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# Whistleblower Policy: Reporting, Protections & Non-Retaliation

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## Policy Statement

The University wishes to ensure all personnel are aware of how to report suspected violations of federal or state law, the UVM Code of Conduct and Ethical Standards (“Code”), or other institutional policy and that those who report in good faith are protected against retaliation.

## Reason for the Policy

The purpose of this Policy is to encourage and facilitate good-faith reports by University employees and others of suspected violations of the law or University policies and procedures. It is intended to *complement and supplement* existing University reporting policies and procedures.

## Applicability of the Policy

This policy applies to all University personnel, including faculty, staff, administrators, and students. It also covers University volunteers, and individuals with whom the University contracts to do work on its behalf, such as consultants, vendors, contractors, and sub-contractors.

## Policy Elaboration

This Policy is not intended to, nor shall it, supersede existing University policies and procedures for reporting perceived misconduct. Complaints or grievances such as those regarding discrimination or harassment, general personnel and employment matters, student academic and disciplinary matters, academic freedom infringements, research misconduct, and other conduct subject to specific University policies, should ordinarily be made in accordance with those governing University policies. More specifically:

- **Student academic integrity** matters should be reported to the Center for Student Conduct via the Academic Integrity Referral Form at:  
[https://publicdocs.maxient.com/reportingform.php?UnivofVermont&layout\\_id=2](https://publicdocs.maxient.com/reportingform.php?UnivofVermont&layout_id=2)

- **Student conduct** matters should be reported to Center for Student Conduct via their Incident Report Form at:  
<https://publicdocs.maxient.com/incidentreport.php?UnivofVermont>
- **Sexual harassment and misconduct** matters should be handled pursuant to UVM policy and procedures, including the mandatory reports required of Campus Security Authorities: [http://www.uvm.edu/policies/general\\_html/sexharass.pdf](http://www.uvm.edu/policies/general_html/sexharass.pdf)
- **Equal opportunity and non-discrimination** concerns should be referred to the Office of the Director, Office of Affirmative Action and Equal Opportunity, (802) 656-3368, 426 Waterman Building.

Insofar as grievance or complaint procedures are outlined in University policies, manuals, or collective bargaining agreements, those supersede the alternative reporting channels described below.

The University of Vermont has established and implemented a confidential compliance reporting system comprised of multiple reporting mechanisms, including at least one anonymous reporting channel. These systems are designed to provide protection against retaliation to individuals who, in good faith, report suspected or actual violations of federal or state law, the Code of Conduct, or other University policies. This protection from retaliation includes peer-initiated action as well as actions undertaken by supervisors or other persons in positions of authority. Individuals who knowingly bring false accusations are not protected by this Policy.

In the context of whistleblowing, examples of retaliation against staff or faculty include unjustified adverse personnel actions, such as unsubstantiated disciplinary actions or adverse performance reviews; a punitive reduction in hours or salary; improper withholding of an otherwise pending promotion; verbal abuse or threats; exclusion from department functions or meetings; and failures to transmit essential information relating to the unit, the job, or job safety. Examples of retaliation against students include grading in a punitive manner; excluding a student from consideration for an academic or co-curricular opportunity; and hazing or harassment.

The University will not tolerate retaliation against whistleblowers who have made a good faith report under this Policy or who have reported in good faith suspected violations of other institutional policies. Persons found, after appropriate process, to have retaliated against a whistleblower will face disciplinary action, up to and including dismissal. Under certain federal and state laws, the University may have reporting obligations to a government or law enforcement agency as well.

Any allegations of improper conduct that may result in disciplinary action shall be handled in accordance with applicable policies and procedures, including those set forth in collective bargaining agreements.

## Definitions

*Bad Faith Reports:* A report that is knowingly false or made for improper motives. Bad Faith Reports are themselves wrongdoing under the Code.

*Good Faith Reports:* A report made by a person who knows or reasonably suspects that wrongdoing has occurred or is occurring. Whether or not the investigation substantiates the wrongdoing does not itself determine whether the report is made in good faith or bad faith.

*Retaliation:* A materially adverse action against an individual because that person has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

*Whistleblower:* An individual who reports alleged wrongdoing by any means, including without limitation the Ethics and Compliance Reporting and HelpLine.

## Procedures

### Reporting Mechanisms:

A report may be made using any of the following reporting mechanisms:

- Contact UVM Police Service if you believe that criminal activity is taking place or occurred: 911 [**EMERGENCY**]; leave a non-emergency anonymous tip by filling out a tip411 form available at: <https://www.citizenobserver.com/cov6/app/webTipForm.html?id=5676> or text your tip to 847411 (tip411) and include "UVM" in your message; or call (802) 656-3131.
- Use the reporting process identified in the relevant UVM policy or procedure.
- Report through UVM's Compliance and Ethics Reporting and Helpline. This mechanism provides reporters with the ability to report anonymously.
  - Call toll free: (877) 310-0413
  - File a report through the web: [uvm-helpline.ethicspoint.com](http://uvm-helpline.ethicspoint.com).
- Call the Director of Compliance: (802) 656-0847; email [compliance@uvm.edu](mailto:compliance@uvm.edu) or send a letter to: Director of Compliance Services, Office of Audit & Compliance, University of Vermont, 48 University Place, Burlington, VT 05405; or visit the Office of Audit and Compliance Services located in Billings, Room 159 (M-F, 8:30am to 4:00pm, additional times available by appointment).

### Confidentiality:

A person may request that a report be handled confidentially. Although the University will seek to handle all such reports with discretion and due regard for privacy, other obligations and considerations, including those relating to personal safety, may preclude the University from maintaining confidentiality in all circumstances. To maintain confidentiality, an individual may make an anonymous report through the Compliance and Ethics Reporting & HelpLine or contact individuals who, by nature of their professional positions, may engage in privileged conversations as a matter of law under most circumstances. The latter group includes health care providers, mental health professionals, clergy, and privately retained attorneys. Due to privilege considerations, UVM will not address reports made to a professional in this group unless or until a UVM official is notified of the nature of the report.

### Anonymous Reports

While anonymous reports may be made using other mechanisms, the HelpLine is the preferred method for maintaining anonymity. The HelpLine allows the University to communicate with the reporter without knowing the reporter's identity, using a confidential key system provided through a third-party vendor. Although an anonymous report is preferable to non-reporting, please note that an investigation may be hampered or impracticable if the person making the report cannot be questioned about the allegations and related facts.

For more information on anonymous reporting, refer to the HelpLine FAQ's ([http://www.uvm.edu/compliance/help\\_line\\_faq](http://www.uvm.edu/compliance/help_line_faq)).

## **Forms**

None

## **Contacts**

Questions related to the daily operational interpretation of this policy should be directed to:

Tessa Lucey, Director of Compliance Services, Office of Audit and Compliance Services  
(802) 656-0847  
Tessa.Lucey@uvm.edu

The President is the official responsible for the interpretation and administration of this policy.

## **Related Documents/Policies**

Code of Conduct and Ethical Standards

[http://www.uvm.edu/policies/general\\_html/businessconduct.pdf](http://www.uvm.edu/policies/general_html/businessconduct.pdf)

Disability Accommodation for Employees and Applicants for Employment

<http://www.uvm.edu/policies/hr/disabilityemployee.pdf>

Discrimination and Harrasment Policy

<http://www.uvm.edu/policies/student/studentharas.pdf>

Equal Employment Opportunity/Affirmative Action Policy Statement

[http://www.uvm.edu/policies/general\\_html/affirm.pdf](http://www.uvm.edu/policies/general_html/affirm.pdf)

Grievance and Peer Advisor Policy for Non-Represented Staff

<http://www.uvm.edu/policies/hr/complaint.pdf>

Laboratory Health and Safety Policy

<http://www.uvm.edu/policies/riskmgm/labsafety.pdf>

Misconduct in Research and Other Scholarly Activities

<http://www.uvm.edu/policies/grants/researchmisconduct.pdf>

Personal Safety and Security Policy

[http://www.uvm.edu/policies/general\\_html/personalsafety.pdf](http://www.uvm.edu/policies/general_html/personalsafety.pdf)

Protecting Minors Policy

[http://www.uvm.edu/policies/general\\_html/protectminors.pdf](http://www.uvm.edu/policies/general_html/protectminors.pdf)

Sexual Harassment & Misconduct Policy

[http://www.uvm.edu/policies/general\\_html/sexharass.pdf](http://www.uvm.edu/policies/general_html/sexharass.pdf)

## **Effective Date**

Approved by the President October 28, 2016