

Effective Date: June 2020

Responsible Official: Executive Director

4.1 Whistleblower Policy: Reporting, Protections & Non-Retaliation

This Whistleblower Policy is intended to encourage and enable all employees and volunteers to raise concerns within our organization for investigation and appropriate action. With this goal in mind, the Consortium wishes to ensure all personnel are aware of how to report suspected violations of federal or state law, Green Mountain Higher Education Consortium policy, or member institution policy by which the Consortium is bound, 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 Consortium employees and others of suspected violations of the law or Consortium policies and procedures. It is intended to *complement and supplement* existing Consortium policies and procedures, and the Consortium statement of values.

Applicability of the Policy:

This policy applies to all Green Mountain Higher Education Consortium employees, contractors, subcontractors, vendors, consultants, temporary employees, volunteers, and affiliates of the Consortium who do work on its behalf. We require our employees and volunteers to practice the highest levels of business and personal ethics when conducting their duties and responsibilities. This means that employees and other representatives of our organization must practice honesty and integrity in their job duties and comply with all applicable laws and regulations.

Definitions:

- **Bad Faith Reports:** A report that is knowingly false or made for improper motives. Bad Faith Reports are themselves considered wrongdoing under this policy.
- **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 in 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.

Policy Elaboration:

This Policy is designed to provide protection against retaliation to individuals who, in good faith, report suspected or actual violations of federal or state law or Consortium policy. 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 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.

Procedures:

I. Reporting Mechanisms

An employee or other representative of our organization may choose to report a concern to a supervisor, a manager, the Executive Director, a board member or the President, as appropriate. Individuals wishing to report violations or suspected violations may also:

- Contact Police or Emergency Services if you believe that criminal activity is taking place or has occurred.
- Contact the Board representative at: whistleblower@gmhec.org
- Or send a letter / submit a sealed envelope to:

President
Green Mountain Higher Education Consortium
120 Graham Way, Suite 120
Shelburne, VT 05482

After a report is made it should be immediately conveyed to the President. The President shall immediately notify the Board and the Executive Director of any such report but is not required to notify a specific board member or the Executive Director if the concern(s) directly involve(s) any of these individuals. The Board Representative will notify the sender and acknowledge receipt of the concern within ten business days, if possible. If an individual wishes to discuss any matter with the receiving party, said individual should so indicate in the submission and include a telephone number where the individual can be reached. It will not be possible to acknowledge receipt of anonymously submitted concerns.

All reports will be promptly investigated by a Special Task Force appointed by the Board Representative, and appropriate corrective action will be taken, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the concern. The investigation, corrective action, and conclusion shall be documented in a written summary and preserved indefinitely.

The Board of Directors has the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

II. Confidentiality

A person may request that a report be handled confidentially. Although the Consortium 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 Consortium from maintaining confidentiality in all circumstances. To maintain confidentiality, 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 privileged considerations, the Consortium will not address reports



made to a professional in this group unless or until a Consortium representative is notified of the nature of the report.

III. Compliance

The Consortium 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 organizational policies. Persons found, after appropriate process, to have retaliated against a whistleblower will face disciplinary action, up to and including termination. Under certain federal and state laws, the Consortium 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, and all state and federal laws.

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the Consortium and/or its employees, and possible disciplinary action against responsible individuals.

IV. Contacts

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

Corinna Noelke, Executive Director, (802) 443-2304, corinna.noelke@gmhec.org

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