

Whistleblower Protection and Investigation Policy

Tuskegee University

I. Policy Statement

Every Tuskegee Board member, officer, faculty member, staff employee, contract employee, temporary or term employee, student, volunteer, consultant, and vendor (each a “Covered Person”) is required to comply with the laws, regulations, and policies governing or relating to the operation and functioning of the University, including all such requirements concerning the use of university resources (regardless of whether the resources are from a source that is public or private). Tuskegee’s internal controls and operating procedures are intended to detect, prevent and deter improper activities. However, violations of laws, regulations, policies and procedures may occur (*see* “Definitions”). The University has a responsibility to investigate and report allegations of suspected improper activities to appropriate parties and identify the actions taken by the University in response. The purpose of this policy is to notify all Covered Persons of their rights and obligations to report suspected or actual occurrence(s) of illegal, unethical or inappropriate events (behaviors or practices) without retaliation.

Allegations of improper activities may result in law enforcement, regulatory, administrative and/or disciplinary charges. Separately, individual employee grievances and complaints regarding terms and conditions of employment will continue to be reviewable under applicable academic and staff personnel policies. In all instances, Tuskegee retains authority to determine whether circumstances warrant an investigation and, in conformity with this policy and applicable laws and regulations, the appropriate investigative process(es) to be employed.

II. Reporting Responsibility

It is the responsibility of every Covered Person to report concerns about violations of Tuskegee’s code of ethics or suspected violations of law or regulations that are covered by this Policy.

III. No Retaliation

It is contrary to the values of Tuskegee University for anyone to retaliate against any Covered Person who in good faith reports suspected improper activity under this Policy. An employee who retaliates against an individual who has reported a violation in good faith is subject to discipline up to and including termination of employment, a vendor or consultant may be barred by the University, and student workers may be subject to discipline up to and including suspension or expulsion. Prohibited retaliatory conduct includes, but is not limited to, threats or actions that adversely affect the terms or conditions of employment, threats of physical harm, or threats of pecuniary harm.

Any whistleblower who feels threatened or feels that they have been retaliated against should provide a written complaint, explaining the circumstances, to the Designated University Official (as defined below).

Nothing in this Policy shall prohibit any Covered Person from reporting any suspected violation of law or regulation to law enforcement or any appropriate governmental agency in accordance with applicable law.

IV. Definitions

1. The following definitions apply to this policy:

A. University Resources

For purposes of this policy, the term “University resources” includes but is not limited to:

1. University funds, including grant funds;
2. Cash and other assets, whether tangible or intangible;
3. Real or personal property;
4. Receivables and other rights or claims against third parties;
5. Intellectual property rights;
6. University personnel and of any non-University entity billing the University for its effort;
7. Facilities and the rights to use of University facilities;
8. Tuskegee’s name, likeness, logo, or seal; and
9. University documents and records, including but not limited to personnel records, grant, contract, and research records, financial records, payroll records, bank records, donor records electronic mail messages and other internal communications, and student records.

B. Improper Activities

“Improper activity” means any activity by a Covered Person that directly or indirectly relates to Tuskegee, whether or not that activity is within the scope of his or her employment, and that (1) is a violation of any University business process or policy, (2) is in violation of any state or federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft or diversion of University property, a fraudulent claim, fraud, coercion, conversion, unauthorized the diversion or receipt of Tuskegee funds or assets, or willful omission to perform a duty, or (3) is economically wasteful, involves misconduct, gross misconduct, incompetency, or inefficiency.

C. Protected Disclosure

A “protected disclosure” means a good faith communication, including a communication based on, or when carrying out, job duties, that discloses or demonstrates an intention to disclose information that may evidence (1) an improper activity or, (2) a condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

D. Whistleblower

A “whistleblower” means person or entity making a protected disclosure is commonly referred to as a whistleblower. Any Covered Person may be a whistleblower under this Policy. The whistleblower’s role is as a reporting party. They are not investigators or finders of fact, nor do they determine the appropriate corrective or remedial action that may be warranted.

E. Designated University Official (DUO)

The person designated by the Office of the President as the official with primary responsibility to receive reports of allegations of suspected improper activities. As of the date of this Policy, the Designated University Official for receipt of complaints under this policy is the Chief Audit Executive. The University will provide notice to the University community in the event of a change to the DUO.

V. Whistleblower Policy

1. Reporting Allegations of Suspected Improper Activities

A. Filing a Report

- a) Any Covered Person may report allegations of suspected improper activities to the DUO or through the Whistleblower Hotline. Employees may also report allegations of improper activities to their supervisor. Allegations of suspected improper activities may be reported anonymously.
- b) Reports of allegations of suspected improper activities may be made orally or in writing, although the University encourages reports to be made in writing to assure a clear understanding of the issues raised. Such reports should be factual rather than speculative or conclusory, and contain as much specific information as possible to allow for an accurate assessment of the suspected activity.
- c) If the alleged improper activity involves the DUO, the report should be made to the DUO's supervisor, the University's General Counsel or the Whistleblower Hotline. If the alleged improper activity involves the President, the report should be made to the DUO or the Whistleblower Hotline.
- d) When a person reports allegations of suspected improper activities to an appropriate authority, the report is known as a *protected disclosure*.
- e) All University employees in supervisory roles must be receptive to oral or written communications alleging suspected improper activity and must report such communications in accordance with this Policy.

B. Reporting to the Designated University Official (DUO)

1. Managers, administrators, and employees in supervisory roles who receive a report alleging suspected improper activities shall ensure that the matter is promptly reported to their supervisor, an appropriate University manager, and/or the DUO. Supervisors with concerns should err on the side of upward reporting. Oral reports should normally be documented in writing by the supervisor. Internal communications regarding allegations of improper activities should normally be in writing.
2. Managers, administrators and employees in supervisory roles shall report directly to the DUO any allegations of suspected improper activities — whether received as a protected disclosure, reported by their subordinates in the ordinary course of performing their duties, or discovered in the course of performing their own duties—when any of the following conditions are met:

- a) The matter is the result of a significant internal control or policy deficiency;
- b) The matter is likely to receive media or other public attention;
- c) The matter involves the misuse of University resources or creates exposure to potentially significant liability;
- d) The allegations involve conduct constituting a criminal act (*e.g.*, disappearance of cash);
- e) The matter involves a significant threat to the health and safety of employees and/or the public; or
- f) The matter is judged to be significant or sensitive for other reasons.

C. Reporting to External Agencies

1. Some allegations of improper activity are reportable to a funding entity, donor, or regulatory agency. At other times, preliminary investigation results are needed to assess reporting obligations to parties outside the University. The DUO, in consultation with General Counsel and, as appropriate, the President, will determine the nature and timing of such communications.
2. Unless suspected of involvement in the improper activity, the President shall be notified of any matter reported to external agencies other than matters routinely reported.
3. To the extent practicable within the limitations of law and the need to conduct a competent investigation, confidentiality of whistleblowers will be maintained. Similarly, the identity of the subject(s) of the investigation will be maintained in confidence to the extent consistent with the law and the need to conduct an appropriate investigation.
4. Functional units within the University with responsibility for routinely conducting investigations may participate, support, or assist in the University's investigation as required by the need of the investigation. These include Campus Police, Human Resources and Academic Affairs.
5. Other University parties may become involved in investigations of matters based on their areas of oversight responsibility or topical expertise.

E. Whistleblowers

1. Whistleblowers are protected under this Policy where they provide information based on a good faith belief that an improper activity has occurred. The motivation of a whistleblower is irrelevant to consideration of the validity of the allegations. However, the intentional filing of a false report, whether orally or in writing constitutes improper activity that may lead to disciplinary action.
2. Whistleblowers shall refrain from obtaining evidence that they have no right to access, as this may constitute an improper activity.
3. Whistleblowers have a responsibility to be candid with anyone to whom they make a report of alleged improper activities, to provide all known information and to be interviewed by University personnel.
4. Anonymous whistleblowers must provide sufficient corroborating facts to justify an investigation. An investigation of unspecified wrongdoing or broad allegations will not be undertaken without verifiable evidentiary support. Because investigators are unable to

interview anonymous whistleblowers, it may be more difficult to evaluate the credibility of the allegations and, therefore, such allegations may be less likely to cause an investigation to be initiated.

5. Whistleblowers are “reporting parties,” not investigators. They are not to conduct investigative activities unless requested by investigative University personnel.
6. A whistleblower’s right to protection from retaliation does not include immunity for complicity in the matters that are the subject of the allegations or an ensuing investigation.
7. Whistleblowers will be notified of the disposition of their report absent overriding legal or public interest reasons.

F. Anonymous Reporting System

1. The University has implemented an anonymous reporting system, provided by **Lighthouse Services**, to enhance communication and empower individuals to promote safety, security, and ethical behavior. This anonymous, confidential system can be used to report situations, events, or actions by individuals or groups that an individual believes constitute improper activities or are otherwise unethical or inappropriate. The hotline is available 24 hours a day, 7 days a week through the following methods:
 - Website: www.lighthouse-services.com/tuskegee
 - Anonymous Reporting App (located in the Apple App/Google Play store) Keyword: Tuskegee
 - Telephone: 855-222-2594
 - E-mail: reports@lighthouse-services.com (must include company name with report)
 - Fax: (215) 689-3885 (must include company name with report)
 - a) Because the whistleblower hotline is a critical component of Tuskegee’s compliance program, it is incumbent upon all Covered Persons to anonymously report any improper activity as defined by this Policy if they are unable or unwilling to report otherwise.
 - b) The hotline is not an avenue for reporting grievances or complaints relating to the conditions of any individual’s employment, such as complaints of harassment or discrimination, and does not replace Tuskegee’s existing reporting methods or processes for filing grievances or making internal complaints relating to employment. The hotline is for anonymous reporting of fraud, waste, abuse, suspected improper activity, and other potentially illegal or unethical activities covered by this Policy.
 - c) Grievances or complaints that are otherwise actionable under University policies for Covered Persons will be directed to the appropriate office or unit for review. To the extent that they are actionable, the responsible office under institutional policy will assume responsibility for review.
3. **The anonymous reporting hotline should not be used for immediate threats to life or property. If the situation presents an immediate threat to life or property call emergency –911.**

G. What to Report

Examples of concerns that may be reported under this Policy include:

Area of Concern	Examples
Financial Matters	Accounting or internal control issues, fraud, theft or other financial issues
Safety	Vandalism, unsafe working conditions, environmental issues or other safety matters
Research	All issues dealing with research programs, research grants, and funding
Academic	Misrepresentation or misstatements of credentials, academic dishonesty, failure to adhere to standards of academic conduct, or other academic violations
Human Resources	Confidentiality, data privacy, fraud, falsification of records, or waste or abuse of resources or information
Athletics	All issues dealing with the Athletic Department or programs
Information Systems	Activities related to hacking, password sharing, unauthorized access to systems or networks, software copyright violations
Stimulus Act Abuse	Mismanagement, misuse, or waste of resources, including funds allocated under the American Recovery and Reinvestment Act, abuse of authority, unfair competition, health and safety risks and retaliation against whistleblowers)

This is a non-exhaustive list and only intended to serve as examples of improper activity.

VI. Investigating Improper Activities and Whistleblower Committee

1. Multiple units within the University have routine responsibility for conducting investigations of allegations of improper activities and resources and expertise for such purposes. These include, University Audit, the Campus Police, Human Resources, Academic Affairs, Title IX, and General Counsel. Other University parties may also become involved in investigations based on their areas of oversight responsibility or topical expertise.
 - A. Tuskegee shall establish a Whistleblower Committee to ensure coordination and proper reporting of investigations. Acting in an advisory role, the Committee shall assist the DUO in assessing the location’s planned course of action related to allegations and investigations, including determining that an adequate basis exists for commencing an investigation.
 - B. The DUO will chair the investigations committee. Committee membership shall include representatives of the Office of Compliance, Human Resources, and Office of the General Counsel. Additional representation to be determined by the DUO in conjunction with the General Counsel and may include research administration, the University Controller, and Purchasing. In addition, specialized expertise may be required on an ad hoc basis for investigation of certain matters such as investigating allegations of scientific misconduct.

- C. The Whistleblower Committee's responsibilities will include:
1. Assisting the DUO in assuring that the proper investigative channels are utilized according to appropriate expertise and resources,
 2. Assuring that all appropriate administrative officials are notified of the allegations as appropriate and necessary,
 3. Assuring appropriate reporting occurs to the Office of the President through a written communication and, in conjunction with General Counsel, to funding and regulatory agencies, and with the assistance of Human Resources, to whistleblowers and others as necessary or provided by this policy,
 4. Assisting the DUO in ensuring appropriate resources and expertise are utilized to ensure timely and thorough review of reports of allegations of suspected improper activities,
 5. Ensuring that there are no conflicts of interest on the part of any party involved in investigations,
 6. Coordinating and facilitating communications across investigative channels as necessary to ensure appropriate sharing of information,
 7. Assisting the DUO in monitoring significant elements and progress of investigations,
 8. Coordinating and facilitating in an advisory capacity the corrective and remedial action that may be initiated and consideration of disciplinary procedures,
 9. Assisting the DUO in documenting all steps and actions taken during the investigation process; and
 10. Assisting the DUO in ensuring the results of the investigation are communicated to the appropriate parties.
- E. Tuskegee shall carry out investigative activities in accordance with established procedures, applicable laws, institutional policies, and regulatory policies and guidelines.
- F. All Covered Persons of the University have a duty to cooperate with investigations initiated under this policy. To the extent that any contract to which the University is a party includes a provision requiring that the other party comply with all University policies and procedures, that statement incorporates by reference the mandatory obligation to cooperate in investigations under this Policy.
- G. Consistent with applicable personnel policies for all workforce members including faculty, staff, students, volunteers, and temporary and term employees, during an investigation pursuant to this Policy, an employee may be placed on a paid or unpaid administrative leave, as appropriate, when it is determined by the University that such a leave would serve the best interests of the employee, the University or both. Administrative leave is not to be interpreted as an accusation or a conclusion of guilt or innocence of any individual including the person on leave.

Approved May 26, 2021