

Indiana University "Whistleblower" Policy

The general purpose of this policy is to protect any Indiana University employee or other member of the Indiana University community (hereinafter "Individuals") who makes a good faith disclosure of suspected wrongful conduct. More specifically it:

- encourages an atmosphere that allows Individuals to meet their obligations to disclose violations of law and serious breaches of conduct covered by University policies,
- informs Individuals how allegations of wrongful conduct may be disclosed,
- protects Individuals from reprisal by adverse academic or employment action taken within Indiana University as a result of having disclosed wrongful conduct, and
- provides Individuals who believe they have been subject to reprisal a process to seek relief from retaliatory acts that fall within the authority of Indiana University.

Statement of Policy

Individuals are expected to abide by state and federal laws and regulations as well as University policies. Furthermore, an Indiana University employee cannot be compelled by a supervisor or University official to violate a law or University policy. In the interest of the University, Individuals who have knowledge of specific acts which he or she reasonably believes violates the law or University policy must disclose those acts to an appropriate University official.

This policy supplements the existing Indiana state statute (IC 20-12-1-8) and protects reporting Individuals who make a good faith report (as defined in section 2.0 of this policy) from retaliatory academic or employment action including discharge, reassignment, demotion, suspension, harassment, or other discrimination.

The University shall devise procedures for handling a Good Faith Report of Wrongful Conduct and for responding to complaints of reprisal or retaliation against Individuals making such reports. Such procedures shall conform to the guidelines detailed below. These procedures should be published in University and campus handbooks, as well as on applicable websites.

Wrongful Conduct/ Good Faith Report

"Wrongful Conduct" is defined in this policy to be:

- a violation of applicable state and/or federal laws and regulations
- a serious violation of University policy
- the use of University property, resources, or authority for personal gain or other non University-related purpose except as provided under University policy

“Good Faith Report” is defined in this policy to be an allegation of Wrongful Conduct made by Individual who believes that Wrongful Conduct may have occurred. However, an allegation is not in Good Faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

Making Disclosures

If the University has existing policies and procedures for maintaining standards of conduct and disclosing Wrongful Conduct, those policies should be followed to disclose such Wrongful Conduct. Relevant policies include but may not be limited to:

Indiana University Policy on Research Integrity

Indiana University Financial Management Services Policy on Fiscal Misconduct (I-30)

Indiana University Financial Management Services Policy on Fraud (I-35)

The above policies should be used to report any wrongful conduct covered by those policies. Unless the complainant believes the responsible office may be involved, other instances of wrongful conduct should be reported to the university or campus office responsible for the policy area (e.g., NCAA violations should be reported to the campus athletics compliance officials and sexual harassment should be reported to the Office of Affirmative Action).

Complaints of Reprisal

Individuals who have been subjected to an adverse academic or employment action based on his or her Good Faith Report of alleged Wrongful Conduct may contest the action by filing a written complaint of reprisal with the Office of University Counsel, Human Resources, or the Dean of Faculties office

Nothing in this policy is intended to interfere with legitimate employment decisions.

State Statute Reference

Indiana University employees enjoy whistleblower protection under Indiana Code 20-12-1-8. Nothing in this policy shall be construed in such a way as to conflict with other reporting obligations under state or federal law, or the provisions and protection of the Indiana Code, as set forth below:

IC 20-12-1-8

Protection of employees reporting violations of federal, state, or local laws; disciplinary actions; procedures

(a) An employee of a state educational institution (as defined in IC 20-12-0.5-1) may report in writing the existence of:

- (1) a violation of a federal law or regulation;
- (2) a violation of a state law or rule;
- (3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or
- (4) the misuse of public resources;

first to a supervisor or appointing authority, unless the supervisor or appointing authority is the person whom the employee believes is committing the violation or misuse of public resources. In that case, the employee may report the violation or misuse of public resources in writing to either the supervisor or the appointing authority or to any official or agency entitled to receive a report from the state ethics commission under IC 4-2-6-4(b)(2)(G) or IC 4-2-6-4(b)(2)(H). If a good faith effort is not made to correct the problem within a reasonable time, the employee may submit a written report of the incident to any person, agency, or organization.

(b) For having made a report under subsection (a), an employee may not:

- (1) be dismissed from employment;
- (2) have salary increases or employment related benefits withheld;
- (3) be transferred or reassigned;
- (4) be denied a promotion that the employee otherwise would have received; or
- (5) be demoted.

(c) Notwithstanding subsections (a) and (b), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employee's appointing authority or the appointing authority's designee. However, any employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under the procedure set forth in any personnel policy or collective bargaining agreement adopted by the state educational institution.

(d) An employer who violates this section commits a Class A infraction.