

Marquette University Policies and Procedures



1-25 Reporting of Unethical, Illegal or Improper Behavior

Policy section: Human Resources

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Direct inquiries to: Director of Internal Audit 288-7852

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Why Do We Have This Policy?

In order to promote a productive and safe work environment and to facilitate the accomplishment of its mission, Marquette University is committed to a culture of compliance with ethical standards, laws, and applicable regulations and policies. Prompt disclosure of evidence of unethical, illegal, or improper behavior helps to create such a culture.

What Is The Policy?

It is University policy to encourage any employee who has evidence that unethical, illegal, or improper behavior has occurred or is occurring to report that information to the proper authorities and to be able to do so without fear of retaliation. The key provisions of this UPP 1-25 shall be communicated to the University community at least once in each fall and spring academic term.

No definition of “unethical, illegal, or improper behavior” is provided here. While the term “unethical, illegal, or improper behavior” generally involves behavior that is inconsistent with some written ethical standard, law, or applicable regulation or policy, including but not limited to University Policies and

Procedures, canons of professional ethics, and applicable Federal, state, or local laws or regulations, any behavior that may reasonably be considered to fall under the term “unethical, illegal, or improper behavior” will be evaluated, and reporting with respect to it protected, under this UPP.

How Do I Implement This Policy?

Disclosure

Employees

All University employees are encouraged to report evidence of unethical, illegal, or improper behavior to one of the following:

- Any manager or supervisor at any level of the college, school, office, or department at a level above which such behavior is suspected to have occurred
- University Director of Internal Audit
- University Office of General Counsel
- University Department of Human Resources
- University Department of Public Safety
- Anonymously, by using the EthicsPoint hotline (phone or via the website)

Nothing in this UPP 1-25 authorizes individual employees to conduct investigations without separate authority inherent in their positions or granted by an authorized university representative. Nothing in this UPP 1-25 prevents individual employees from making disclosures to appropriate law enforcement authorities.

Managers and Supervisors – Responsibilities

University employees in managerial and supervisory positions have an affirmative duty to report evidence of criminal conduct to an appropriate manager or supervisor, or to designated investigative personnel, so that, in every case, allegations of criminal conduct of which Internal Audit becomes aware are ultimately investigated and the disposition is made by, or reported to, the President and then to the Board of Trustees. Appropriate managers are those above the level of any person suspected to be involved in such criminal conduct. The reporting procedures set forth in this UPP 1-25 shall be used to fulfill this initial reporting obligation.

When evidence of unethical, illegal, or improper conduct is disclosed or comes to their attention, all managers and supervisors are required to report the information promptly to one of the following:

- an appropriate manager or supervisor

- the University Director of Internal Audit
- the University Office of General Counsel
- the University Department of Human Resources
- the University Department of Public Safety
- anonymously, by using the EthicsPoint hotline (phone or via the website)

Failure to report promptly when required to do so may result in disciplinary action.

Managers and supervisors should exercise reasonable care in dealing with suspected unethical, illegal, or improper behavior to avoid:

- Perpetuation of baseless allegations
- Premature notice to persons suspected
- Disclosure of allegations to others not involved with the investigation
- Violations of a person's rights under law

Accordingly, a manager or supervisor faced with evidence of unethical, illegal, or improper behavior:

- Should not contact any person who may be suspected.
- Should not discuss the details of the matter (beyond the reporting of the allegation itself) with anyone other than the Director of Internal Audit, the Office of General Counsel, an authorized university representative investigating the matter, or a duly authorized law enforcement officer.
- Should direct all inquiries from any attorney retained in connection with the matter to the Office of the General Counsel.
- Should direct all inquiries from the media to the university's Office of Marketing and Communication (OMC) or, in the event that OMC cannot be contacted, to the Office of the General Counsel.

Investigative Responsibilities

After receipt of evidence of unethical, illegal, or improper behavior, the appropriate University representative will review the information provided with the Office of the General Counsel and other appropriate members of University leadership to determine if an investigation is warranted, keeping in mind the need for confidentiality. If warranted, the appropriate University representative will perform a thorough investigation and recommend appropriate action.

University EthicsPoint Hotline

Marquette University has selected *EthicsPoint* to provide employees with a simple way to report, **anonymously** and confidentially, evidence of unethical, illegal, or improper behavior.

Any employee may report evidence of unethical, illegal, or improper behavior by contacting the fraud hotline at **1-800-445-7068** or accessing the hotline via the University homepage at:

https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=13821

All reports submitted via the *EthicsPoint* hotline will be handled promptly, and those reporting evidence of unethical, illegal, or improper behavior will be provided information that will allow them to determine anonymously the final resolution of the matter.

Protection for Disclosing Persons

No retaliatory action will be taken against anyone for reporting in good faith evidence of unethical, illegal, or improper behavior or for seeking guidance on how to handle suspected unethical, illegal, or improper behavior. Good faith does not require that any subsequent allegation is substantiated—only that the evidence provided has a reasonable basis in fact and that is not provided for purposes of harassment. It is then the responsibility of the University to make the determination as to whether the evidence disclosed, together with additional evidence developed during any subsequent investigation, is sufficient to substantiate any allegations of unethical, illegal, or improper behavior.

The University will protect persons making good faith disclosures of evidence of unethical, illegal, or improper behavior as described below:

- The University will protect disclosing employees against retaliation from other university employees.
- The University does not guarantee confidentiality. The University will endeavor to keep the disclosing person's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow the University or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or, (4) the person accused may be entitled to the information in disciplinary proceedings.
- No one may retaliate against such disclosing persons with the intent or effect of adversely affecting the terms or conditions of employment. See Exhibit A for examples of reprisals or retaliation.
- Disclosing persons who believe that they have been retaliated against may file a written complaint with the Director of Internal Audit, who will refer the matter for investigation as appropriate. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including dismissal against the retaliating person. This protection from retaliation is not intended to prohibit managers or supervisors from taking disciplinary action in the usual scope of their duties and based on valid performance-related factors.

Exhibit A

Examples of Retaliation

Examples of retaliation include, but are not limited to, the following:

1. Denial of adequate staff to perform duties
2. Refusal to assign meaningful work
3. Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations
4. Demotion
5. Reductions in pay
6. Denial of promotion
7. Suspension
8. Dismissal
9. Encouraging coworkers to behave in a hostile manner toward the disclosing person

Additional Resources and Forms

Financial Misconduct website:

https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=13821