

## **ADMINISTRATIVE PRACTICE LETTER**

### **SUBJECT: REPORTING WORKPLACE WRONGDOING**

#### **I. PURPOSE**

This APL provides guidelines for reporting alleged workplace wrongdoing, prohibits retaliation, and provides procedures for reporting retaliation should it occur.

#### **II. POLICY STATEMENT**

The University of Maine System (University) is committed to ensuring its operations are ethical, honest, and lawful. University employees are expected to support compliance with applicable University policies and procedures, as well as laws and regulations. Employees have a responsibility to report and to assist in investigations regarding:

- Illegal or fraudulent activity
- Financial misstatements, accounting, or auditing irregularities
- Conflicts of interests, dishonest, or unethical conduct
- Violations of the University's conflict of interest policies
- Violations of other laws, rules, or regulations

The University expects that all reports of such potential wrongdoing will be made in good faith and that employees will be cooperative and truthful during the course of any related investigations.

#### **III. REPORTING PROCESS**

Individuals may report allegations orally or in writing to the designated campus or System Office official who is responsible for receiving reports of wrongdoing at each location. An employee may also report potential wrongdoing to his or her supervisor or to some other appropriate official. That supervisor/official will take appropriate action to resolve the problem or report the allegation to the appropriate party. Because laws, regulations, policies and procedures span a broad array of areas (e.g., fiscal, research compliance, NCAA, health & safety, equal opportunity and non-discrimination, FERPA, financial aid) the office which ultimately responds to the issue will vary.

Employees reporting potential wrongdoing are encouraged to communicate their information in writing. Clearly stating the facts with relevant detailed information enables a thorough investigation. Details should include a description of the issue, who was involved, and the dates of occurrence. Employees should report concerns promptly as delays in reporting can result in the loss of evidence or cause information to become stale, hampering the investigation, and potentially preventing the University from resolving the allegation. As part of a thorough investigation, appropriate University personnel may need to interview those who report wrongdoing.

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Confidentiality will be maintained to the extent possible within the limitations of law, policy, and the legitimate needs of the investigation. The identity of the person reporting possible wrongdoing will be made known only to University personnel who have legitimate needs to know. Release of the reporting person's identity may be required pursuant to a subpoena or other circumstance required by law. In addition, those employees reporting possible wrongdoing should be aware that their public testimony might be needed. The University will not be obligated to maintain the confidentiality of someone who has already disclosed his or her identity.

#### **IV. PROTECTION AGAINST UNLAWFUL RETALIATION**

The University prohibits retaliation against anyone who in good faith reports or participates in an authorized investigation of an illegal act.

Unlawful retaliation is any action taken by the University or an employee that would be materially adverse to a reasonable employee and that is harmful to a point that the action might dissuade a reasonable employee from making or supporting a charge of an illegal act.

If an employee believes that he or she has been the subject of retaliation, the employee may contact his or her respective Human Resources department. The department will provide information about how to properly file a complaint. Typically the complaint must be in writing and include the:

- Complainant's name and contact information, including address, telephone number, and e-mail address, if applicable
- Name of the person directly responsible for the alleged retaliation
- Date, place, and nature of the alleged retaliation
- Detailed description of the specific conduct that is alleged to constitute retaliation
- Copies of pertinent documents
- Names of any witnesses
- Complainant's signature and date of filing and any other relevant information

As the following types of communications make thorough investigation and resolution difficult, the University discourages these informal means of communication in favor of the more thorough communications noted above.

- Oral allegations
- Anonymous communications
- Courtesy copies of correspondence or a complaint filed with others
- Inquiries that seek advice or information only

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Should such informal communications be received, the University will take whatever actions it determines appropriate given the particular facts and circumstances.

If the University determines that an employee has experienced retaliation, the University shall take appropriate corrective action.

Protection does not apply to an employee who files a report or provides information that he or she knows to be false. An employee who knowingly makes false accusations or gives false information during an investigation may be subject to disciplinary action, up to and including termination of employment.

The State of Maine provides a statute (Whistleblower Protection Act 26 MRSA 831) for the purpose of reporting certain wrongful actions on the part of an agent of a public body. It is enforced by the Maine Human Rights Commission.

### **Related Documents**

Board of Trustees Policy: Conflict of Interest - Employees Section 410

**APPROVED:**

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**Chief Financial Officer and Treasurer**