



Eastern Kentucky University Policy and Regulation Library

1.6.1
Volume 1, Governance
Chapter 6, Compliance
Section 1, Reporting
Approval Authority: Board of Regents
Responsible Executive: Chief Compliance Officer
Responsible Office: Office of University Counsel
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Reporting

Policy Statement

The University is committed to ensuring compliance with federal and state laws, and University policies and procedures (Laws and Policies).

The Reporting Policy provides a mechanism to report and inquire regarding possible non-compliance with Laws and Policies.

The Reporting Policy is to be read in conjunction with University Policy 1.6.2P, Non-Retaliation, to prevent retaliation against any University Community Member for making an Inquiry, participating in an investigation, or reporting possible non-compliance with Laws and Policies.

Entities Affected

All University Community Members including all faculty, staff, students, and Board of Regents members as well as anyone doing business for or with the University.

Procedures

I. Compliance and Ethics Inquiries

- A. All University Community Members are expected to conduct themselves with integrity in all they do.
- B. All University Community Members are encouraged to inquire prior to making a decision is they are concerned about whether the decision is compliant with Laws and Policies.
- C. University Community Members may submit inquiries to the appropriate University administrators/offices or the Compliance and Ethics Helpline, as outlined below. The Helpline can be used to facilitate anonymous two-way communications between employees and an ECU Compliance Partner.

II. Reporting Requirement

- A. In case of emergency, contact ECU Police at (859) 622-1111 or 911.
- B. All University Community Members with a reasonable good faith belief that possible non-compliance with Laws and Policies has occurred have a duty to report such possible non-compliance.
- C. Failure to report possible non-compliance in accordance with this Reporting Policy is, in and of itself, a violation of the Reporting Policy that may subject any University Community Member failing to make such a report to discipline pursuant to applicable University policies and procedures.
- D. The University is legally required to report certain types of serious possible non-compliance with Laws and Policies to external agencies.
- E. No University Community Member is permitted to engage in retaliation against any University Community Member who reports possible non-compliance with Laws and Policies.
- F. If a University Community Member reports a possible non-compliance with Laws and Policies implicating his/her own possible non-compliance, reporting those possible non-compliances does not exempt him/her from the consequences of non-compliance. However, prompt and forthright disclosure of a possible non-compliance with Laws and Policies by a University Community Member, even if the non-compliance with Laws and Policies constitutes a violation will be considered a positive constructive action and may be considered a mitigating factor if the University Community Member is subject to appropriate disciplinary action.
- G. University Community Members shall be truthful in the reporting of possible non-compliance with Laws and Policies and shall be cooperative in assisting in any investigation of possible non-compliance. Although cooperation in any investigation is required, making a Report does not necessarily entitle the Reporter to be involved in an investigation nor to be advised of the status or disposition of a Report.

III. Reporting Process – University Administrator/Office

- A. Any University Community Member who wants to make a Report regarding possible non-compliance with Laws and Policies should contact any of the following appropriate University administrators/offices. This listing is not exhaustive; this listing is to provide information and resources as to the various appropriate University administrators/offices to which a Report could be made.
 - 1. Appropriate University administrator/office as so designated by the applicable University Policy:
 - a. Examples:

- i. Matters that may fall under the scope of University Policy 1.4.1P, Non-Discrimination and Harassment, should be reported to the Office of Equity and Inclusion or the Title IX Coordinator.
 - ii. Matters that may fall under the scope of the Hazing Policy should be reported to <http://studentlife.eku.edu/ReportHazing>
 - iii. Matters that may fall under the scope of the Fiscal Misconduct Policy should be reported to the Office of Internal Audit.
- 2. Supervisor
- 3. Next highest level of supervisor
- 4. Office of Human Resources
- 5. Office of University Counsel
- B. All Reports of non-compliance will be investigated by only the appropriate authorized University administrator/office. University Community Members who are not authorized or responsible for investigating Reports of possible non-compliance should not conduct investigations.
- C. When a Report is made a response to the Reporter should be initiated within three (3) business days of the Report being received. This response may be an acknowledgement of receipt, a direct answer, an action plan for obtaining the answer for the Reporter, or that the Report has been forwarded to the appropriate University administrator/office responsible for investigating, interpreting, and monitoring a specific law or regulation.
- D. If a Reporter believes his/her Report of non-compliance is not receiving proper attention, the Reporter may take his/her concerns to the Chair of the Audit and Compliance Committee of the Board of Regents.
- E. The University will make reasonable efforts to preserve the confidentiality of individuals who wish to remain confidential, subject to limitations imposed by the law.

IV. Reporting Process – Compliance and Ethics Helpline

- A. University Community Members are encouraged to report possible non-compliance with Laws and Policies through appropriate University administrators/offices as identified above.
- B. However, if a University Community Member is not comfortable reporting the situation through appropriate University administrators/offices or desires to maintain anonymity in reporting, the University Community Member should report the situation via the Compliance and Ethics Hotline at www.compliance.eku.edu or by calling (toll-free) (844) 282-9639.
 - 1. The Compliance and Ethics Helpline is hosted by a third-party contractor and is operational 24 hours per day, 365 days per year. Reports will be handled by a trained

professional. If the Report is made through the toll-free phone number, the professional will ask the Reporter various questions that will assist the University in addressing the matter.

- C. University Community Members can maintain anonymity in reporting possible non-compliance; however, certain reports may not be actionable, or action by the University may be limited without disclosure of the Reporter's identity. If it is not possible to respond to an Inquiry or possible non-compliance without knowing a Reporter's identity, the Reporter will be contacted by the Compliance and Ethics Helpline representative and will have the option of revealing his/her identity or remaining anonymous. The University will make reasonable efforts to preserve the anonymity of individuals who wish to remain anonymous, subject to limitations imposed by the law. Anonymity may not be preserved if a Reporter identifies himself/herself by name or provides other information that is identifying. The Helpline is NOT a 911 or Emergency Service. Do not use this service to report events presenting an immediate threat to life or property.

Definitions

- **Compliance Partner:** A member of the ECU Community who partners with University Counsel to promote compliance initiatives across campus.
- **Inquiry:** Asking a question, seeking guidance, or requesting assistance on compliance with Laws and Policies.
- **Laws, Regulations, and Policies:** Federal or state laws, administrative regulations, and University policies, regulations, or procedures.
- **Report:** Disclosure of possible non-compliance with Laws and Policies.
- **Reporter:** All University Community Members with a reasonable good faith belief that a possible non-compliance with federal or state law or University policy or procedure has occurred.
- **Retaliation:** Any adverse action a University Community Member experiences as a result of the University Community Member making an Inquiry, participating in an investigation, or making a reasonable good-faith Report of possible non-compliance with Laws and Policies.
- **University Community Member:** All faculty, staff, students, and Board of Regents members as well as anyone doing business for or with the University.

Responsibilities

- Policy, Compliance and Governance Administrator
 - Responsible for providing oversight, guidance, and coordination of university-wide efforts proactively aimed at promoting an institutional culture of compliance with Laws, Regulations, and Policies.

- Responsible for referring all Reports to the appropriate University administrator/office.
- University Counsel
 - Responsible for receiving Report and, if authorized, responsible for investigating, interpreting, and monitoring a specific law or regulation. If not authorized or responsible for investigating Reports of possible non-compliance, University Counsel should not conduct investigations, but rather refer the report to the appropriate University administrator/office.
- University Community Member
 - Responsible to report, based upon reasonable good faith, possible non-compliance with Laws, Regulations, and Policies.
 - Shall be truthful in reporting non-compliance and cooperative in assisting in investigations.

Interpreting Authority

Office of University Counsel

Statutory or Regulatory References

KRS § 61.101, et. seq.

Relevant Links

University Policy 1.6.2P, Non-Retaliation

Policy Adoption Review and Approval

Policy Revised

<u>Date</u>	<u>Entity</u>	<u>Action</u>
02/14/2018	Director, Policy & Legal Operations	Editorial Revisions

Policy Revised

<u>Date</u>	<u>Entity</u>	<u>Action</u>
February 2, 2015	Board of Regents	Adopted
December 12, 2014	President	Approved
November 5, 2014	Provost Council	Approved

November 3, 2014	Faculty Senate	Approved
October 17, 2014	Staff Council	Approved
October 8, 2014	Student Government Association	Resolution of Support