

Whistleblowers Policy & Procedure

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01. Policy Statement

Maintaining ethical standards is the responsibility of every member of the Pace community. Those ethical standards are embodied in the University's Guiding Principles of Conduct and other policies as well as federal, state and local laws. Pace University employees are expected to adhere to high standards of professional and ethical conduct in carrying out their duties. This includes avoiding conflicts of interest and commitment, appropriately accounting for financial transactions, properly using University property and resources, adhering to internal control protocols, complying with internal and external audit requirements and complying with intercollegiate athletics rules. The University believes that early identification and timely investigation and resolution of possible violations of ethical standards are critical to maintaining a sound and ethical business and educational environment.

02. Reason for Policy

The purpose of this policy is to inform the Pace community of available reporting procedures related to policy and compliance concerns and to set standards protecting the reporting individuals from retaliation.

03. Who Needs to Know This Policy

The policy applies to the entire Pace community (trustees, faculty, staff, students, volunteers, as well as contractors, vendors, licensees, invitees, and visitors).

04. Definitions

Whistleblower -- A person (individually or on behalf of an entity) who reports wrongful conduct (as defined below) is commonly referred to as a whistleblower. Whistleblowers may report such wrongful conduct to the University officials identified in Section .06 of this policy. Whistleblowers are not authorized or required to conduct investigations or to determine fault or corrective or remedial measures that may be warranted.

Wrongful Conduct – Fraudulent, dishonest or otherwise improper conduct, (or instructing or coercing others to engage in such conduct) in violation of the ethical standards embodied in the University's policies and/or federal, state and local laws. Such violations include but are not limited to the following:

- Unauthorized use of University property, resources, or authority for personal gain or other non-University-related purpose
- Unauthorized access to, or alteration (including forgery), manipulation, theft, disclosure, sharing, transfer, destruction or use of University:
 - Electronic and hard copy documents, data, files or records
 - Student education records
 - Student and employee personal information, including financial and medical information)
 - Personnel information
 - Proprietary information (including University intellectual property)

- Property, including but not limited to facilities, equipment, vehicles, supplies and University funds,
- Fraudulent or dishonest reporting of financial or other data to internal or external parties ➤ Bribery, unlawful rebates, or kickbacks
- Research or other academic fraud
- Authorizing, claiming or receiving payment of University funds for goods not received, for services not performed, or for non-University related matters
- Intentionally claiming or receiving reimbursement from the University for moneys not expended, or for moneys expended for non-University-related matters
- Authorizing or receiving compensation for hours not worked
- Creating or permitting unsafe conditions or practices at the University
- Engaging in other illegal, dishonest, fraudulent or otherwise improper conduct in connection with University property, personnel, students, funds, programs and operations

Good Faith Report -- A report of Wrongful Conduct made by a Whistleblower based on the Whistleblower's reasonable good faith belief that Wrongful Conduct may have occurred. A report is not in Good Faith if it is made with knowledge of its falsity or reckless disregard for or willful ignorance of facts that would disprove the report.

False or Baseless Report -- A report of Wrongful Conduct and/or Retaliation made with knowledge of its falsity or with reckless disregard for or willful ignorance of facts that would disprove the report.

Protected Disclosure -- All Good Faith Reports about actual or suspected Wrongful Conduct engaged in by a University employee, student, volunteer, agent, or contractor,

Retaliation -- Adverse action against a Whistleblower because she or he has made a Protected Disclosure or has participated in an investigation, proceeding or hearing involving a Protected Disclosure. For purposes of this policy, adverse action constituting Retaliation, includes but is not limited to the following:

- Adverse employment action such as termination, reassignment, demotion, suspension, compensation decreases, poor work assignments, or other discrimination and threats of physical harm or harassment.
- Adverse academic or educational consequence, for instance, reduction in grade, failing grade, suspension, dismissal, or other discrimination and threats of physical harm or harassment.

05. Reporting Wrongful or Fraudulent Conduct and/or Retaliation

A. Whistleblower Hotline. The University has a toll-free hotline number to allow members of the University community to anonymously and confidentially report Wrongful Conduct and/or Retaliation, as defined in Section .04 above. **The University's toll free hotline phone number is 1 (800) 821-2456.** The hotline does not replace or supersede previously existing reporting options. Staff and other members of the Pace community may still report their concerns through the traditional reporting channels.

All reports through the University's hotline are received by University Counsel. After an initial discussion (whenever possible) with the person calling, University Counsel forwards the reports to appropriate officers and administrators who have institutional responsibility and authority to address

the report. If the officer or administrator to whom the report would ordinarily be referred is the alleged wrongdoer or has a conflict of interest or there are other special circumstances, University Counsel will refer the report to the officer's or administrator's supervisor.

The following is a list of examples of such referrals:

1. Academic misconduct matters – Provost
2. Athletics matters – Director of Athletics
3. Criminal matters, including sexual assault and other violent felony offenses – Safety and Security Department and local law enforcement agencies
4. Discrimination matters, including sexual harassment – Affirmative Action Officer, Title IX coordinator, Office of Human Resources and Dean of Students, if applicable.
5. Employment matters– Office of Human Resources and Employee and Labor Relations
6. Financial matters, including contracts and procurement – Chief Financial Officer
7. Identity Theft (Red Flag) – Department Administrator who then reports the incident to the Identity Theft Prevention Committee
8. Research and Grant matters – Office of Sponsored Research or Director of Corporate and Foundation Relations and Director of Grant Accounting
9. Property management – Chief Administration Officer.

University Counsel will notify the President, whenever the report alleges wrongdoing involving a University officer and/or when the reported matter may significantly affect the University. If the President is the alleged wrongdoer, the matter will be referred to the Chair of the Board of Trustees.

The University officer or administrator to whom a report is referred will provide University Counsel with monthly updates on the status of the response to the hotline report and the final resolution thereof,

University Counsel will maintain a log of all reports, tracking their receipt, investigation, and resolution. University Counsel will notify the Internal Auditor of all hotline reports and related officer/administrator status updates, and will also report to the Board of Trustees Audit Committee on an annual basis regarding the number, types and dispositions of matters reported through the hotline.

The hotline is not designed to capture reports related to academic matters such as grading and academic integrity. Those reports should be directed to the appropriate Academic Department Chairperson, Dean and/or the Provost. Further, the hotline is also not designed to capture reports relating to employee performance or payroll issues. Those reports should be directed to the Vice President for Human Resources.

B. Direct Reports to University Administrators. The regular options for reporting University related Wrongful Conduct and/or Retaliation include the individual's supervisor and/or the University administrator who has authority over the area in which the concerns arise, as well as Human Resources, Safety & Security, Internal Audit or University Counsel. Additionally, the University has an official process for investigating allegations of Discrimination (including sexual and other discriminatory harassment, which is coordinated by the Affirmative Action Officer.

06. Treatment of Complaints

Pace University pledges to use its best reasonable efforts to promptly and discretely investigate all reports of suspected Wrongful Conduct and/or Retaliation, as defined in Section .04 above, and to take appropriate corrective action whenever it concludes that Wrongful Conduct or Retaliation has actually occurred. All employees are expected to fully cooperate in the investigation of complaints. Failure or refusal to so may result in disciplinary action.

Where the University officer to whom a report is transmitted determines, in consultation with University Counsel, that the reported conduct does not constitute “Wrongful Conduct” or Retaliation under this policy, the University officer may nonetheless refer the matter to other appropriate officials for handling in accordance with applicable University procedures.

07. Protection from Retaliation

Pace University pledges that it will neither take nor allow anyone acting on its behalf to engage in Retaliation against anyone for reporting in good faith actual or suspected violations of University policies or federal, state or local laws. However, the fact that an individual reports Wrongful Conduct by others or cooperates in the investigation thereof, does not confer immunity with respect to the individual's own wrongdoing or shield them from legitimate employment or academic decisions relating to their own conduct.

08. Confidentiality

The University will take reasonable steps to ensure the confidentiality of the investigation of Whistleblower reports of Wrongful Conduct. All information obtained in connection with such investigations will be disclosed or shared on a strictly “need to know” basis, to enable the investigation to proceed and to enable appropriate University personnel to make necessary decisions and implement appropriate actions. The University shall also take all reasonable steps to prevent disclosure of the identity of the Whistleblower. However, the Whistleblower's identity may need to be directly or indirectly disclosed in order to conduct a thorough investigation and/or to comply with law. In the event any matter developed during the course of the proceedings become public knowledge, the University reserves the right to issue appropriate statements.

09. University Response to False or Baseless Reports

This policy is also intended to protect individuals against false allegations of Wrongful Conduct and Retaliation. Any member of the University community who makes a False or Baseless Report as defined in Section .04 of this policy may be subject to disciplinary action. Individuals who make Good Faith Reports of Wrongful Conduct or Retaliation as defined in Section .04, will not be subject to disciplinary action and will be protected from Retaliation in accordance with Section .07 of this policy, even if the reported conduct is found not to constitute a violation of University policy or law.

10. Retention of Reports and Investigations

University Counsel must keep a record of the investigation within their office for a specified length of time. That length of time is as specified by University Record Retention policy.

11. Additional Resources

Pace University Website:

- [Affirmative Action Office](#)
- [Crime Reporting](#)
- [Employee Handbook & Policies](#)
- [Ethics Reporting Hotline](#)
- [Faculty Handbook \(PDF\)](#)
- [Law Student Handbook \(PDF\)](#)
- [LSN Student Handbook \(PDF\)](#)
- [Security Guide](#)
- [Student Handbook](#)