

College of Visual Arts Whistleblower Policy

POLICY STATEMENT

The College of Visual Arts (“College”) is committed to maintaining the highest ethical standards in all of its practices. The College Code of Conduct and Conflict of Interest Policy provide guidance concerning the high ethical standards expected of all members of the College community. Supervisors, managers, or other College officials shall not compel or attempt to compel faculty, staff, students, applicants for employment, or other college constituents to violate a law, statute, or College policy.

SECTION I - PURPOSE

The general purpose of this policy is to encourage College faculty, staff, students, applicants for employment, and other constituents, who engage in good faith, to report an alleged improper activity (or make a protected disclosure) with reassurance they will be protected from retaliation or reprisal. More specifically, this policy:

- ♦ encourages faculty, staff, students, applicants for employment, and other College constituents to disclose breaches of conduct covered by College policies or relevant local, state or federal statute;
- ♦ provides information about how an individual can make a protected disclosure and to whom;
- ♦ protects faculty and staff from retaliation or reprisal by adverse employment action as a result of having disclosed or reported an improper activity to college officials who can take corrective action; and
- ♦ provides individuals a fair process to seek relief from retaliation or reprisal when they believe they have been subjected to such prohibited acts.

Although not required, faculty and staff may report an alleged improper activity to their immediate supervisor or department head who, in turn, shall follow the guidance of this policy. Students may report such activity to the Director for Student Life or the Vice President and General Counsel. Nothing in this policy is intended to interfere with legitimate employment decisions.

SECTION II - DEFINITIONS

A. Business Practices. Major management or internal control systems of the College, which includes, but not limited to, financial systems (i.e. accounting, auditing, contracting, procurement, timekeeping and reporting), human resources, and workplace safety practices.

B. Improper Activity. A serious violation of any applicable local, state, federal law or regulation, or College policy or procedure including, but not limited to, those relating to corruption; malfeasance; bribery; theft of College property or assets; fraud; coercion; conversion; forgery; misappropriation or misuse of college assets or proprietary information; kickbacks; illegal discrimination; immigration or health and safety regulations; falsification or destruction of College records, including time reports; or misuse of one’s official College position or authority for personal gain or for other non-college related purpose except as provided under College policy.

C. Protected Disclosure. A good faith communication about an actual or suspected business or financial misconduct by a College faculty, staff, student, or other constituents, which applicable laws and statutes or College policy prohibits. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct.

D. Retaliation. Adverse action taken against an individual because he or she has made a protected disclosure or participated in an investigation, proceeding, or hearing involving an allegation of business or financial misconduct.

E. Whistleblowing. An act that occurs when a faculty or staff member who opposes, complains about,

reports, makes public, or threatens to make public the improper activity of the employer, its managers, faculty, or staff.

F. Baseless Allegation. Any allegation made with reckless disregard for its truth or falsity. Individuals making such allegations may be subject to disciplinary action by the College up to and including dismissal, expulsion, and/or civil or criminal prosecution when warranted.

SECTION III - STATUTORY APPLICABILITY

The State of Minnesota Whistleblower Act, Minnesota Statutes, applies to all faculty and staff who perform services for hire in Minnesota and to all employers with one or more employees in Minnesota. The Act prohibits the College from pursuing any adverse action against faculty or staff who, in good faith:

- (1) Reports a violation or suspected violation of any federal or state law, rule or regulation;
- (2) Is requested by a public body or office to participate in an investigation, hearing, or inquiry; or
- (3) Refuses the employer's order to perform an act that the faculty or staff member has an objective basis in fact to believe violates any federal or state law, rule or regulation.

Moreover, the College complies with relevant provisions of the Sarbanes-Oxley Act of 2002 and has established an anonymous whistleblower reporting procedure.

SECTION IV - MAKING A PROTECTED DISCLOSURE

Faculty, staff, students, applicants for employment, or other college constituents may make a protected disclosure after witnessing or becoming aware of an improper activity. There are several avenues for making a protected disclosure or making a complaint about retaliatory or reprisal action for making a protected disclosure:

- (1) Faculty, staff, applicants for employment, or other constituents may file a report or a complaint with any of the following College administrators:
 - ♦ President and Chief Academic Officer
 - ♦ Vice President and General Counsel
 - ♦ Chief Financial Officer
- (2) Students may contact the following offices or individuals:
 - ♦ Director for Student Life
 - ♦ Vice President and General Counsel
- (3) Faculty, staff, students, applicants for employment, or other college constituents may file a written report as follows:
 - ♦ Download and complete the [Improper Activities Report Form](#) available on the College's web site and mail to: Vice President and General Counsel, College of Visual Arts, 344 Summit Avenue, St. Paul, MN 55102
 - ♦ Download and complete the [Improper Activities Report Form](#) available on the College's web site and fax to: (651) 757-4010, ATTN: Vice President and General Counsel

If desired, the written report may be filed anonymously.

When an individual reports a suspected improper activity to an appropriate college administrator, the report

is known as a *protected disclosure*. The rights of that individual making the protected disclosure is covered by this policy as described in Section VI below.

The college shall investigate all protected disclosures promptly and, where warranted, take appropriate and timely corrective action. To the extent possible, the appropriate College administrator will inform a claimant, in writing, of the disposition of an investigation into claims of improper activities.

SECTION V - CONFIDENTIALITY

Protected disclosures, complaints of retaliation, and investigatory records will be kept confidential to the extent possible and consistent with the College's need to conduct an adequate investigation and in accordance with the Sarbanes-Oxley Act and Minnesota Whistleblower Act.

SECTION VI - RETALIATION OR REPRISAL

Faculty, staff, students, applicants for employment, or other College constituents are protected from interference with or retaliation for making or having made a protected disclosure or refusing to follow illegal orders or instructions as defined in this policy.

Similarly, faculty, staff, College officials, or other College constituents may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices to interfere with the rights of an individual to make a protected disclosure to their immediate supervisor, manager, or another appropriate College official about matters within the scope of this policy.

The College shall take whatever prudent action is needed to prevent and correct activities that violate this policy. The objective of this provision is to resolve complaints of retaliation internally and swiftly. Any individual who believes he or she has been subjected to an adverse employment action based on a protected disclosure may contest the action by filing a written complaint with the Vice President and General Counsel, if the complainant is a faculty or staff member, or with the Director for Student Life, if the complainant is a student.

SECTION VII - RESPONSIBILITIES

All reports and complaints received under this policy shall be forwarded to the Vice President and General Counsel, who shall serve as the "Compliance Officer" for this policy. The Compliance Officer shall notify the President and Chief Academic Officer and the Chair of the Board of Trustees of any reports and complaints received.

The Compliance Officer is responsible for investigating and resolving all reports and complaints received under this policy. The Compliance Officer shall report investigatory findings to the President and Chief Academic Officer and the Chair of the Board of Trustees.

Members of the Faculty Advisory Council and the administrative department chairpersons are responsible for complying with and assuring compliance with this policy by faculty and staff within their respective unit(s).

Policy last revised: November 23, 2009.