

University of South Alabama

Whistleblower and Non-Retaliation Policy

PURPOSE

This Whistleblower and Non-Retaliation Policy is designed to provide a mechanism for individuals doing work for or on behalf of the University of South Alabama to raise good faith concerns, including but not limited to, observed or suspected violations of law, policies or procedures, including but not limited to harassment, discrimination, research misconduct, mishandling of funds and other illegal activities; to facilitate cooperation in any inquiry or investigation by any court, agency, law enforcement, or other governmental body; and to protect individuals who take or participate in such action from retaliation or any threat of retaliation by any other individual doing work for or on behalf of the University.

SCOPE

This Policy applies to all individuals doing work for or on behalf of the University, including directors, officers, and other organization volunteers.

POLICY

The University of South Alabama is committed to maintaining a workplace where individuals doing work on behalf of the University are free to raise good faith concerns about alleged improper or wrongful activity. Individuals are encouraged to report suspected violations of the law; to identify potential violations of policies or procedures of the University, and to provide truthful information in connection with any official inquiry or investigation.

The University expressly prohibits any form of retaliation, including harassment, intimidation, adverse employment action, or any other form of retaliation against individuals who raise suspected violations of law, cooperate in inquiries or investigations, or identify potential violations of policies of the University. Any individual who engages in retaliation will be subject to disciplinary action up to and including termination of employment.

DEFINITIONS

“Good Faith Disclosure” means disclosure of University-related misconduct made with a belief in the truth of the disclosure that a reasonable person in the whistleblower’s situation could have believed based upon the facts. A disclosure is not in good faith if made with reckless disregard, or willful ignorance of facts that would disprove the disclosure. A report does not have to be proven true to be made in good faith.

“Retaliation” means any adverse action or credible threat of an adverse action taken by the University, or any individual doing work for or on behalf thereof, in response to a Whistleblower’s good faith disclosure of University-related misconduct.

“University-related misconduct” includes any activity by an individual doing work for or on behalf of the University that is undertaken in the performance of the individual’s work-related duties, whether or not such action is taken within the scope of the individual’s employment, that is a violation of any state or federal law or regulation or the University’s regulation of policy, including academic or research misconduct, corruption, bribery, theft of property of the University, fraudulent claims, fraud, misappropriation of University or other agency funds, coercion, conversion of assets of the University, discrimination, sexual harassment, violations of civil rights and other illegal or improper practices.

“Whistleblowing” means good faith reporting of real or perceived University-related misconduct.

“Whistleblower” means any individual doing work for or on behalf of the University who, in good faith, reports real or perceived University-related misconduct.

Whistleblowers do not include complainants who raise issues or concerns through the normal course and scope of the individual’s business-related duties.

PROCEDURE

Reports of suspected violations of law or policy and reports of retaliation will be investigated promptly and in a manner intended to protect confidentiality as circumstances allow. The Whistleblower should make a report of University-related misconduct or retaliation to his/her immediate supervisor or to other individuals or through other mechanisms, including by voicemail, e-mail, mail or fax, provided for in the applicable University policy. Whistleblower Hotline information is available at the following URL address: www.usouthal.edu/whistleblower. Reports of retaliation under this policy must be made in writing to include sufficient detail of the facts and circumstances, including dates/names of relevant persons and the alleged retaliatory acts. Supervisors or other individuals receiving reports under this policy must forward the report to Human Resources or Internal Audit.

An investigation into reports of misconduct will be conducted by the individual designated in the applicable University policy. Findings of University-related misconduct will be dealt with pursuant to the University’s policies and procedures.

The University will use its best efforts to protect whistleblowers against any form of retaliation. It cannot guarantee confidentiality, however, and there is no such thing as “unofficial” or “off the record” reporting. The University will keep the whistleblower’s identity confidential, unless: the whistleblower agrees to be identified; identification is necessary to allow the University or law enforcement officials to investigate or respond

effectively to the report; identification is required by law; or the person accused of improper activities is entitled to the information as a matter of procedural right in disciplinary proceedings.

Anonymous reports may be made. However, because a thorough investigation often depends upon an ability to gather additional information, the University encourages complainants to identify themselves. The University will explore anonymous allegations to the extent possible, but will weigh the prudence of continuing such investigations against the likelihood of confirming the alleged facts or circumstances from attributable sources.

Individuals bringing forth allegations which are not made in good faith may be subject to disciplinary action independent of this Policy.

Any questions regarding this University Whistleblower and Non-Retaliation Policy should be directed to Internal Audit or Human Resources.