



Duty to Report and Protection from Retaliation

Policy Type: Administrative

Responsible Office: Integrity and Compliance Office, Audit and Compliance Services

Initial Policy Approved: 02/11/2010

Current Revision Approved: 06/13/2014

Policy Statement and Purpose

VCU is committed to an environment of uncompromising integrity and ethical conduct wherein all individuals are expected to understand and comply with the laws, regulations, and policies that govern our university activities. In order to maintain integrity at the highest level of excellence and to promote equal treatment, VCU expects that all members of our university community will timely report actual or suspected violations of laws, regulations, and policies, hereinafter referred to as misconduct.

The expectation to report actual or suspected misconduct is absolute and for this reason every individual also retains protection against retaliation for making a good faith report, raising a good faith concern and/or participating in an investigation of misconduct. Knowingly making a false report, or reporting with malice or reckless disregard for the truth, is prohibited.

VCU is committed to a civil professional working environment. Inherent in this commitment is an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question or participates in an investigation is prohibited.

No individual shall be adversely affected for refusing to carry out a directive which constitutes misconduct.

Management has a special duty to recognize and report misconduct. Management is expected to report—without unreasonable delay—any misconduct to the Integrity and Compliance Office in the Audit and Compliance Services for guidance and support.

Employees are not to investigate suspected misconduct on their own but should, without unreasonable delay, report to the appropriate authority for the concern; if unknown, all concerns may be centrally reported to the Integrity and Compliance Office, in the Audit and Compliance Services. See the procedures sections for additional details.

Additionally, all persons employed by the Commonwealth of Virginia are required to report actual or suspected child abuse and/or neglect in compliance with the Mandatory Reporting of Injuries to Children Code of Virginia §63.2-1509. See the procedures section of this policy for details.

Noncompliance with this policy may result in disciplinary action up to and including termination.

Table of Contents

Who Should Know This Policy.....	2
Definitions.....	2
Contacts.....	3
Policy Specifics and Procedures.....	3
Forms.....	5
Related Documents.....	5
Revision History.....	5
FAQ.....	6

Who Should Know This Policy

Every VCU employee (includes faculty and staff), independent contractor and vendor is responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

Anonymous

The VCU Helpline reporting option utilizes a third party service which manages intake of reports. Any report made anonymously using this option is not tracked by this company. E-mail addresses, phone numbers, location information, etc. are not identified, saved or retrieved, unless otherwise provided by the reporter.

Compliance Partner

Compliance partners are university members having compliance responsibilities formally required by their position descriptions and, therefore, have joined the Compliance Advisory Committee (CAC). The CAC members in these highly specialized areas, with highly specialized compliance functions, give direction and assistance to the university community. A complete listing is available on the compliance website at www.compliance.vcu.edu

Confidentiality

All reports made are kept confidential to the extent possible, meaning they are addressed under tight control, keeping dissemination of information on a need to know basis. Only VCU's Ombudsperson, counselors holding a licensure for their profession, and clergy functioning in those capacities for the university are able to provide confidentiality.

Good Faith

For purposes of this policy, good faith is defined to mean reasonable belief or suspicion and without ill-will.

Misconduct

For purposes of this policy misconduct is defined to mean failing to meet VCU expectations whether intentional or inadvertent. *Note: See definition for “VCU’s Expectations” below.

Research Misconduct

Reporting research misconduct includes making allegations and/or reports related to falsification, fabrication and/or plagiarism while conducting or engaging in research or scholarly activities.

Retaliation

An adverse employment action, or credible threat of an adverse employment action, taken against an employee who has reported actual or suspected misconduct, participated in an inquiry or investigation, or raised a concern. Disciplinary action taken as a result of misconduct is not considered retaliation.

Types of adverse action include, but are not limited to: dismissal from employment; demotion; unfounded negative job references; loss of salary or benefits; transfer or reassignment; denial of promotion that otherwise would have been received; and/or unwarranted written notices.

Timely

Timely is defined to mean as soon as reasonably possible once misconduct is known or suspected, or without unreasonable delay.

VCU Expectations

For purposes of this policy, VCU’s expectations are defined to mean adherence to and compliance with all laws, regulations, and policies.

Contacts _____

The Integrity and Compliance Office officially interprets this policy and is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures.

Please direct policy questions to the Integrity and Compliance Office.

Policy Specifics and Procedures _____

The procedures below outline specific information available throughout the university community for reporting. While a report may go to a specific individual for further inquiry, all reports (excepting crimes and child abuse/neglect reported to the state) are eventually reported to the University Integrity & Compliance Office, Audit and Compliance Services (ICO-ACS) for tracking purposes. When management receives a report, management is expected to contact the ICO-ACS for tracking purposes, support and guidance.

A reporter may choose to report concerns to a specific area, or to the University Integrity & Compliance Office. Available reporting options are listed below.

1. **Reporting Emergencies or Crimes: Call VCUPD at 804-828-1234 or Call 911**
2. **Reporting Misconduct (violations of laws, regulations or policies):** Many reporting mechanisms are available. The list below is for the reporter to choose the option most appropriate for the circumstance.
 - Contact the responsible Compliance Partner in the department/area where the misconduct is known or suspected. See the [Compliance Partner Accountability Matrix](http://www.assurance.vcu.edu/cac.html) for this listing, located at <http://www.assurance.vcu.edu/cac.html>
 - Report concerns to your immediate supervisor or department head, if appropriate.
 - Report concerns to Human Resources – Employee Relations 804-828-1510
 - Report via the VCU Helpline by calling 1-888-242-6022 or by submitting an online report www.vcuhelpline.com. Both of these options provide university members an anonymous and confidential reporting option 24 hours a day, 365 days a year.
 - Contact the University Integrity and Compliance Office directly at 804-828-2336 or email ucompliance@vcu.edu
3. **Suspected Child Abuse or Neglect:** All persons employed by VCU, who suspect child abuse or neglect in their professional or official capacity are to report as follows:
 - Report as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense.
 - Report suspected offense immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred; or
 - Report to The Virginia Department of Social Services' toll-free child abuse and neglect hotline at 1-800-552-7096; or
 - Report through one of the above listed reporting mechanisms for VCU and VCU will make the report to VA Department of Social Services. Please note this may cause a delay in reporting during non-business hours; therefore, it is best to report directly to the appropriate local city or county department or main office for the Virginia Department of Social Services.
4. **Reporting Discrimination, Sexual Misconduct, Harassment or Retaliation**
 - Employee-Employee involvement and Employee-Student involvement: Contact the Equity and Access Services at 804-828-1347 <http://www.equity.vcu.edu/>
 - Student-Only Involvement for Sexual Misconduct (harassment and discrimination): Contact the Division of Student Affairs Deputy Title IX Coordinator at 804-828-1244, <http://equity.vcu.edu/titleix/>. For additional information see also, Division of Student affairs at <http://www.students.vcu.edu/>.
5. **Reporting Fraud:** VCUPD and Internal Audit, Audit and Compliance Services, are responsible for coordinating investigation and reporting to the Commonwealth of Virginia incidents of fraud. Report fraud as soon as you suspect or know of fraudulent activity.
 - Contact VCUPD – Non emergency number: 804-828-1196.
 - Contact Internal Audit, Audit and Compliance Services at 804-828-2336.

6. Reporting Research Misconduct: For any known or suspected instances of waste, fraud or abuse under any federal grant, contract, or subcontract:

- All reporting options outlined herein are available to you, as well as external reporting options to the federal government. Details for this option are located at:

http://www.research.vcu.edu/federal_whistleblower/

For instances of known or suspected falsification, fabrication and/or plagiarism while conducting research activities:

- Contact the Research Integrity Officer in the Office of Research and Innovation at 804-827-2157.

Forms

There are no forms associated with this policy.

Related Documents

Related documents are critical to the development of corresponding policies and procedures. Related documents include federal regulations, state regulations, state policies and VCU policies, procedures and guidelines.

1. Commonwealth of Virginia Policy 1.60, *Standards of Conduct*
2. [VCU Code of Conduct](#)
3. Mandatory Reporting of Injuries to Children, Code of Virginia §63.2-1509
4. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et. seq.
5. Virginia Fraud Against Taxpayer Act, Code of Virginia, Article 19.1, Chapter 3 of Title §8.01-216.1-216.19;
6. Fraud and Abuse Whistle Blower Protection Act, Code of Virginia, § 2.2-3009 et seq.
7. State agencies, courts, and local constitutional officers to report certain fraudulent transactions; penalty Code of Virginia §30-138
8. 41 U.S.C. §4712; DFAR 3.908 Pilot Program for Enhancement of Whistleblower Protection
9. VCU Policy: *Misconduct in Research and Scholarly Activities*
10. VCU Policy: [Sexual Misconduct/Violence and Sex/Gender Discrimination](#)

Revision History

This policy supersedes the following archived policies:

May 5, 2017

Duty to Report (title changed to Duty to Report and Protection from Retaliation)

June 13, 2014
January 7, 2013

February 11, 2010

Duty to Report
Duty to Report (formerly Reporting Suspected University Related
Misconduct-Noncompliance & Protection from Retaliation
Reporting Suspected University Related Misconduct-
Noncompliance & Protection from Retaliation

FAQ

1. If I have knowledge of misconduct am I expected to report it?

Yes. All VCU employees are expected to report any known or suspected misconduct as soon as possible. Remaining silent and not reporting concerns or issues is not in concert with VCU's expectations and permits misconduct to occur.

2. Who determines discipline of employees once misconduct has been determined?

It depends. Overall, the appropriate management function in the area determines final disciplinary actions. This policy does not supersede any existing policies addressing employee discipline or due process afforded to employees. VCU's established procedures related to discipline remain intact and apply here.