

# UIC HR Policies and Procedures

NUMBER

303

MANUAL Human Resources	SECTION Employment	PAGE 1 of 4
SUBJECT <b><i>Disclosure of Wrongful Conduct and Protection from Reprisal (Whistleblower)</i></b>	EFFECTIVE 04/01/2006	REVISED 09/01/2013
ISSUED BY Assistant Vice President for Human Resources Senior Associate Vice President for Business and Finance	APPROVED BY Chancellor	

## PURPOSE

The general purpose of this policy is intended to protect any employee who engages in good faith disclosure of alleged wrongful conduct to a public body or to a designated University official. More specifically it:

- encourages employees to disclose serious breaches of conduct covered by University policies or law,
- informs employees how allegations of wrongful conduct can be disclosed,
- protects employees from reprisal by adverse employment action as a result of having disclosed wrongful conduct (employees who self-report misconduct are not afforded protection by this policy), and
- provides individuals who believe they have been subject to reprisal a fair process to seek relief from retaliatory acts.

Nothing in this policy is intended to interfere with legitimate employment decisions.

## SOURCES AND BACKGROUND

University of Illinois Statutes

The General Rules Concerning University Organization and Procedure

In accordance with the State Official and Employees Ethics Act (Ethics Act) .5ILCS.430/15-5 et. seq. The complete policy can be found at the following website:

[http://www.obfs.uillinois.edu/manual/central\\_p/sec9-6.html](http://www.obfs.uillinois.edu/manual/central_p/sec9-6.html)

The University has designated the University Ethics Office to receive disclosures and conduct or coordinate follow-up which may include an investigation of the disclosure.

## APPLICABILITY

All University employees.

## POLICY

Disclosure of Wrongful Conduct and Protection from Reprisal (Whistleblower Protection)

STATE OFFICIALS AND EMPLOYEES ETHICS ACT - WHISTLEBLOWER PROTECTION

The State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430/15-5 et. seq. provides

# UIC HR Policies and Procedures

NUMBER
303

MANUAL	SECTION	PAGE
Human Resources	Employment	2 of 4
SUBJECT	EFFECTIVE	REVISED
<b><i>Disclosure of Wrongful Conduct and Protection from Reprisal (Whistleblower)</i></b>	04/01/2006	09/01/2013
ISSUED BY	APPROVED BY	
Assistant Vice President for Human Resources Senior Associate Vice President for Business and Finance	Chancellor	

protection to University employees who:

- Disclose or threaten to disclose to their supervisor or any public body an act or omission that the employee reasonably believes to be a violation of law, rule or regulation by another University employee;
- Provide information to or testify before any public body conducting an investigation hearing or inquiry into a violation of law, rule, or regulations; or
- Assist or participate in a proceeding to enforce the Ethics Act.

The University will not take retaliatory action such as:

- Reprimand, discharge, suspension, demotion or denial of promotion or transfer that occurs in retaliation for an employee's exercise of any one of the three protected activities, above.

The Ethics Act provides remedies for employees if retaliation occurs, and if the employee's work performance or behavior did not warrant the adverse action, which may include one or more of the following:

- Employee shall be made whole;
- Reinstatement;
- Two times back pay;
- Interest on back pay; and/or
- Payment of reasonable costs and attorneys' fees.

The employee would need to pursue a civil action in order to attempt to receive some or all of the remedial relief listed above.

## POLICIES REGARDING CONDUCT AND BEHAVIOR

The University has developed numerous policies and procedures for enforcing standards of conduct and behavior. Additionally, University employees are expected to abide by applicable state and federal laws. Furthermore, an employee cannot be compelled by a supervisor or University official to violate a University policy, an applicable law, or public policy. In the interest of the University, an employee who has particular knowledge of specific acts which he or she reasonably believes constitute wrongful conduct should disclose the conduct to the University Ethics Office. Alleged misconduct may also be reported to the Office of Executive Inspector General. See Section 9.5, Reporting and Investigation of Fraud for further information regarding the Inspector

# UIC HR Policies and Procedures

NUMBER

303

MANUAL Human Resources	SECTION Employment	PAGE 3 of 4
SUBJECT <b><i>Disclosure of Wrongful Conduct and Protection from Reprisal (Whistleblower)</i></b>	EFFECTIVE 04/01/2006	REVISED 09/01/2013
ISSUED BY Assistant Vice President for Human Resources Senior Associate Vice President for Business and Finance	APPROVED BY Chancellor	

General's authority, ability to accept formal complaints, and contact information.

## WRONGFUL CONDUCT

Wrongful conduct is defined in this policy to be:

- a serious violation of University policy;
- a violation of applicable state and federal laws; and/or
- the use of University property, resources, or authority for personal gain or other non University-related purpose except as provided under University policy.

## DISCLOSURE AND INVESTIGATION

Where the University has defined policies and procedures for maintaining standards of conduct and disclosure of violations, the applicable University policies should be followed to disclose such violations. Policies include but are not limited to:

- University Policies on Conflicts of Commitment and Interest
- University Policies on Academic Integrity in Research and Publications
- University Policy Prohibiting Sexual Harassment
- University Policy Prohibiting Discrimination

In matters relating to wrongful conduct as defined in the section above, mismanagement of University resources, or an abuse of authority which is not covered by specific University policy, the University Ethics Office is designated to receive such disclosures and conduct or coordinate follow-up which may include an investigation of the disclosure.

The University Ethics Office maintains records of these allegations. The University Ethics Office or a referring unit (for example, internal audit, campus police, public safety, human resources) will follow-up on the matter which may include an investigation of the disclosure. Laws and University policies impose privacy and confidentiality restraints on reporting the results of such a review or investigation. Within the constraints of these laws and policies, the University Ethics Office will acknowledge, and as appropriate and permissible by law and policy, provide confirmation of the status and outcome of the review.

It should be noted that a disclosure warranting an investigation is not the same as making a

# UIC HR Policies and Procedures

NUMBER

303

MANUAL Human Resources	SECTION Employment	PAGE 4 of 4
SUBJECT <b><i>Disclosure of Wrongful Conduct and Protection from Reprisal (Whistleblower)</i></b>	EFFECTIVE 04/01/2006	REVISED 09/01/2013
ISSUED BY Assistant Vice President for Human Resources Senior Associate Vice President for Business and Finance	APPROVED BY Chancellor	

complaint of reprisal (adverse employment action or situation).

In matters of disclosure, the University will make all reasonable efforts to maintain the identity of the employee making the disclosure confidential, as long as maintaining confidentiality does not interfere with conducting an investigation of the specific allegations or taking corrective action.

## COMPLAINTS OF REPRISAL

The University Ethics Office will coordinate with the President or other senior management official to appoint an investigator. The investigator will report findings and recommendations to the senior management official concerning whether retaliation occurred, and if so, what the appropriate remedy or remedies will be. The decision of the senior management official will be final.

## PROCEDURES

A whistleblower complaint received in Human Resources should be referred to the University's Ethics Office. The University's Ethics Office may designate UICHR to assist in follow up of the complaint. In such instances, Human Resources should exercise discretion to preserve privacy and confidentiality in the matter. It will also work cooperatively with the University Ethics Office.