

WHISTLEBLOWER POLICY

I. Introduction

The University of Arkansas System has a responsibility for the stewardship of University resources and the public and private support that enables it to pursue its mission. The University is committed to compliance with the laws and regulations to which it is subject and to promulgating University policies and procedures to interpret and apply these laws and regulations in the University setting.

The University's internal control system is intended to detect, prevent and deter noncompliance with applicable laws, regulations and University policies. However, even the best internal control systems cannot provide absolute safeguards against wrongful conduct. The University has a responsibility within its established control system to investigate and report to appropriate parties disclosures of suspected wrongful conduct and the actions taken by the University to address those disclosures.

This policy is intended to encourage all University employees to report suspected or actual occurrences of alleged wrongful conduct without fear of retribution and to bring forward serious concerns to the University's management for review, prior to seeking resolution outside the University. The University will provide fraud and compliance hotlines for the purpose of soliciting information from whistleblowers about alleged wrongful conduct.

II. Definitions

A. Whistleblower

A person or entity making in good faith a protected disclosure on a matter of public concern is commonly referred to as a whistleblower. Whistleblowers may be University employees (academic or staff), applicants for employment, students, patients, vendors, contractors or the general public.

B. Wrongful Conduct

Wrongful conduct is an activity undertaken by a University employee in the performance of the employee's official duties or by an individual, corporation or other entity doing business with the University that are in violation of law as defined in Arkansas and federal whistleblower laws.

III. Whistleblower Rights, Role and Responsibilities

In accordance with the Arkansas Whistleblower Act, whistleblowers have the right to be protected from retaliation. A University employee who retaliates against a whistleblower who reports alleged wrongful conduct in good faith is subject to discipline up to and including termination of employment from the University. A whistleblower's right to protection from retaliation however does not extend to immunity for any complicity in the matters that are the subject of the disclosure or an ensuing investigation. The University also has the right to act upon the intentional filing of a false report, whether orally or in writing.

Whistleblowers frequently make their reports in confidence and often wish to remain anonymous. Protection of a whistleblower's identity will be maintained to the extent possible under applicable state and federal laws. Whistleblowers should be cautioned that their identity may become known for reasons outside of the control of University administrators and investigators. Should the whistleblower choose to self-disclose their identity to the University, the University may not be able to maintain confidence over the identity.

The whistleblower's role is as a reporting party. Whistleblowers provide information related to a reasonable belief that alleged wrongful conduct has occurred within the University's operations. Whistleblowers have a responsibility to be candid with the University's Board, management or investigators to whom they make a report of alleged wrongful conduct and shall set forth all known information regarding any reported allegations. Persons making a report of alleged wrongful conduct should be prepared to be interviewed by University employees who have the authority to conduct investigations. A whistleblower has the right to be informed of the subsequent disposition of their disclosure unless the information is legally protected from release.

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