

## 10.2.2 Conscientious Employee or “Whistle-blower” Protection Policy

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**Policy Number & Name:** 10.2.2 Conscientious Employee or “Whistle-blower” Protection Policy

**Approval Authority:** BOARD OF TRUSTEES

**Responsible Executive:** Vice President for Human Resources

**Responsible Office:** Division of Human Resources

**Effective Date:** December 10, 2010 [Revised: May 17, 2018]

### 1. Purpose and Summary of Policy

The University will comply with all applicable laws that prohibit retaliatory action against employees who disclose potential violations of law to public bodies (i.e., governmental authorities). These laws have different requirements and standards for both the “whistle-blowers” who make a disclosure and the response of the University. This policy is intended to comply with both the New Jersey Conscientious Employee Protection Act and federal laws which protect employees from retaliation..

### 2. Policy Statement

A. New Jersey’s Conscientious Employee Protection Act (“CEPA”, *N.J.S.A. 34:19-1 et seq*) prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:

- i. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
- ii. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care;
- iii. Provides information involving deception of, or misrepresentation to, any stakeholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- iv. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any stakeholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or
- v. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
  - (a) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
  - (b) is fraudulent or criminal; or
  - (c) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

- B. The protection against retaliation, when a disclosure is made to a public body, generally does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice (see Paragraph D regarding the process for notifying a supervisor at the University) and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.
- C. In addition to CEPA, other state and Federal laws may also protect employees who take certain actions to disclose or report to governmental authorities incidents or activities in the workplace that violate law. In certain cases, employees must first take appropriate action to notify their employer, the University, and permit a reasonable opportunity for correction by the University. In compliance with law, the University will not take any retaliatory action prohibited by law with regard to an employee who properly makes such a disclosure or complaint.
- D. The University wishes to cultivate a high level of legal compliance among the various members of its community and to establish a mechanism for employees to disclose information to the University and register complaints. For purposes of CEPA and all other applicable laws, the University designates the Vice President for Human Resources of the University as the supervisor to whom all inquiries, complaints and other matters should be directed prior to disclosure to a public body.

The Vice President for Human Resources is responsible for administration of this Policy. The contact information for notifying the University is as follows:

Vice President of Human Resources  
The Stevens Institute of Technology  
Castle Point on Hudson  
The Wesley Howe Center  
Hoboken, NJ 07030  
Phone: 201-216-5218  
Email: [Warren.Petty@stevens.edu](mailto:Warren.Petty@stevens.edu)

In the event that any other managerial employee of the University receives notice of a complaint or proposed disclosure to a public body by an employee, such managerial employee must promptly notify the Vice President for Human Resources.

- E. Neither this policy nor applicable law authorizes the disclosure by any employee of the University to any public body or governmental official of confidential information of the University or any third-party to whom the University has contractual obligations of confidentiality. Any such disclosure should occur only pursuant to a subpoena or other form of legal process.

### **3. Policy Scope:**

This policy applies to all employees of the University including, without limitation, faculty.