

# Confidential Reporting (“Whistleblower”) Policy

Hampshire College is committed to maintaining and promoting ethical and lawful behavior. All members of our community are expected to be aware of, and to abide by, any and all applicable legal requirements, institutional policies and ethical norms (“Standards”) relating to their activities, functions and responsibilities at the College, especially regarding the fraudulent use or misuse of College resources. It is also expected that College employees (and/or students, grantees, contractors, vendors) will report actual or suspected violations of those Standards to a supervisor, manager, or other appropriate College official when they observe or learn about them. A commonly used term for a person making such a report is “whistleblower.”

## Violation of Standards

Conduct which constitutes a violation of Standards is a deliberate act or failure to act with the intention of obtaining an unauthorized benefit and includes, but is not limited to:

- forgery or alteration of documents
- unauthorized alteration or manipulation of computer files
- fraudulent financial reporting
- pursuit of a benefit or advantage in violation of the College's Conflict of Interest policy
- misappropriation or misuse of College resources, such as funds, supplies, or other property
- authorizing or receiving compensation for goods not received or services not performed
- authorizing or receiving compensation for hours not worked

## How to Report

- Actual or suspected instances of violations of Standards can be reported to a supervisor or manager. If an employee is not comfortable speaking to a supervisor or manager, is uncertain about to whom to report a violation, or does not feel the concern has been properly addressed, the employee may contact the Vice President of Academic Affairs and Dean of Faculty (faculty issues) or the Vice President for Finance and Administration. Alternatively, reports can be made to the College Ombudsperson, who assists employees with problems in multiple areas, who has no supervisory or administrative responsibility, and who reports directly to the President. Reports received by the Ombudsperson will be forwarded to the Dean of Faculty or the Vice President for Finance and Administration.
- Reports can be made in person, by telephone, or in writing.
- Reports may also be submitted anonymously. However, only reports with sufficient information to support an investigation can be acted upon. The College may contact reporters who self-identify to gather additional information and ask follow-up questions, if necessary.
- Reports should contain the name(s) and title(s) of the employee(s) against whom the allegation(s) is being made and a specific description of the misconduct, including dates, times, and any other relevant information needed to substantiate the allegation(s). In addition, the reporter should note how they came to know this information, such as from first-hand observation, a report they received from another person or persons, etc.

## Confidentiality

Whistleblower reports will be handled with sensitivity and discretion, and will be treated confidentially to the extent allowed by the circumstances and the law. Generally, this means that whistleblower reports will only be shared with those who have a need to know so that the College can conduct an effective investigation, take appropriate action, and consult law enforcement personnel, if necessary.

## **Investigation**

The initial report will be maintained by the Vice President for Academic Affairs and Dean of Faculty or the Vice President for Finance and Administration until the outcome of the investigation. Depending on the circumstances of the allegation, the allegation will be typically forwarded to the Vice President for Finance and Administration (non-faculty) or the Vice President for Academic Affairs and Dean of Faculty (faculty) who will investigate or appoint an investigator or investigative team. Allegations involving either vice president will be reported to the President. The investigator or investigative team may consult with and/or request the assistance of counsel and/or Public Safety to ensure a fair and thorough investigation. The investigator or investigative team will report findings, evidence, and suggested next steps to the vice president or president appointing the investigator or investigative team. The Vice President or President may ask the investigator or investigative team to conduct additional research before concluding the investigation.

In the course of the investigation the accused individual will be given a statement of the allegations and a fair opportunity to respond. The accused individual may consult with Human Resources for assistance throughout the investigative process. Under certain circumstances, it may be necessary to share the identity of the whistleblower with the accused individual.

When the final resolution of the investigation has been reached the senior official overseeing the investigation may inform the President of the outcome, depending on the severity of the offense.

After completing the investigation, the Vice President or President will forward the investigative file and written report(s) to the Director of Human Resources. The file will remain under the stewardship of the Office of Human Resources for at least the period required by law or College policy.

Discipline or other actions resulting from the investigation will be determined by the Vice President for Academic Affairs and Dean of Faculty, Vice President for Finance and Administration or President in consultation with the Director of Human Resources. Counsel, Public Safety, and other law enforcement personnel may be consulted. Discipline will be applied according to College policies and the law.

All College employees are expected to fully cooperate with any investigation.

## **False or Baseless Allegations**

False or baseless allegations are those which the reporter knows to be false, or which are made by the reporter without any reasonable basis or with reckless disregard for their truth or falsity. Individuals making such allegations are subject to discipline by the College, up to and including termination of employment.

## **Confidential Reporter Protection**

Individuals who report (other than a false or baseless allegation) a suspected violation of Standards by another member of the College community or by an employee or agent of a vendor doing business with the College, in the reasonable belief that such violation occurred or may have occurred, may not be retaliated against by the College, by any of its employees or officials, or by the individual who is the subject of the report. Examples of prohibited retaliation include threats of physical harm, job loss through dismissal, punitive work assignments, reduction in compensation, verbal or physical abuse, harassment, threats, discrimination or other adverse employment consequences.

This protection from retaliation will not prohibit managers or supervisors from taking legitimate action, including disciplinary action, consistent with their duties and responsibilities, based on appropriate performance-related factors or other legitimate business reasons unrelated to the whistleblower report.

Reporters who believe that they have been retaliated against may report such violations to the senior official who oversaw the investigation or the Director of Human Resources. Complaints of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. The

investigation of the complaint will be led by the senior official who directed the investigation or his/her designee and may include outside legal counsel.

### **Appeal**

If at the end of the investigative process the accused individual disagrees with the decision(s), he/she may appeal by submitting a written statement outlining concerns and the requested resolution. This appeal should be submitted directly to the President for review by the President or his/her designee. The decision of the President or designee will be final.

### **Contacts**

Questions related to the interpretation of this policy should be directed to the Director of Human Resources.

### **CONTACT INFORMATION**

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