblower Policy

UA-04



## About This Policy

**Effective Dates:**

04-23-2007

**Last Updated:**

04-23-2007

**Responsible University Administrator:**

President, Indiana University

**Policy Contact:**

Stewart Cobine, CPA

Associate Vice President & Chief Audit Officer

Internal Audit

[scobine@iu.edu](mailto:scobine@iu.edu)

## Scope

All Indiana University units.

## Policy Statement

### A. Purpose

1. The general purpose of this policy is to protect any Indiana University employee or other member of the Indiana University community (hereinafter "Individuals") who makes a good faith disclosure of suspected wrongful conduct. More specifically it:
  - a. encourages an atmosphere that allows Individuals to meet their obligations to disclose violations of law and serious breaches of conduct covered by University policies,
  - b. informs Individuals how allegations of wrongful conduct may be disclosed,
  - c. protects Individuals from reprisal by adverse academic or employment action taken within Indiana University as a result of having disclosed wrongful conduct, and
  - d. provides Individuals who believe they have been subject to reprisal a process to seek relief from retaliatory acts that fall within the authority of Indiana University.

### B. Statement of policy

1. Individuals are expected to abide by state and federal laws and regulations as well as University policies. Furthermore, an Indiana University employee cannot be compelled by a supervisor or University official to violate a law or University policy. In the interest of the University, Individuals who have knowledge of specific acts which he or she reasonably believes violates the law or University policy must disclose those acts to an appropriate University official.

2. This policy supplements the existing Indiana state statute [IC 21-39-3](#) and protects reporting Individuals who make a good faith report (as defined below) from retaliatory academic or employment action including discharge, reassignment, demotion, suspension, harassment, or other discrimination.
3. The University shall devise procedures for handling a Good Faith Report of Wrongful Conduct and for responding to complaints of reprisal or retaliation against Individuals making such reports. Such procedures shall conform to the guidelines detailed below. These procedures should be published in University and campus handbooks, as well as on applicable websites.

### C. Wrongful Conduct/Good Faith Report

1. *Wrongful Conduct* is defined in this policy to be:
  - a. a violation of applicable state and/or federal laws and regulations
  - b. a serious violation of University policy
  - c. the use of University property, resources, or authority for personal gain or other non University-related purpose except as provided under University policy
2. *Good Faith Report* is defined in this policy to be an allegation of Wrongful Conduct made by Individual who believes that Wrongful Conduct may have occurred. However, an allegation is not in Good Faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

### D. Making disclosures

1. The University has existing policies and procedures for maintaining standards of conduct and disclosing Wrongful Conduct. Those policies should be followed to disclose such Wrongful Conduct. Relevant policies include but may not be limited to:
  - a. Indiana University [Policy and Procedures on Research Misconduct](#)
  - b. Indiana University Financial Management Services [Policy on Fiscal Misconduct \(FIN-ACC-I-30\)](#)
  - c. Indiana University Financial Management Services Policy on [Fraud \(FIN-ACC-I-35\)](#)
2. The above policies should be used to report any wrongful conduct covered by those policies. Unless the complainant believes the responsible office may be involved, other instances of wrongful conduct should be reported to the university or campus office responsible for the policy area (e.g., NCAA violations should be reported to the campus athletics compliance officials and sexual harassment should be reported to the Office of Affirmative Action).

### E. Complaints of reprisal

1. Individuals who have been subjected to an adverse academic or employment action based on his or her Good Faith Report of alleged Wrongful Conduct may contest the action by filing a written complaint of reprisal with the Office of University Counsel, Human Resources, or the Dean of Faculties office.
2. Nothing in this policy is intended to interfere with legitimate employment decisions.

### F. State statute reference

Indiana University employees enjoy whistleblower protection under [Indiana Code 21.39.3](#). Nothing in this policy shall be construed in such a way as to conflict with other reporting obligations under state or federal law, or the provisions and protection of the Indiana Code, as set forth below.

### IC 21-39-3

## Chapter 3. Report of Violation

### **IC 21-39-3-1**

#### **Reporting violations; procedures**

Sec. 1. An employee of a state educational institution may report in writing the existence of a violation first to a supervisor or appointing authority, unless the supervisor or appointing authority is the person whom the employee believes is committing the violation.

*As added by P.L.2-2007, SEC.280.*

### **IC 21-39-3-2**

#### **Reporting violations; additional procedures**

Sec. 2. If a supervisor or appointing authority is the person an employee of a state educational institution believes is committing a violation, the employee may report the violation in writing to:

- (1) the supervisor;
- (2) the appointing authority; or
- (3) any official or agency entitled to receive a report from the state ethics commission under IC 4-2-6-4(b)(2)(J) or IC 4-2-6-4(b)(2)(K).

*As added by P.L.2-2007, SEC.280.*

### **IC 21-39-3-3**

#### **Correcting a violation**

Sec. 3. If a good faith effort is not made to correct a violation within a reasonable time, the employee of a state educational institution may submit a written report of the incident to any person, agency, or organization.

*As added by P.L.2-2007, SEC.280.*

### **IC 21-39-3-4**

#### **Reasonable attempt to ascertain the correctness of information**

Sec. 4. (a) An employee must make a reasonable attempt to ascertain the correctness of any information that the employee reports.

b) An employee may be subject to disciplinary actions, including suspension or dismissal, for knowingly furnishing false information as determined by the employee's appointing authority or the appointing authority's designee.

(c) An employee disciplined under this section is entitled to process an appeal of the disciplinary action under the procedure set forth in any personnel policy or collective bargaining agreement adopted by the state educational institution.

*As added by P.L.2-2007, SEC.280.*

### **IC 21-39-3-5**

#### **Protection of employees reporting violations**

Sec. 5. Subject to section 4 of this chapter, if an employee makes a report of a violation in conformity with this chapter, the employee may not:

- (1) be dismissed from employment;
- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion that the employee otherwise would have received; or
- (5) be demoted.

*As added by P.L.2-2007, SEC.280.*

### **IC 21-39-3-6**

#### **Violation**

Sec. 6. An employer who violates this chapter commits a Class A infraction.

*As added by P.L.2-2007, SEC.280.*

## **History**

This policy went into effect on April 23, 2007.

## Related Information

[IU Anonymous Reporting Hotline](#)  
[ACA-30 Research Misconduct](#)  
[FIN-ACC-1-30, Fiscal Misconduct](#)  
[FIN-ACC-I-35, Fraud](#)