

	Whistleblower Policy (Ethics Hotline)	Responsible Administrative Unit: Compliance, Policy, and Risk Management
	Issued: March 2008 Revised: May 2018	Policy Contacts: Executive Director of Compliance, Policy and Risk Management compliance@mines.edu

1.0 BACKGROUND AND PURPOSE

Colorado School of Mines (“Mines” or “University”) has responsibility for the stewardship of its resources and the public and private support that enables Mines to pursue its mission. This policy is designed to promote adherence to University policies, procedures, and the Code of Ethics; and to encourage good faith reports of allegations of misconduct including those concerning compliance with University policies and procedures.

Mines staff, faculty, and students have an ethical obligation to demonstrate the highest standards of integrity and honesty at all times. This includes the expectation of adhering to applicable University policies, procedures, the Code of Ethics, the Student Code of Conduct, and appropriate and professional interactions with others in accordance with the Mission, Vision, and Values of the Colorado School of Mines. Members of the Mines community are not only expected to act in accordance with these ethical values, but to report wrongdoings of any kind from inappropriate treatment of people to violation of laws, regulations, or policies.

The University provides various mechanisms to assist and encourage individuals to come forward in good faith with reports or concerns about suspected misconduct and compliance issues. Employees, students and Mines community members may report without fear of reprisal or retaliation. Diligent efforts will be made to protect the reporter from retaliation for his/her activities in cooperation with, or initiation of, a good-faith inquiry or investigation.

2.0 POLICY

2.1 Applicability. This policy applies to all Mines community members, including but not limited to employees (regardless of status), students, volunteers, vendors, and contractors. Any Mines community member who knows of or is suspicious of inappropriate conduct (e.g., violations of law, regulations, fiscal misconduct, conflicts of interest, violation of Mines’ policies, misuse of Mines’ resources, etc.) is expected to promptly report such behavior, regardless of whether the person is personally involved in the matter. This policy is intended to be consistent with other procedures in place for specific types of reports. It does not preclude application or enforcement of other Mines policies.

2.2 Reporting Options. Reports may be made verbally or in writing through any of the following: (1) employee’s supervisor, (2) student’s academic advisor or the Dean of Students (3) Director of Internal Audit, Compliance System and Policy Manager, Vice President of Institutional Compliance, or (4) a Mines designated anonymous hotline

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administered by a third party. Individuals should make their report in the manner that makes them most comfortable. Reports that are not received through the hotline option should be forwarded immediately to the Compliance System and Policy Manager upon receipt by the supervisor or other personnel.

- 2.3 Confidential Handling. Reports of violations or suspected violations may be submitted on a confidential basis and will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- 2.4 No Retaliation. It is contrary to the values of Mines for anyone to retaliate against a reporter who comes forward in good faith with reports or concerns. Mines will not tolerate any retaliation or reprisal against anyone who makes such a report or who participates in any inquiry of misconduct. In addition, the State Employee Protection Act (Whistleblower) prohibits retaliation based on a state employee's disclosure of information on actions of state agencies that are not in the public interest.
- 2.5 Report Retaliation. Any employee who believes that he/she is being retaliated against for making such a report or participating in an inquiry should immediately bring it to the attention of the Compliance System and Policy Manager for immediate investigation.
- 2.6 Disciplinary Actions. An employee who retaliates against someone who has reported a violation in good faith may be subject to discipline up to and including termination of employment or academic program.
- 3.0 **RESPONSIBILITIES:**
- 3.1 Institutional Compliance. The Vice President of Institutional Compliance and/or the Compliance System and Policy Manager will review reports received and will involve other parties in the process as necessary. The scope of Institutional Compliance within the University is broad and may involve topics from federal, state, and institutional policies as well as policies which control faculty or student conduct, which provides the diverse foundation for an effective review of reported concerns.
- 3.2 Internal Audit. The Director of Internal Audit (or the Director's designee in his/her absence) will review reports received and will involve other parties in the process as necessary. The scope of internal auditing within the University is broad and may involve topics from financial risks and controls to faculty or student conduct, which provides the diverse foundation for an effective review of reported concerns.
- 3.3 Reporting Party. Reporters should not conduct their own investigation and shall refrain from obtaining evidence they would not otherwise be permitted to access.

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3.4 Supervisor, Advisor, Dean of Students. Determine whether or not the reporter wishes to remain anonymous. Advise them of your obligation to follow this policy and forward the concern immediately to the Compliance System and Policy Manager. Verify the Compliance System and Policy Manager has received the report.

3.5 Department and Employees. All affected departments and employees shall cooperate fully with any investigation initiated pursuant to this policy and are expected to treat such investigations as confidential. Any employee engaged in conduct intended to impede an investigation may be subject to discipline up to and including termination of employment.

4.0 PROCEDURES

4.1 Reports will be processed as promptly and discreetly as possible by the Compliance System and Policy Manager, who reports directly to the VP of Institutional Compliance, who reports to the Board of Trustees. Depending on the nature of the report, appropriate personnel will participate as necessary.

4.2 Results. Reports and the investigation results will be disseminated to executive management as necessary and will be reported to the Mines Board of Trustees. Financial irregularities will also be reported to the Internal Auditor and Controller in accordance with the Mines' Financial Policy 1-5. Reports involving criminal implications will be reported to the District Attorney or other appropriate law enforcement agencies.

4.3 Disciplinary Actions. Mines values the rights of stakeholders to a prompt and fair investigation. For misconduct that is validated through the investigation process, the wrongdoer(s) may be subject to discipline up to and including termination of employment or academic program.

5.0 REFERENCES

This policy is intended to comply with applicable federal, state, and local requirements and Mines' policies, including but not limited to the following:

- Behavior and disciplinary actions within the Faculty Handbook and the State Classified Handbook.
- Suspected fraud, theft or embezzlement is to be reported to the Controller in accordance with Mines' Financial Policy 1-5.
- *C.R.S. 18-8-115*. Every person or corporation who has a reasonable belief that a crime has been committed has a duty to report promptly the

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suspected crime to law enforcement authorities.

- *C.R.S 24-50.5-103.* Colorado State Employee Protection Act prohibits discipline or penalty against a state employee in retaliation for the employee's disclosure of state agency actions that violate the public interest.

48 CFR 252.203-7002. All employees working for contractors, grantees, subcontractors, and subgrantees on federal grants and contracts (for the U.S. Department of Defense, NASA, and the Coast Guard) are required to inform their employees they are subject to whistleblower rights and remedies and protections. Employees are to make disclosures to the appropriate parties.

- *Federal Acquisition Regulations (FAR) - Subpart 3.9 – Whistleblower Protections for Contractor Employees.* Government contractors (for all federal agencies except the intelligence community) shall not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to an authorized official of an agency relating to a substantial violation of law related to a contract.

6.0 HISTORY & REVIEW CYCLE

This policy shall be reviewed on at least a biennial basis by the responsible administrative unit.

Promulgated in March 18, 2008 as the Fraud and Abuse Policy. Updated 2/4/2016 with a new name and extended to any whistleblower area.

Responsibility for policy compliance changed from Internal Audit to Institutional Compliance. Updated 5/23/2018 with this change.