

Amherst College
Whistle-Blower Policy
Adopted January 26, 2008

1. General

Amherst College (the “College”) requires all employees (including faculty) to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. The College is committed to compliance with the laws and regulations to which it is subject and to promulgating College policies and procedures to interpret and apply these laws and regulations in the College setting. The College’s internal controls and operating procedures are intended to detect and prevent or deter improper activities. However, even the best systems of control cannot provide absolute safeguards against irregularities.

The College provides various mechanisms to assist and encourage employees to come forward in good faith with reports or concerns about suspected compliance issues. The College encourages this reporting of suspected wrongdoing on a timely basis.

Students are directed to use the other means available to them for reporting wrongdoing at the College, including the Dean of Students Office. The Dean of Students Office is physically located in Converse Hall and can be contacted at ext. 2337.

2. Whistle-Blower Policy

Although the College encourages employees to report concerns to their immediate supervisor or the departments noted in Section 8 below, there are times when an employee may feel it is necessary to report a concern of financial wrongdoing outside of the traditional reporting mechanism. The College has adopted a whistle-blower policy for these instances. The Whistle-Blower Policy allows allegations to be made outside of the immediate area that the suspected employee is associated with and allows for a degree of confidentiality for the reporting person, if requested.

This Whistle-Blower Policy governs only the reporting and investigation of suspected violations of law, external regulations or College policy of a financial nature or misuse of College resources. Such violations may include, but are not limited to, theft or inappropriate use of cash or other College property, falsification of hours worked for payroll purposes and inappropriate spending of cash through the accounts payable process. The policy is not intended and may not be used for personal or employment grievances, general compensation and benefit complaints, opinions on policy, etc.

To make a report under this policy an employee is required to complete and sign a Whistle-Blower Disclosure Statement which is located in the office, and on the webpage, of the Ombudsperson. Reporting of the violation can be made through the Ombudsperson as follows:

In Person – Employees may visit the office of the Ombudsperson during its standard operating hours to file a report, or make arrangements for an appointment during non-standard operating hours. The office of the Ombudsperson is located in Valentine Hall and can be contacted at ext. 5156.

Mail – Employees may send to the office of the Ombudsperson a completed Whistle-Blower Disclosure Statement. The employee should understand that he/she may need to visit the office of the Ombudsperson to answer any questions from the review of the statement. The mailbox of the Ombudsperson is AC# 1920.

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Employees should be aware that the filing of the statement noted above acknowledges their understanding that an investigation may commence.

Since successful investigations are many times based upon timely evidence, reports under this policy should be made as soon as possible, preferably within six months of the occurrence, but in any event within one year. An individual may use other means outside of this policy (see Section 8 of this policy) to report a suspected employee after the one year period.

Filing under the Whistle-Blower Policy differs from other interactions with the Ombudsperson. Under the Whistle-Blower Policy an investigation will commence if deemed necessary by the College upon its knowledge of the circumstances. Please see the Ombudsperson webpage for additional guidance on other interactions with this resource.

3. Protection from Retaliation

An employee who in good faith reports a suspected violation of law or College policy shall not suffer harassment, retaliation or adverse employment consequence from other employees or the College. An employee who retaliates against someone who has reported a suspected violation in good faith is subject to discipline up to and including termination of employment. Any employee who believes that he/she has been retaliated against after making a good faith report may report this alleged retaliation to the Director of Human Resources or Treasurer.

4. Confidentiality Under the Whistle-Blower Policy

Confidentiality of the reporter will be maintained to the extent practicable within the limitations of the law, College policy and the legitimate needs of the investigation. In addition, employees submitting a report should be aware that their public testimony might be needed to prove the case against the suspected employee.

Although an employee's report may possess merit, comments made to others regarding another employee could constitute defamation, invasion of privacy or other grounds for civil liability. Employees should not discuss allegations outside of the reporting and investigation process. This is especially the case should the investigation prove that the suspected employee's actions were lawful or within College policy.

Note that if an employee self-discloses his or her identity directly or indirectly through his or her own actions outside of the official investigation process, the College is not obligated to maintain confidentiality.

5. Investigation Under the Whistle-Blower Policy

The Ombudsperson will maintain the Whistle-Blower Disclosure Statements received in her/his office until the outcome of the investigation. The Ombudsperson will not actively participate in an investigation, but will refer the allegation to the appropriate office (dependent on the specific circumstances, but typically to the Treasurer or Dean of the Faculty, the Director of Human Resources and the Director of the applicable office of the suspected employee). The investigator/investigation team has access to all resources of the College and external counsel to ensure a fair and accurate resolution to the alleged violation.

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The investigator/investigation team is responsible for documenting its investigation and its rationale for the resolution. That document will be attached to the original Whistle-Blower Disclosure Statement and reside in the office of the Ombudsperson during the investigation. The investigation is closed when the Ombudsperson has deemed the investigation is complete and a resolution is reached by the investigator/investigation team. Documents and evidence relating to a closed investigation will remain in the College's files in the Human Resources Department.

6. Results When Report Made Under the Whistle-Blower Policy

If the result of the investigation is that the allegation is not satisfactorily established, the investigation will be deemed complete. An employee whose claim is deemed unsatisfactory has the opportunity to communicate directly with the Office of Human Resources outside of this policy to further pursue his or her claim.

If the investigation establishes that a violation of law, external regulation or College policy occurred, the Treasurer or Dean of the Faculty, the Director of Human Resources and the Director of the applicable office of the investigated employee will determine appropriate action based upon law and College policy. This decision will be reported to the Ombudsperson in writing and attached to the original Disclosure Statement. An individual who has been deemed to have committed an act in violation of law or College policy will have access to the grievance process of the College described in the employee handbook.

Whistle-Blower Disclosure Statements and related documentation will be delivered to the Audit Committee (Board of Trustees subcommittee) chairperson at the time of each Board Meeting on the Amherst Campus. The Audit Committee chairperson will review these documents and communicate with the Ombudsperson at least once annually to discuss this general policy and any specific occurrences.

7. Sanctions for a False Report

A report made under this policy can have considerable impact on the personal and professional lives of those charged both during the investigation and long term. An employee shall not intentionally misuse the College's Whistle-Blower Policy and procedures. Intentional misuse includes, but is not limited to, frivolous claims, attempts to treat a personal grievance or personnel dispute as an allegation of wrongdoing, lack of good faith in invoking the policy or any known false, malicious or misleading statements made at any time under the procedures of the policy. The College Ombudsperson (when involved) will report to the Director of Human Resources, the Director of the applicable office of the employee and the President the identity of any employee who is believed to have intentionally misused the Whistle-Blower Policy. After appropriate review by these individuals, excluding the Ombudsperson, the employee is subject to discipline up to and including termination.

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8. General Reporting Outside of the Whistle-Blower Policy

All employees are encouraged to report suspected violations of law or College policy directly to his/her supervisor, outside of the Whistle-Blower Policy. If the employee feels unable to do so or if there is any reason why this may not be appropriate, the employee should raise the issue with the department chair, dean, director or other College official/office having responsibility for overseeing compliance with the particular policy or procedure in accordance with the guidance below:

Financial Misconduct

In the event of any claim made outside of the Whistle-Blower Policy concerning conflicts of interest, financial misconduct, inappropriate expenditure of funds, questionable internal controls and accounting practices, or auditing matters, a report can be made to the Comptroller or Treasurer at ext. 2101.

Employment Policies

In the event of any claim concerning discrimination or harassment (including sexual harassment) or any other violation of employment policies, a report can be made to the Director of Human Resources at ext. 2372. Individuals can also make a report to the Special Assistant to the President for Diversity for claims of sexual harassment and other diversity issues at ext. 5832.

Education

In the event of any claim of noncompliance of regulations concerning plagiarism, falsification of research results, violation of grant contracts, faculty abuses or other education concerns, a report can be made to the Dean of the Faculty at ext. 2334.

Environmental, Health and Safety

In the event of any claim concerning environmental protection, hazardous conditions, violations of state or federal health or campus safety, a report can be made to the Environmental Health and Safety Manager at ext. 8189.

Misuse of Assets

In the event of any claim made outside of the Whistle-Blower Policy concerning the misuse of supplies, equipment, cash, or other property or the unauthorized use of proprietary data and information, unauthorized use of College intangible property, such as the College emblem or the unauthorized release of personal data, a report can be made to the Comptroller or Treasurer at ext. 2101. Misuse of electronic data can also be reported to the Director of Information Technology at ext. 2180 (see below).

Data Security

In the event of knowledge regarding the improper use of electronic resources including: computer hardware; computer network and servers; software; data, voice, cable or other related wired or wireless signals of information; the improper handling or use of College electronic data; or any other noncompliance with the College's Electronic Resources Acceptable Use Policy, a report should be made to the Director of Information Technology at ext. 2180.

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Emergencies, Escort, Personal Harm

In the event of bodily injury, medical emergencies, on-campus escort needs, suspicious activity, fire, “Hate Crime” situations or any fear of personal harm to one’s self or others, a report should be made immediately to the Campus Police at ext. 2111.

Employees may also report wrongdoing directly to the College Ombudsperson outside of the Whistle-Blower Policy when the employee is uncomfortable with the procedures noted in this section and desires a neutral environment. The Ombudsperson is available at ext. 5156.