Institutional Policy: Whistleblower (Reporting and Investigating Allegations of Suspected Improper Conduct)

Palmer College of Chiropractic is committed to high standards of ethical, moral and legal business conduct. As such, the College encourages all faculty, staff, students and others conducting business with the College, acting in good faith, to report suspected or actual improper conduct.

The College is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an order of improper conduct as defined in this policy. Employees and students may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate supervisor or other appropriate College official.

Therefore, the College encourages employees, faculty, students and others to follow the guidance set forth in this policy to report any and all allegations of suspected improper conduct. It recognizes that any person who makes a good faith report of suspected improper conduct or who participates in an investigation of such report must be protected from retaliation by the College, its employees and members of the Board of Trustees.

Scope

This policy applies to the entire College community and 3rd parties.

Definitions

For the purposes of this policy, the following terms shall have these meanings:

A. The term **"Chief Compliance Officer"** refers to a College official appointed by the Chancellor to be responsible for the administration of this policy and its associated rules and processes.
B. The term **"College"** refers to the entire unit of Palmer College of Chiropractic, including operations on the main campus in Davenport, Iowa; the West campus in San Jose, California; and the Florida campus in Port Orange, Florida.
C. The term **"College official"** includes any person employed by the College performing assigned administrative or professional responsibilities.
D. The term **"College resources"** shall include, but not be limited to the following whether owned by or under management or control of the College:
    1. Cash and other assets, tangible or intangible, real or personal property;

2. Receivables and other rights or claims against third parties;
3. Intellectual property rights;
4. Facilities and the rights to use College facilities;
5. Palmer College of Chiropractic's name, associated symbols, logos, or service marks; and
6. College records including student records.

E. The term **"improper conduct"** refers to any action or activity by a student during the course of his/her enrollment as a student or any action or activity by an employee in the performance of the employee's duties or with the appearance or representation that it is undertaken in the performance of his/her duties, whether or not the action or activity is within the scope of his/her employment, and that:
   1. Violates any federal or state law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft, fraudulent claims, fraud, coercion, conversion;
   2. Misuses or misappropriates College property; fails to perform a duty; or intentionally violates College policies, rules, procedures, or regulations;
   3. Is economically wasteful or involves gross misconduct, incompetence or inefficiency or creates for the College potential exposure to liability and financial irregularities;
   4. Suggests that the action or activity is a result of a criminal act;
   5. Significantly threatens the health or safety of members of the College community;
   6. Is scientific misconduct;
   7. Is an unauthorized invasion, alteration or manipulation of records and computer files in pursuit of a benefit or advantage;
   8. Interferes with a College investigation conducted in accordance with this policy, including the withholding, destruction or tampering with evidence or any effort to influence, coerce, intimidate, or retaliate against Whistleblowers or witnesses; or
   9. Is determined by the Chief Compliance Officer to be detrimental to the best interest of the College.

F. The term **"investigation subject"** refers to a person who is the focus of an investigation.

G. The term **"investigator"** refers to any person authorized by the College to conduct fact finding and analysis of allegations of improper conduct.

H. The term **"protected disclosure"** is any report, communication or disclosure that may evidence improper conduct, if made in good faith for the purpose of correcting the conduct or while participating in an investigation of improper conduct.

I. The term **"student"** includes all persons enrolled at the College, both full-time and part-time, pursuing undergraduate, graduate or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered "students."

J. The term **"whistleblower"** refers to any person making a "protected disclosure." The Whistleblower is a reporting party, not an investigator, fact finder or one who determines corrective or remedial action.

Intent Of Policy

This policy is intended to protect any individual who engages in good faith disclosure to the College of suspected improper conduct. More specifically it:

1. Encourages individuals to disclose suspected improper conduct engaged in by others to the appropriate College official(s) so that prompt, corrective action can be taken by the College;
2. Informs individuals how allegations of improper conduct can be disclosed;
3. Protects individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed suspected improper conduct (individuals who self report their own improper conduct are not afforded protection by this policy); and
4. Provides individuals who believe they have been subject to reprisal or false allegations a fair process to seek relief from such acts.

Reporting Allegations of Suspected Improper Conduct

PREPARING A REPORT

The College encourages reports of allegations of improper conduct to be made in writing, so that there is a clear understanding of the issues raised. Oral reports may be made. Reports should focus on facts, and avoid speculation and drawing conclusions. Such reports shall include as much specific information as possible which will facilitate the evaluation of the nature, extent and urgency of preliminary investigative procedures.

FILING A REPORT

1. Employees of the College should report allegations of improper conduct to a College official whom the reporting person may reasonably expect to have either responsibility over the affected area or the authority to review the alleged improper conduct on behalf of the College. Reports may also be made to the Chief Compliance Officer, Chancellor, Vice Chancellors, or campus Presidents.
2. The College recommends that persons who are not employees of the College make reports to the Chief Compliance Officer. Such reports may be made to another College official whom the reporting person may reasonably expect to have either responsibility over the affected area or the authority to review the alleged improper conduct on behalf of the College.

REPORTS TO THE CHIEF COMPLIANCE OFFICER

The Chancellor, Vice Chancellors, campus Presidents and any College officials who receive a report alleging improper conduct shall promptly report the matter to the Chief Compliance Officer. Such College officials must document an oral report with a written summary of the oral report.

The Chief Compliance Officer in consultation with the reporting College official shall determine which matters can be reviewed under the authority of the College official responsible over the affected area,

under the authority of the Chief Compliance Officer or referred to the jurisdiction of another appropriate process recognized by the College.

TIME LIMITS TO REPORT

The allegations of suspected improper conduct must be reported as soon as possible and no later than one(1) year after the event(s) giving rise to the allegation, unless there is good cause to explain the delay.

REPORTING FALSE CLAIMS

A whistleblower who makes a claim under this policy in bad faith, or knows or has reason to know that such claim is false or materially inaccurate, shall be subject to disciplinary action up to and including termination.

REPORTS TO THE OFFICE OF THE CHANCELLOR AND OTHERS

1. The Chief Compliance Officer shall have principal responsibility for reporting to the Chancellor and administrators or, if circumstances warrant, to the Audit Committee of the Board of Trustees;
2. In some instances a funding entity or regulatory agency may require a report of an allegation of improper conduct. The Chief Compliance Officer, in consultation with the administrators of the affected area, will determine the nature and timing of such communications;
3. Report allegations of suspected losses of money, securities or other property to the Treasurer. The Treasurer shall report such matters pursuant to the terms of any contracts with insurance or bonding companies.
4. In the event that any person with a reporting obligation believes that there is a conflict of interest on the part of the person to whom the allegations of suspected improper conduct are to be reported, the next higher level of authority shall receive the report.

CONFIDENTIALITY

1. Whistleblowers frequently make their reports in confidence. To the extent possible within limitations of law and policy, and the need to conduct a thorough investigation, confidentiality shall be maintained. Whistleblowers should be cautioned their identity may be known for reasons beyond the control of the investigators or College administrators. Whistleblowers should be prepared to be interviewed by investigators. If there is a self-disclosure by the Whistleblower, the College is no longer obligated to maintain confidentiality.
2. The identity of the subject(s) of the investigation shall be maintained in confidence subject to the same limitations.

ANONYMITY

Because of the inherent difficulty in investigating and resolving allegations from unidentified persons, the College discourages individuals from making anonymous complaints. However, should the College receive an anonymous complaint; the complaint will be reviewed by the College to determine, at its sole discretion,

the appropriateness and/or feasibility of a response. An anonymous report must include sufficient corroborating evidence to justify initiating an investigation.

PROTECTION AGAINST RETALIATION

1. Whistleblowers and others who make protected disclosures in good faith shall not be retaliated against in any manner, with the intent of adversely affecting the terms or conditions of employment/enrollment and shall be protected from such retaliation by the College. This protection from retaliation is not intended to prohibit supervisors, administrators or faculty from taking action, including disciplinary action, in the usual scope of their duties and based upon valid performance-related factors.
2. Whistleblowers and others who believe they are the subject of prohibited retaliation shall promptly report such actions, in writing, to the Chief Compliance Officer.

INVESTIGATING ALLEGED IMPROPER CONDUCT

Determination to Investigate

In all cases, the College shall exercise its discretion in determining when circumstances warrant investigation under this policy and the appropriate investigative process to be utilized.

Appointment of Investigator

The Chief Compliance Officer may, on behalf of the College, appoint an internal and/or external party(ies) to conduct an investigation of allegations of misconduct.

Persons Authorized to Conduct Investigation

No one other than the investigator(s) appointed by the College will be allowed to conduct an investigation on behalf of the College.

Investigation Documentation

All documents produced by an internal investigation or outside party in the performance of services for the College shall be and shall remain the property of the College.

Responsibility to Participate in Investigations

All College employees and students have a duty to cooperate with investigations conducted under this policy.

Administrative/Investigative Leave

During an investigation an employee or student may be placed on administrative leave or investigative leave when it is determined that such a leave would serve the best interest of the employee, or the College or both, and the granting of such leave is consistent with applicable academic/personnel policies, collective bargaining agreements or handbooks.

Coordination of the Investigation

The Chief Compliance Officer shall coordinate the investigation and will either seek the assistance of the appropriate unit within the College to conduct the investigation or may solicit investigative services outside of the College. In addition, the Chief Compliance Officer shall:

1. Assure there is a fair and impartial investigation of allegations of improper conduct and that the outcome of the investigation will be based on the merits;
2. Assure all appropriate reporting occurs to the Office of the Chancellor, funding and regulatory agencies, Whistleblowers, and others, as necessary;
3. Assure all appropriate administrators are apprised of the allegations, as necessary;
4. Assure appropriate resources and expertise are allocated in order to complete a timely, comprehensive and objective investigation;
5. Monitor the progress of the investigation; and
6. Coordinate and facilitate as an advisor in determining the corrective or remedial action to be taken. The appropriate College official shall determine the corrective and remedial action to be taken.

Roles, Rights and Responsibilities of Whistleblowers, Investigation Participants, Subjects and Investigators

Whistleblowers

1. Whistleblowers provide initial information related to a good faith belief that there is improper conduct.
2. Whistleblowers are reporting parties, not investigators.
3. Whistleblowers must be truthful and cooperative with the Chief Compliance Officer, investigators or others to whom they make a report of alleged improper conduct.
4. Whistleblowers have a right to be informed of the disposition of their protected disclosure.

Investigation Participants

1. Investigation participants have a duty to cooperate fully with the College Investigators.
2. Participants should not discuss or disclose the investigation or their testimony with including, without limitation, others who are reasonably likely to be investigation participants, as well as individuals not connected to the investigation. Under no circumstances shall a participant discuss with the investigation Subject or other witnesses the nature of the evidence requested or provided or the testimony given to the investigator unless agreed to by the investigator, in writing.
3. The participants' confidentiality will be maintained to the extent possible within the legitimate needs of law and the investigation.
4. Participants are entitled to protection from retaliation on account of their participation in an investigation to the extent that participants cooperate in a truthful, cooperative and candid manner.

Investigation Subjects

1. Subjects should be informed of the allegations at the beginning of an investigation and have opportunities for input during the investigation.
2. Subjects shall cooperate with investigators to the extent their cooperation will not undermine protection against self-incrimination under federal or state law.
3. Subjects have the right to consult with person(s) of their choice, including an attorney at their own expense.
4. Subjects shall not interfere with an investigation. They shall not withhold, destroy or tamper with evidence or influence, coerce or intimidate witnesses.
5. The standard of evidence to sustain an allegation of Improper Conduct is a preponderance of the evidence.
6. Subjects shall be informed of the outcome of the investigation.
7. Any disciplinary or corrective action taken against a Subject resulting from an investigation under this policy shall conform to the applicable collective bargaining agreement, handbooks and applicable academic/human resources policies.

Investigators

5. Investigators derive their authority and access rights from the College.
6. Investigators shall be independent and unbiased.
7. An investigation shall be undertaken if preliminary consideration establishes that:
    a) The allegation, if true constitutes improper conduct; and
    b) The allegation is accompanied by information specific enough to be investigated, or
    c) The allegation has or directly points to corroborating evidence capable of being pursued

ADMINISTRATION

Oversight of Audit Committee

The administration of this policy is subject to the direct oversight of the Audit Committee of the Board of Trustees. The Audit committee shall receive regular reports of hotline calls, and the Chief Compliance Officer's responses to such calls.

Coordination with Existing Policies, Handbooks and Agreements

Allegations of improper conduct that may result in disciplinary action shall be processed in coordination with existing applicable policies, handbooks and collective bargaining agreements.

Role of the Chief Compliance Officer

The Chief Compliance Officer is a college official who:

1. Is appointed by the Board of Trustees;

2. Has independence within the College community and is knowledgeable concerning College Resources and procedures;
3. In performing his/her duties and responsibilities shall report directly to the audit Committee of the Board of Trustees;
4. Oversees the procedures set forth in this policy and associated rules;
5. Maintains the file of all original documents submitted involving the processing of allegations of improper conduct;

Status and Amendment Of Policy

The College reserves the right to amend this policy from time to time as the interest of the College may require. This policy is intended for guidance for the reporting and investigating of allegations of suspected improper conduct. This policy does not create, nor should it be viewed as creating a contractual obligation between the College and any faculty, employee, student or other person.

Essential Elements Applicable to all Institutional Policies

Responsibilities

It is the responsibility of all employees and students to know and comply with this policy and all applicable laws and public ordinances. Further, employees and students are expected to review the proscribed conduct set forth in this policy, as well as, any associated division or department-specific procedures that describe policy implementation practices to ensure a clear understanding of the College's expectations.

Disciplinary Action

Employees or students found to have conducted themselves in a manner prohibited by this policy may be subject to disciplinary action up to and including termination of employment and/or dismissal as a student.

Reporting Noncompliance

For this policy, see above information under the heading, "REPORTING ALLEGATIONS OF SUSPECTED IMPROPER CONDUCT."

Investigations

For this policy, see above information under the heading, "INVESTIGATING ALLEGED IMPROPER CONDUCT."

Violation Of Law And College Policies

Noncompliance with the College's policies includes any behaviors covered under applicable laws. Individuals engaging in illegal activities may subject themselves to criminal penalties under the law.

Disciplinary proceedings may be instituted against an individual that potentially violates both the criminal law and the College's policies (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation. Proceedings under this policy may be carried out prior to, simultaneously with, or following a civil or criminal proceeding at the discretion of the Chief of Compliance or designee. Determinations made or disciplinary actions imposed under this policy shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the College's policies were dismissed, reduced or resolved in favor of or against the criminal law defendant.

When a student or employee is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student or employee with the College. If the alleged offense is also being processed under College policy, the College may advise legal authorities of the existence of the College's policies and how such matters are typically handled within the College community.

Additional Information

Associated Processes and/or Procedures

This policy may be supplemented by division or department-specific policies, processes, and/or procedures that describe policy implementation practices. Such supplemental procedures may be obtained from, referenced in, and/or linked from, the relevant division or department.

> N/A

Forms/Instructions

You Must Use This "Whistleblower Report Form" To Report Allegations of Suspected or Actual Improper Conduct:

> Whistleblower Report Form

You Must Use This "Whistleblower Protection Complaint Form" If You Believe You Have Been Retaliated Against For Making a Whistleblower Report:

- Whistleblower Protection Complaint Form

CONTACTS

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RELATED INFORMATION

- N/A

APPENDICES

- N/A

AMENDMENT OF POLICY

The College reserves the right to amend this policy from time to time as the interest of the College may require.

HISTORY

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