

## **WHISTLE-BLOWER COMPLAINTS**

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*Related Board of Trustees Policy: BP 2.13*

*OPR: Vice President for Administration*

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*Previous Editions:*

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### **WHISTLE-BLOWER COMPLAINTS**

Whistle-blower Complaints are an avenue for any College employee or member of the College community to make a good-faith report (whistle-blower complaint) of suspected unethical conduct, violations of the law, infraction of College Policies or Procedures, or workplace rules. This procedure establishes the appropriate reporting mechanism to be used for notification of known or suspected wrongful conduct and provides for protection from retaliation for making a good faith report in accordance with N.C.G.S. 126-85 and Article 14, Chapter 126.

### **Examples of Suspected Wrongful Conduct**

Examples of wrongful conduct may be addressed via Whistle-blower Complaint include, but are not limited to:

- Theft, fraud, or similarly inappropriate use of College or College Foundation resources and assets, federal financial aid funds, grant funds, or scholarships
- Falsification of contracts, reports, or records
- Improper supplier, vendor or contractor activity
- Intentional misreporting of financial information
- Malicious use of College technology resources

### **Reporting**

College employees and students are required to comply with applicable state and federal laws and College Policies and Procedures, and may not be coerced by supervisor(s), or by any faculty or staff member to do so. Individuals who have knowledge of specific acts which they reasonably believe violate the law or College Policy or Procedure may report those acts to the Executive Director of Human Resources (EDHR), using the “Anonymous Reporting Form” found at <http://cravencc.edu/anonymous-reporting-form/>. Reporters may include contact information or remain anonymous when making reports. Reports may also be made directly to any Vice President or to the President.

### **Investigation of Whistle-blower Complaints**

Upon notification of complaint, the College’s EDHR will conduct a preliminary investigation and provide a confidential report to the College President within ten (10) business days:

- Complaint not substantiated. The EDHR’s preliminary investigation did not reveal sufficient evidence to substantiate the complaint. In this case, the EDHR will recommend the complaint be closed and the complainant be notified.
- Complaint substantiated. The EDHR’s preliminary investigation revealed sufficient evidence to substantiate the complaint, however additional (or more comprehensive) investigation is necessary to make a complete determination. The EDHR will recommend to the College President the appropriate additional investigatory actions.
- Investigation complete with findings. The EDHR’s preliminary investigation revealed sufficient evidence to make a determination. EDHR will recommend corrective action(s) to the College President.

The College President will review the EDHR’s report and preliminary determination.

- If the President concurs that the complaint is not substantiated, then the case will be closed and the complainant notified.
- If the President concurs that the complaint is substantiated and ready for closure, then the President may close the case and implement or modify the EDHR’s recommendation(s) for corrective action.
- If the President concurs that the complaint is substantiated but warrants further investigation, then the President may, as deemed appropriate given the nature of the allegation(s),
  - Return the case to the EDHR for additional investigation,
  - Appoint a Vice President to lead a comprehensive investigation into the allegation(s),
  - Refer the case to the College’s attorney for review, or
  - Refer the case to law enforcement or other authority

Upon completion of a comprehensive investigation, the Vice President will report all findings to the College President. When an investigation is on-going, the EDHR will provide the complainant with a monthly status to include (if known) an estimate for completion.

### **Corrective Actions**

When investigation of a whistle-blower complaint reveals wrongful conduct, corrective actions may include, but are not limited to:

- Employee disciplinary action in accordance with College Procedure (CP) 2.9.1, “*Progressive Discipline*,”
- Student disciplinary action in accordance with CP 3.3.2, “*Student Discipline*,”
- Modifications to CP(s) by the Executive Leadership Team,
- Recommendations by the College President to the Board of Trustees for changes to College Policy(ies),
- Reports to regulatory agencies as required, or
- Referral to other agencies for civil or criminal investigation and response

All College investigation actions and reports will be kept confidential to the extent required by laws, regulations and policies, and to the extent necessary to ensure an unimpeded investigation and allow corrective action(s) to be taken.

## **Closure of Whistle-blower Complaints**

Upon conclusion of an investigation into a Whistle-blower complaint, the complainant will be provided a summary report of the findings, outcomes, and anticipated corrective actions to address the findings.

## **Retaliation Prohibition**

The College is committed to providing an environment of integrity that encourages the disclosure to the College of potential violations of state and federal law or College Policies and Procedures. Individuals who make good-faith disclosure of suspected wrongful conduct occurring at the College shall be protected from retaliation from any College supervisor, administrator, faculty, or staff member.

Prohibited retaliation includes any adverse action or behavior directed against an employee or student Whistle-blower for reporting, or causing to be reported, suspected wrongful conduct, or for assisting in an authorized investigation of alleged wrongful conduct. Retaliation includes, but is not limited to, any material adverse impact on the educational environment, such as student assignments or grading, or on the terms or conditions of employment, such as increased discipline, demotion, changes in pay or hours, or changes in job duties or functions. Retaliatory behavior is also prohibited when the original whistle-blower complaint has not been substantiated.

College employees or students who engage in any retaliatory behavior(s) will be subject to disciplinary action in accordance with CP 2.9.1 or CP 3.3.2, respectively. Reports of retaliation may also be referred to law enforcement agencies as appropriate or as required by law.

Any person believing that retaliation has taken, or is taking, place should immediately report it to the Executive Director of Human Resources, a Vice President, or the College President.

## **False or Malicious Reporting**

College employees or students who knowingly make a false or malicious whistle-blower complaint may be subject to disciplinary action in accordance with CP 2.9.1 or CP 3.3.2, respectively.

## **Associated Forms**

- CP 2.13.1a. *Anonymous Reporting Form*