



Rowan College of South Jersey

Administrative Procedure: 7017

CONSCIENTIOUS EMPLOYEE PROTECTION (WHISTLEBLOWER)

Intent

New Jersey's Conscientious Employee Protection Act (Whistleblower) (N.J.S.A. 34:19-3 et. seq. also known as CEPA) and Board Policy 7004 were established to prohibit retaliatory action by an individual against another person who discloses or threatens to disclose an individual's illegal activities, who testifies before a public body regarding an individual's violations of law, or who refuses to participate in an activity which the individual believes is illegal.

Reporting Suspected Misconduct

An individual reporting suspected misconduct:

- will be protected from retaliation for reporting suspected misconduct;
- can report suspected misconduct anonymously, but doing so may limit an individual's protection from retaliation and the College's ability to conduct a full investigation;
- can contact the Executive Director of Human Resources, the Special Assistant to the President Diversity & Equity/Title IX Compliance, or designee, at any time concerning the timeline of the review or investigation;
- can amend a report, if new information becomes available;
- should not investigate suspected misconduct on their own; and
- will be notified when the investigation is complete.

Misconduct

Misconduct is any on-the-job activity performed by a College employee or student that violates state and/or federal laws or regulations, local ordinances, or Board policy.

Misconduct includes, but not limited to:

- Misuse, mismanagement, or misappropriation of funds, securities, vehicles, property, facilities, or any other College asset;
- Corruption or bribery;

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- Theft of College property;
- Paying or receiving money for hours not worked;
- Falsification of documents or reports;
- Willful failure to perform duties;
- Discrimination;
- Sexual harassment;
- Using or being under the influence of alcohol or drugs at work;
- Endangerment of public health or safety;
- Unauthorized release of confidential information; and/or
- Retaliation against an employee who has reported suspected misconduct or interference with the right of an employee to report suspected misconduct.

Great care must be taken in dealing with suspected misconduct to avoid the following:

- inaccurate accusations;
- violating any employee's right to due process;
- making statements that could lead to claims of false accusation or other offenses;
or
- alerting suspected individuals that an investigation is under way.

Confidentiality

The College will attempt to prevent disclosure of the identity of the employee reporting suspected misconduct without their consent. However, often the identity of an individual may become obvious to others due to the nature of the information. The reporting individual's identity may be disclosed, if necessary or required:

- to any law enforcement agency investigating the matter;
- to College employees assigned to investigate the matter;
- if required, pursuant to a subpoena or by law;
- if necessary, to defend a grievance by an employee or student; or
- if required, by due process in connection with disciplinary action against the person accused.

The individual will be notified by the Executive Director of Human Resources when the individual's identity will be disclosed under any of the above circumstances. Whenever possible, the individual will be notified in advance of the disclosure. Individuals reporting suspected misconduct or subsequent retaliation may need to testify in order to prove misconduct occurred and to defend against legal action or grievance that may be brought against the College, its officers, or its agents.

Reporting Suspected Misconduct

Individuals who are aware of or have reason to suspect misconduct should report the conduct either orally or in writing. An individual should report suspected misconduct as soon as reasonably possible. Once an initial report has been filed, an individual may amend the report, if the individual becomes aware of new information. Supervisors should not investigate reports, but must immediately notify the Executive Director of Human Resources, the Special Assistant to the President Diversity & Equity/Title IX Compliance, or designee, when a report of suspected misconduct is received.

Reports of suspected misconduct should include the following information:

- Name of individual filing the report (a report may be anonymous, but such action may limit an individual's protection from retaliation and the College's ability to conduct a full investigation);
- Address and telephone number where the individual prefers to be contacted;
- A detailed description of the suspected misconduct. This should include the name(s) and department(s) of all those believed to be involved;
- Dates or range of dates of suspected misconduct; and
- Any supporting evidence or material that may be available to the reporting individual. However, employees are not to investigate suspected misconduct on their own or remove College records from their proper location.

If suspected misconduct is reported orally, the supervisor or College administrator receiving the report will document all information received at the time the report is made or as soon afterwards as possible and forward the report to the Executive Director of Human Resources.

False Information

It is important to protect individuals from false, unsubstantiated, or inaccurate accusations. An individual who knowingly gives false information, makes a false report of suspected misconduct or a subsequent false report of retaliation, or provides false answers or information in response to an ongoing investigation will be subject to disciplinary action, up to and including termination.

Report of Investigation

When the investigation is completed, a confidential report of the investigation will be sent for appropriate action to the vice president responsible for the unit where the investigation was conducted or to the President. If illegal activity appears to have occurred, the findings will be reported to the appropriate authorities.

Area: Human Resources
Approved: 07/01/19

President's Authorization:

A handwritten signature in black ink, appearing to read "James Kealey". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

References:

Rowan College of South Jersey Board of Trustees Policy Manual, *7017 Conscientious Employee Protection (Whistleblower)*

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