Bloomfield College Whistleblower Policy
March 2013

General

Bloomfield College requires board members, officers, faculty and staff to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the College must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

The objectives of the Bloomfield College Whistleblower Policy are to establish policies and procedures for:

• The submission of concerns regarding questionable accounting, internal controls, audit or business matters by board members, faculty, staff and other stakeholders of the College on a confidential and anonymous basis.
• The receipt, retention, and treatment of complaints received by the College regarding accounting, internal controls, auditing or business matters.
• The protection of board members, faculty and staff reporting Concerns from retaliatory actions.

Reporting Responsibility

Each board member, faculty or staff member of the College has an obligation to report in accordance with this Whistleblower Policy:

(a) an accounting, auditing or business activity, policy or practice he or she reasonably believes is improper;

(b) any activity, policy or practice of the College reasonably believed to be

(i) in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving the deception of, or misrepresentation to, any vendor, employee, former employee, retiree, pensioner or student;

(ii) fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the board member, faculty or staff member reasonably believes may defraud any vendor, employee, former employee, retiree, pensioner or student, or

(iii) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment;

(c)
(i) the presentation of a false or fraudulent claim for payment or approval to any federal or state governmental entity

(ii) the knowing use of a false record or statement material to a false or fraudulent claim to any federal or state governmental entity

(iii) a conspiracy to submit a false or fraudulent claim for payment or approval, or false record or statement material to such a claim, to any federal or state governmental entity

(iv) the possession, custody, or control of property or money used, or to be used, by the federal or state government, which is knowingly delivered, or caused to be delivered, in an amount that is less than all of that money or property;

(v) any conduct by a College trustee, officer, employee or agent who is authorized to make or deliver a document certifying receipt of property used, or to be used, by the federal or state government and, intending to defraud such government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(vi) any conduct by a College trustee, officer, employee or agent who knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

(vii) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government

hereinafter collectively referred to as Concerns.

Authority of Audit Committee
All reported Concerns will be forwarded to the Audit Committee in accordance with the procedures set forth herein. The Audit Committee shall be responsible for investigating and making appropriate recommendations to the Board of Trustees, with respect to all reported Concerns.

No Retaliation
This Whistleblower Policy is intended to encourage and enable board members, faculty and staff to raise Concerns within the College for investigation and appropriate action. With this goal in mind, no board member, faculty or staff who reports a Concern to the College, or
discloses a Concern arising under sections (b) and (c) above to any public body, shall be subject to retaliation or, in the case of an employee, adverse employment consequences.

Moreover, a board member or employee who retaliates against a person who has reported a Concern to the College or a public body is subject to discipline up to and including dismissal from the volunteer position or termination of employment. Such retaliation is unlawful under various laws, including the False Claims Act, 31 U.S.C. § 3730(h), the New Jersey False Claims Act, N.J.S.A. 2A:32C-10 and the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-3, and may subject the College and the individual who engages in unlawful retaliation to civil liability for penalties and damages.

**Reporting Concerns**

**Employees**

Faculty and staff should first discuss their Concern with their immediate supervisor. If, after speaking with his or her supervisor, the individual continues to reasonably believe the Concern is valid, the individual should report the Concern to the Vice President for Finance and Administration. In addition, if the individual is uncomfortable speaking with his or her supervisor, or the supervisor is a subject of the Concern, the individual should report his or her Concern directly to the Vice President for Finance and Administration.

If the Concern was reported verbally to the Vice President for Finance and Administration, the reporting individual, with assistance from the Vice President for Finance and Administration, shall reduce the Concern to writing. The Vice President for Finance and Administration is required to promptly report the Concern to the Chair of the Audit Committee, who has specific and exclusive responsibility to investigate all Concerns. If the Vice President for Finance and Administration for any reason does not promptly forward the Concern to the Audit Committee, the reporting individual should directly report the Concern to the Chair of the Audit Committee. Contact information for the Chair of the Audit Committee may be obtained through the Assistant Secretary to the Board of Trustees (Assistant to the President). Concerns may be also submitted anonymously. Such anonymous Concerns should be in writing and sent directly to the Chair of the Audit Committee.

**Board Members**

Board members should submit Concerns in writing directly to the Chair of the Audit Committee.

**Handling of Reported Violations**

The Audit Committee shall address all reported Concerns. The Chair of the Audit Committee shall immediately notify the Audit Committee, the President and the Vice President for Finance and Administration. The Chair of the Audit Committee will notify the sender and acknowledge receipt of the Concern within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted Concerns.
All reports will be promptly investigated by the Audit Committee, and appropriate corrective action will be recommended to the Board of Trustees, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the Concern.

The Audit Committee has the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

**Acting in Good Faith**
Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed constitutes a Concern as defined above. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment..

**Confidentiality**
Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Disclosure of reports of Concerns to non-supervisory employees not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment.