

NIU WHISTLEBLOWER POLICY

University's Commitment

Northern Illinois University strongly encourages the good faith reporting of suspected illegal or other wrongful conduct. It is vital to the establishment and maintenance of public trust that the University act ethically, as well as legally, in all of its dealings (whether academic, business, athletic, or otherwise), and this Policy protects anyone who reports a suspected ethical or legal violation in good faith.

In addition to complying with applicable federal, state, and local laws and with University rules, regulations, policies, and procedures, the University and its personnel must abide by the Illinois State Officials and Employees Ethics Act (*Ethics Act*). Anyone who violates applicable ethics requirements while acting in the capacity of a State employee, which includes University employees, may face significant consequences, up to and including discipline and/or termination. University personnel are required to receive and complete ethics training annually and at the time of hire. Additionally, University personnel are required to report what they reasonably believe to be violations of law or the University's own rules, regulations, policies, and procedures so that appropriate corrective action can be taken to address substantiated violations.

Although the University has developed and implemented internal controls and procedures that will deter and prevent illegal and other wrongful conduct, it is also essential that individuals bring instances of suspected unlawful or other wrongful conduct to the attention of an institutional or State representative with the power to take action. Making such a report can be difficult to do, and this Policy is in place to protect individuals who do so. **Any employee who, in good faith, reports a suspected or alleged legal or ethical violation will be protected from retaliation under this Whistleblower Policy.** An employee acts in "good faith" when he or she reports conduct that the employee reasonably believes to be a violation of law, rule, regulation or policy.

Below, the University explains what constitutes protected activity, the kinds of conduct that can be reported, and the protection that a Whistleblower will receive for a good faith report of illegal or wrongful conduct. Any questions about this Policy may be directed to the University Ethics Officer.

What is Protected Activity That Triggers Whistleblower Protection?

This Policy prohibits taking, or threatening to take, any retaliatory action (as defined below) against an employee or student who engages in protected activity (which includes reporting, assisting, or participating in an investigation of alleged wrongdoing). "Protected activity" occurs when an employee or student:

- *reports or threatens to report, in good faith, an act or omission believed to be (i) a violation of law, rule, regulation, policy, or procedure; or (ii) fraud, waste, abuse, mismanagement, or other wrongful conduct;*
- *provides information or testifies in good faith about any alleged or suspected violation of law, regulation, policy, or procedure, including but not limited to alleged or suspected violations of, the Ethics Act, the Illinois Freedom of Information Act, harassment or sexual misconduct;*

- *assists or participates in an investigation into any alleged or suspected violation of the Ethics Act or a proceeding to enforce the Ethics Act: or*
- *assists or participates in an investigation or other proceeding regarding an alleged or suspected violation of this policy or other University rule, regulation, policy or procedure.*

These descriptions of **protected activity** reflect and are intended to effectuate the promises and protections afforded under several Illinois state laws protecting whistleblower activity. See State Officials and Employees Ethics Act. 5 ILCS 430/1-1 *et seq.*; Illinois Whistleblower Act, 740 ILCS 174/1 *et seq.*

What is A Report of Wrongful Conduct?

For purposes of this policy, a **report of wrongful conduct** includes but is not necessarily limited to a report about:

- A serious violation of University rule, regulation, policy, or procedure;
- A violation of applicable federal, state, or local law;
- Embezzlement or other financial irregularities; and/or
- Use of University property, resources, or authority for personal gain or other non-University related purpose, except as provided under University policy.

Specific examples of **wrongful conduct** covered under this policy include but are not limited to:

- Fraud, waste, abuse, mismanagement;
- Theft, misappropriation, misapplication, destruction, removal, or concealment of University resources including intellectual property;
- Violation of revolving door policies and prohibitions;
- Forgery, falsification, or alteration of documents;
- Improprieties/misrepresentation in the handling or reporting of money or financial transactions;
- Authorizing or receiving payment for goods not received or services not performed;
- Misuse of University facilities, such as telephones, e-mail systems and computers;
- Intentional, knowing, or reckless violation of the Illinois Procurement Code;
- Accepting or offering bribes, kickbacks, or rebates;
- Failure to report actual or perceived abuse or neglect of a child/minor;
- Violations of the Illinois Ethics Act; and/or
- Actions related to concealing or perpetuating the above-mentioned activities.

Penalties

There are several penalties for noncompliance with the laws and policies governing University operations (such as the *Ethics Act*, the *Procurement Code*, and University policies prohibiting conflict of interest and revolving door violations). Penalties for violation may include misdemeanor criminal charges, personal fines, and discipline, up to and including termination/discharge. If employees have any questions about these obligations, the University's Ethics Officer is available to address them. Please consult the following Policy for further information about the Ethics Officer and the requirements of the *Ethics Act*: https://www.niu.edu/hrs/resources/policies/ethics_act.shtml

What is Retaliatory Action?

The *Ethics Act* defines **retaliatory action** as a reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any State employee, which

is taken in retaliation for involvement in protected activity. It is not a violation of the *Ethics Act* if the employer can demonstrate, by clear and convincing evidence that the same personnel action would have been taken even in the absence of the protected activity.

For purposes of this Policy, a **retaliatory action** is even broader than the legal prohibitions set forth in the Ethics Act. **Retaliatory Action** at Northern Illinois University includes the above definition of retaliatory action in the *Ethics Act* but also includes any other materially adverse action (including substantiated threats of adverse action) that would dissuade a reasonable person from engaging in **protected activity** as defined above.

How Do I Report Emergency Situations?

In the event of an emergency situation requiring an immediate police response, you should contact the Illinois State Police or the county, municipal or campus police agency that can provide the fastest response (for example, by dialing 911). Examples of emergency situations include those that involve the illegal use or possession of a weapon, bodily injury or threat of bodily injury, or other threat to the campus community.

How Do I Report Suspected or Allegedly Illegal or Other Wrongful Conduct Within the University?

As a State employee, it is your duty to report violations of the law or of University rules, regulations, policies, or procedures by another officer, employee or vendor of the State relating to State/University business. The University provides several options for employees to report suspected wrongdoing, including an option independent of the University (Ethics Point). Others are also strongly encouraged to report suspected unlawful or other wrongful conduct. The University provides below multiple channels that may be used to make a report. An Ethics or Whistleblower complaint can be made through any of the following channels:

- **Ethics Point:** Ethics Point is a comprehensive and confidential reporting tool which can receive anonymous complaints and forward them to the University in a manner that preserves anonymity.
- The Office of the Executive Inspector General may be contacted with complaints by mail, via its toll-free Hotline at 866-814-1113, or toll-free via a Telecommunications Device for the Deaf (TDD) at 888-2612734. For additional information about OEIG, what OEIG does, and how to contact OEIG visit its web site at: www.inspectorgeneral.illinois.gov.
- E-mail the Northern Illinois University Ethics Officer at niuetthicofficer@niu.edu
- Call 855-544-6665 and leave message for the Northern Illinois University Ethics Officer.
- Complete the Ethics Complaint Form at <https://niu.edu/ethics-compliance/complaints/ethics.shtml> or contact Human Resource Services.
- Contact the Office of the President at 815-753-1271 or e-mail president@niu.edu
- Contact the Chair of the Board of Trustees, for contact information visit its web site at: www.niu.edu/board/trustees

Anonymous complaints will be accepted but should contain sufficient information to allow for follow-up inquiries and investigation as appropriate.

How Does the University Investigate Complaints?

The nature, scope, and extent of the allegations raised in a particular complaint will determine who will investigate the complaint and what process or procedure will be used to investigate a particular complaint. The University has a variety of options available to investigate complaints. The Department of Police and Public Safety may be called upon to investigate employee conduct that could constitute

criminal law violations. The University Human Resources Department is authorized to investigate complaints involving employee related issues, such as Affirmative Action and Diversity Resource matters, sexual harassment, and bullying, among others. The Ethics Office has specific authority to investigate ethics violations. Similarly, the Office of General Counsel has responsibility to investigate matters pertaining to legal, regulatory, and ethical compliance. Regardless of the type of allegation or complaint raised under this Policy, the University will address the allegation or complaint.

How Does the University Address False Reports?

Individuals who report unlawful or other wrongful conduct in good faith shall be protected under this Policy from **retaliatory action** even if the report is found upon investigation to be mistaken or unsubstantiated. This protection, however, does not cover knowingly false or fabricated reports. It also does not preclude supervisors or administrators from taking action, including disciplinary action, in the usual course of their duties and based upon valid factors, including performance-related factors. Knowingly making false or fabricated reports undermines the University's effort to reduce if not eliminate wrong doing and as such, the University will take necessary action to discipline persons who make such reports.