

Policy Title: Whistleblower and Non-Retaliation Policy

I. Policy Statement:

Clemson University is responsible for the proper use of its resources and the public and private support that enables it to pursue its mission. The University is committed to conducting its affairs in accordance with applicable laws and regulations, University policies and procedures, and high ethical standards. All employees, students, individuals or committees associated with Clemson University have an obligation to report observed, suspected or apparent misconduct without delay.

This policy confirms that any person who makes a good faith allegation about misconduct, including violations of law, regulations or University policies and procedures, will not be subject to retaliation by the University or anyone within its control.

II. Scope:

This policy applies to any person making a good faith allegation of misconduct against the University.

III. Definitions:

- A. *Allegation* means any written or oral report to the University's Ethics/Safety Hotline or to other defined misconduct reporting mechanisms of possible misconduct.
- B. *Good faith allegation* means an allegation made with the honest belief that misconduct may have occurred. 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.
- C. *Complainant* means any person who, in good faith, reports an allegation or provides information during an investigation into an allegation of misconduct.
- D. *Misconduct* means any violation of federal or state law, rule or regulation, violation of University policies and procedures, or other wrongdoing which results in substantial abuse, misuse, destruction or loss of substantial public funds or public resources.
- E. *Respondent* means the person against whom an allegation of misconduct is directed or the person whose actions are the subject of inquiry.
- F. *Retaliation* means any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has in good faith made an allegation of misconduct or has cooperated in good faith with an investigation of such allegation.

IV. Reporting Allegations of Misconduct:

A. Responsibility to Report Misconduct

All employees, students, individuals or committees associated with Clemson University have an obligation to report observed, suspected or apparent misconduct without delay.

B. Filing a Report

Clemson University provides a confidential Ethics/Safety Hotline operated by a third party. Reports may be made in writing at <http://www.lighthouse-services.com/clemson> or verbally by calling the Ethics/Safety Hotline toll-free at 1-877-503-7283. The hotline is available 24 hours a day, 7 days a week. Reports may be made anonymously but must include sufficient information to justify initiating an investigation. Reports should focus on facts and avoid speculation and drawing conclusions.

Internal Audit receives all reports of misconduct from the Ethics/Safety Hotline and coordinates investigation with administrators in the relevant University office, including the Office of University Compliance, the Office of General Counsel and Human Resources.

C. Confidentiality

The University will undertake reasonable and practical efforts to protect the confidentiality of those persons who, in good faith, report an allegation of misconduct. Complainants should be advised that if the matter is referred to an investigation committee and the Complainant's testimony is required, anonymity may no longer be guaranteed.

The identity of the Respondent shall be maintained in confidence subject to the same limitations as stated above.

D. Protection Against Retaliation

The University will ensure that those persons who, in good faith, report an allegation of misconduct will not be subject to retaliation in the terms and conditions of their employment or other status at the University and will review instances of alleged retaliation for appropriate action. Complainants should immediately report any alleged or apparent retaliation to the Office of University Compliance, the Office of Internal Audit or the Ethics/Safety Hotline <http://www.lighthouse-services.com/clemson> or toll-free at 1-877-503-7283.

A person who retaliates against someone who has made a report in good faith under this policy will be subject to disciplinary action, up to and including dismissal from the University.

E. Allegations Not Made in Good Faith

A Complainant who submits an allegation that is not made in good faith or who knows or has reason to know that such allegation is false or materially inaccurate shall be subject to disciplinary action, up to and including dismissal from the University.

F. SC Whistleblower Act

SC Code §8-27-10 et seq. provides additional protections for some Clemson University employees (“covered employees”) but does not apply to those employees enumerated in SC Code §8-17-370.

1. To receive the protections of this law, covered employees must make a timely “report” of misconduct as defined in SC Code §8-27-10(4).
2. If the covered employee’s report results in saving any public money from abuse, misuse or waste as described in this law, the covered employee may be rewarded up to \$2,000 as specified in SC Code §8-27-20(B).
3. Covered employees who are dismissed, suspended, demoted or receive a decrease in compensation within one year of making a timely report of wrongdoing as defined in SC Code §8-27-10(4) may have the right to a nonjury civil action as set forth in SC Code §8-27-30 if the employee has exhausted all available grievance or other administrative remedies and those whose prior proceedings have resulted in a finding that the employee would not have suffered retaliation but for the reporting of the alleged wrongdoing.
4. Covered employees are not protected by this law from dismissal, suspension, demotion or a decrease in compensation for causes independent of making a protected report of alleged violation.

Purpose: This policy is intended to promote the University’s compliance and ethical obligations under the regulatory and ethical landscape that governs higher education, to encourage individuals to report good faith concerns of misconduct and to protect those individuals from retaliation.

Responsible Department/Division (Contact Person):

Office of University Compliance

Approval/Revision:

Executive Leadership Team, August 13, 2018

Administrative Council, September 9, 2008

Related Policies:

[Clemson University Policy for Responding to Allegations of Research Misconduct](#), [Clemson University IACUC Policy and Procedures for Reporting and Investigating Animal Care and Use Concerns](#), [Summary of SC Code §8-27-10 et seq.](#), Code of Ethical Conduct

