WHISTLEBLOWER POLICY

1. PURPOSE:

The purpose of the Ana G. Mendez University System (SUAGM for its acronym in Spanish) Whistleblower Policy is to protect its associates (including, but not limited to, faculty, staff, students, and volunteers), and any other member of the community who acts in good faith to disclose any suspected or actual wrongful conduct. It encourages an atmosphere that allows associates to meet their obligations to disclose violations of law and serious breaches of conduct covered by the system policies; informs associates how allegations of wrongful conduct may be disclosed; protects associates from reprisals by adverse academic or employment action taken within SUAGM as a result of having disclosed wrongful conduct; and provides the associates who believe they have been subject to reprisal a process to seek relief from retaliatory acts that fall within the authority of SUAGM.

2. AUTHORITY:

Vice-President of Planning and Academic Affairs
Vice-President of Human Resources
Vice-President of Financial Affairs

3. POLICY STATEMENT:

This policy is intended to protect any associate (faculty, staff, students and volunteers), who engages in good faith disclosure of alleged wrongful conduct to a designated official. It:

- Encourages the associates acting in good faith, to report suspected or actual wrongful conduct engaged in by others to the appropriate official so prompt, corrective action can be taken by SUAGM.
- Informs associates how allegations of wrongful conduct can be disclosed.
- Provides associates who believe they have been subject to reprisal or false allegations a fair process to seek relief from these acts.
- Protect associates against false allegations of wrongful misconduct.
- Protects the reporting associates that make a good faith report from reprisal and retaliatory academic or employment action (including termination, reassignment, demotion, suspension, harassment, or other discrimination) for having made a protected disclosure or for having refused an illegal order as defined in this policy.
The associates may not:

- Retaliate against an individual who made a protected disclosure or refused to obey an illegal order.
- 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 appropriate administrator or appropriate SUAGM official about matters within the scope of this policy.

Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy.

4. REGULATIONS:

SUAGM considers the following:

- **Acting in good faith** — anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the policy.
- **False allegation** — any employee or volunteer who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including termination. Any student that makes the false allegation in the non-employment setting will be subject to judicial actions. Allegations that are not sustained yet are made in good faith are not subject to corrective actions.
- **Retaliation** — no associate that makes a protected disclosure will suffer harassment, retaliation, or adverse employment consequences. Any person who retaliates against any associate who makes a protected disclosure is subject to discipline up to and including termination. This Whistleblower Policy is intended to encourage and enable associates and others to raise serious concerns within AGMUS prior seeking resolution outside the institution.
- **Confidentiality** — protected disclosure may be made on a confidential basis by complainant or may be submitted anonymously. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- **Handling protected disclosures** — the offices that receive the protected disclosure will notify the disclosing individual (if the identity is known) and acknowledge receipt of the reported violation or suspected violation within 2 working days for most issues and within 24 hours for alleged criminal or environmental violations. All reports will be promptly investigated within 10 calendar days and appropriate corrective actions will be taken if warranted by the investigation.
5. OVERVIEW:

SUAGM Whistleblower Policy is the result of a combined effort between the Vice-Presidency for Planning and Academic Affairs, the Vice-Presidency for Financial Affairs and the Vice-Presidency for Human Resources.

This policy establishes written guidelines and procedures for the whistleblower in the Ana G. Méndez University System.

6. RESPONSIBILITIES:

SUAGM FACULTY, STAFF, STUDENTS, AND VOLUNTEERS

- Obtain and thoroughly read, understand, comply with and/or request an orientation regarding this policy.
- Immediately report known infringements to this policy to the Vice-presidency of Human Resources.

VP FINANCIAL AFFAIRS

- Provide orientation regarding this policy and/or the Agency Guidelines referred to herein, as appropriate, to faculty members and associates of SUAGM.
- Immediately report infringements to this policy, regarding financial affairs, to the Compliance Director for Sponsored Programs Financial Management or his/her delegate.

VP PLANNING AND ACADEMIC AFFAIRS

- Obtain and thoroughly read, understand, comply with and/or request an orientation regarding this policy.
- Provide orientation regarding this policy and/or the Agency Guidelines referred to herein, as appropriate, to faculty member and employees of SUAGM.
- Immediately report known infringements to this policy to the Office of Regulatory Compliance.

VP HUMAN RESOURCES

- Provide a copy of this policy to each faculty member or associate of SUAGM.
- Provide orientation regarding this policy and/or the Agency Guidelines referred to herein, as appropriate, to faculty member and employees of SUAGM.
- Immediately report known infringements to this policy to the Vice-presidency for Human Resources.
7. DEFINITIONS:

**SUAGM** – acronym in Spanish for Ana G. Méndez University System. Refers to the Central Administration and all its Colleges, Universities and Centers, including, but not limited to Universidad del Este (UNE), Universidad Metropolitana (UMET), Universidad del Turabo (UT) and Centro de Telecomunicaciones y Educación a Distancia (CETED)

**GOOD FAITH REPORT** – an allegation made by an associate who believes that wrongful conduct may have occurred. However, an allegation is not in good faith if it’s made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

**OMB** – acronym for the Office of Management and Budget, Executive Office of the President

**PROTECTED DISCLOSURE** – communication about actual or suspected wrongful conduct engaged in by an SUAGM faculty, staff, student, volunteer, agent, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or SUAGM policy.

**RETAIlATION** – adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

**WRONGFUL CONDUCT** – violation of applicable federal, state and local laws and regulations; a serious violation of the SUAGM policies; and/or the use of SUAGM property, resources, or authority for personal gain or other non SUAGM related purposes, except as provided under SUAGM policy.

8. CONTACT:

Vice-President for Financial Affairs  
Assistant Vice-presidency for Sponsored Programs  
Financial Management  
Email: SPFM@suagm.edu

Vice-President for Planning and Academic Affairs  
Office of Regulatory Compliance  
Compliance Hotline: (787) 751-3120  
Email: cumplimiento@suagm.edu

Vice-President for Human Resources  
Email: http://www.suagm.edu/sugerencias/
9. **APPLICABILITY:**

This policy applies to all SUAGM faculty, staff, students, and volunteers who engage in good faith disclosures of alleged wrongful conduct.

10. **GUIDELINES:**

   False Claims Act (31 U.S.C. § 3729)

11. **EFFECTIVE DATE:**

   This policy is effective as of the date of issuance and rescinds all previous policies pertaining to whistleblower policies and procedures.

   
   
   
   __4/13/09__
   
   Date
   
   José F. Méndez
   
   President