Whistleblower Policy Relative to Financial Assets

Summary of Policy

This policy governs the reporting and investigation of allegations of suspected illegal or improper activities concerning the financial assets of the University, and the protection of whistleblowers from retaliation. It describes the procedures for investigating known or suspected illegal or improper activities and addressing complaints of retaliation for raising such issues.

Policy

Clark University has a responsibility for the stewardship of University resources and the private support that enables it to achieve its mission. The University's internal controls and operating procedures are intended to detect and to prevent illegal or improper activities relative to its financial assets. However, intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute illegal or improper activities. The University has a responsibility to investigate and report to appropriate parties allegations of suspected illegal or improper activities, and to protect those employees who, in good faith, report these activities to the appropriate authority.

A Clark employee may not: (1) retaliate against an employee who has made a protected disclosure or who has refused to obey an illegal or improper order, nor (2) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an employee to make a protected disclosure to the University. It is the intention of the University to take whatever action may be needed to prevent and correct activities that violate this policy.

Procedure

A. Filing a Report of Suspected Illegal or Improper Activities Relative to Financial Assets

1. Any person may report allegations of suspected illegal or improper activities. Knowledge or suspicion of illegal or improper activities may originate from academic personnel, staff or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, and customers, vendors, students or other third parties.

2. Allegations of suspected illegal or improper activities should be made in writing so as to assure a clear understanding of the issues raised. Such reports should be factual and contain as much specific information as possible.

3. Normally, a report by a Clark employee of allegations of a possible illegal or improper activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the department. However, when the whistleblower believes there is a potential conflict of interest, such reports may be made to another University official who has responsibility over the department in question or the authority to review the alleged illegal or improper activity on behalf of the University. Should the alleged illegal or improper activities involve the President, Executive Vice President, or another Vice President, such reports may be made to the Chair of the

Audit Committee of the Board of Trustees (c/o Trustee Office, Clark University).

4. When a person reports allegations of suspected illegal or improper activities to an appropriate authority, the report is known as a protected disclosure. University employees and applicants for employment who make a protected disclosure are protected from retaliation.

5. The Audit Committee may enlist outside legal, accounting or other advisors, as appropriate, to conduct any investigation of complaints regarding financial statement disclosures, disclosure concerns or violations, accounting, internal accounting controls, auditing matters or violations of the University's policies.

B. Protection from Retaliation

Any employee who believes he or she has been subjected to or affected by a retaliatory conduct for (1) reporting suspected illegal or improper activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Director of Human Resources of any such report or knowledge of retaliatory conduct. If the employee believes that reporting such conduct to the appropriate supervisor is for any reason inappropriate, unacceptable or will be ineffectual, or if the report to the supervisor has been made and the retaliatory conduct has not ended, the employee should report the incident directly to an Executive Vice President, the President, or the Chair of the Audit Committee of the Board of Trustees.

The University will use its best efforts to protect whistleblowers against any form of retaliation. It cannot guarantee confidentiality, however, and there is no such thing as "unofficial" or "off the record" reporting. The University will keep the whistleblower's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow the University or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of illegal or improper activities is entitled to the information as a matter of legal right in disciplinary proceedings.

C. Any reports or other correspondence should be sent to the intended person noted in the appropriate section, at Clark University, 950 Main Street, Worcester, MA 01610.