

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

MEMORANDUM
NUMBER 6-201

7 January 2020

NON-RETALIATION (“WHISTLEBLOWER PROTECTION”) POLICY

1. PURPOSE

This memorandum sets forth The Citadel’s protections for any person (employee, cadet, or non-cadet student) who makes a “good faith” allegation about misconduct, including reports of fraud, waste, or abuse, or reports of violations of law or College regulations, policies or procedures. The Citadel considers all good faith allegations of fraud, waste, abuse, or other wrongdoing as matters of serious concern. It is The Citadel’s policy to fully support the protection of anyone submitting a good faith allegation from any form of retaliation, including negative actions such as dismissal, suspension, and other threats or the withholding of positive actions such as promotion or pay increases.

2. REFERENCE

[S.C. Code Ann. Section 8-27-10, et. seq.](#)

3. DEFINITIONS

- A. Good Faith: An allegation made by an individual based on the honest belief that misconduct may have occurred.
- B. Misconduct: An action which results in substantial abuse, misuse, destruction, or loss of public funds or resources, or that intentionally violates federal or state law or regulations or policy or a code of ethics.
- C. Retaliation: Any action by an institution or an employee or student that adversely affects the employment or institutional status of an individual who made a good faith allegation of misconduct or cooperated with an investigation related to an allegation. “Retaliation” may include negative actions directed at the individual, or the withholding of positive actions.

4. POLICY

- A. The Citadel will not take or threaten to take a negative personnel action, or fail to take or threaten to fail to take a positive personnel action, with respect to an employee or student because of a disclosure of information by that employee which the employee, student or applicant reasonably believes evidences:

1. Any violation of any law, rule, regulation, policy, or procedure; or
 2. Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- B. To be eligible for the protections prescribed in Section 4.A, the employee or student must disclose information in good faith to the employee's supervisor or to an appropriate college authority. See [Annex A](#) for a representative list of "appropriate authorities" and their contact information.
- C. Individuals are encouraged to submit good faith allegations in writing to provide a clear and understandable description of the concern. However, individuals may make oral allegations directly to an appropriate authority, either in person, electronically, or telephonically. All reports should focus on the facts and avoid speculation and drawing conclusions. Anonymous reports may be submitted to the EthicsPoint hotline (see [Annex A](#)) or directly to the appropriate authorities, with the exception of Citadel Public Safety. The Citadel will undertake reasonable and practical efforts to protect the confidentiality of individuals who, in good faith, report an allegation of misconduct.
- D. The right of protection for reporters does not include protection from disciplinary action if the report is found to be false, baseless, and/or not made in good faith. Any disclosure not made in good faith, and disclosure to any individual other than those identified herein, may subject the employee or student to disciplinary action. The Citadel may also take disciplinary action against a reporter for actions independent of a good faith report, to include independent actions of misconduct.

5. COMPLIANCE

A failure to comply with this policy could result in the reluctance of individuals to file good faith allegations of improper or illegal behavior. Retaliating against such individuals can result in disciplinary action, up to and including termination of employment (employee) or disciplinary action, up to and including expulsion (student).

6. NOTES

A. Dates of official enactment and amendments:

Approved by the Senior Vice President for Operations and Administration on 7 January 2020.

Non-substantive changes include adding clarification of non-retaliation protection for students (cadets and non-cadet students).

B. Responsible Department:

Office of Institutional Compliance

C. Responsible Official:

Chief Compliance Officer

D. Cross References:

[Blue Book](#)

[Fraud, Waste & Abuse and Compliance Hotline Policy](#)

7. RESCISSION

Memorandum 6-201, dated 19 November 2019.

8. REVIEW

This policy shall be reviewed every two (2) years, or as necessary.

FOR THE PRESIDENT:

OFFICIAL

//Signed, TGP, 7 January 2020//
THOMAS G. PHILIPKOSKY
Colonel, USAF, Retired
Senior Vice President for Operations and
Administration

Attachment

[Annex A, Contact Information](#)

ANNEX A

<u>Office¹</u>	<u>Contact Information</u>
Institutional Compliance (OIC)	843-953-2667 or compliance@citadel.edu
EthicsPoint Hotline ²	855-280-8357 (toll-free) or www.citadel.ethicspoint.com
Internal Auditor	843-953-5118
Human Resources	843-953-6922
EEO/Diversity Officer	843-953-6989
Title IX Coordinator	843-953-6881
Director CARE Coordinator	843-953-7272
Chaplain of the Corps of Cadets ³	843-953-6841
Public Safety	843-953-5114
Ombudsperson ³	843-437-9645, or 843-743-9487
General Counsel	843-953-5252

¹In addition to the above, reports can be made to an employee's supervisor or an appropriate office (e.g. Human Resources, Financial Services, Commandant's Department, or Provost).

²When contacting the EthicsPoint Hotline, either by telephone or online, you have the option to make a report anonymously.

³Receiving Notice for the College: Communication to the Chaplain to the Corps of Cadets or Ombudspersons shall not constitute notice to the College. This includes allegations that may be perceived to be violations of laws, regulations, or policies, including but not limited to sexual harassment, discrimination, issues covered by non-retaliation or whistleblower policies or laws, or incidents subject to reporting under the Clery Act. Although the Chaplain to the Corps of Cadets or Ombudspersons may receive such allegations, he/she is not a "campus security authority" as defined in the Clery Act, nor is he/she required to report these allegations to the College. In addition, if the visitor discloses such allegations and expresses a desire to make a formal report, the Chaplain to the Corps of Cadets or Ombudspersons shall refer the visitor to the appropriate College office(s) for investigation, response, remediation, support, or administrative or formal grievance processes.