



Kean University

Whistleblower Policy

I. Introduction

Kean University is committed to complying with state statutory requirements that provide appropriate protections for its employees who are whistleblowers. Therefore, Kean University establishes this “Whistleblower Policy” pursuant to New Jersey’s Conscientious Employee Protection Act (N.J.S.A. 34:19-1, et seq.).

II. Purpose

The purpose of the Whistleblower Policy is to define whistleblowing in the context of this policy, set forth the steps to be taken by employees making whistleblower complaints and delineate the steps that shall be taken by Kean University (the “University”) to protect employees engaged in whistleblowing, and to establish a procedure for making whistleblowing disclosures.

III. Whistleblower Protection and Definition

In accordance with New Jersey’s Conscientious Employee Protection Act, the University shall take no retaliatory action against an employee because the employee does any of the following:

A. 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:

1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or

2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;

B. 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

promulgated pursuant to law by the employer, or another employer, with whom there is a business relationship, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, 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 the quality of patient care; or

C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:

1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;

2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or

3. is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

IV. Procedures for Making Disclosures

A. Except as otherwise provided for herein, an employee shall make a written disclosure to his or her supervisor or to the person designated by the University to receive whistleblower complaints. The contact information for the designated person is:

Name: Charlie M. Williams, Ph.D.
Address: Kean University
1000 Morris Avenue, Union, NJ 07083
Telephone Number: (908) 737-3330
E-mail: KTIPS@KEAN.EDU
Facsimile Number: (908) 737-3333

A written disclosure should include as much specific, factual information as possible to allow for proper assessment of the nature, extent, and urgency of the matter that is the subject of the disclosure.

B. In cases where the supervisor is contacted by an employee making a disclosure, he or she shall also notify the University's designated person to receive disclosures using the contact information provided above.

C. A confidential investigation will be promptly conducted by the designated person. At the conclusion of the investigation, a report will be issued and appropriate action will be taken where the allegations are verified and/or otherwise substantiated.

V. Written Notice Required Under Certain Circumstances

The protection against retaliatory action shall not apply to an employee who makes a disclosure to the University's Board of Trustees or any other public body unless the employee has first brought the matter to the attention of a supervisor of the employee or the designated individual or agent by written notice and has afforded the University a reasonable opportunity to correct the matter. In an emergency situation, this requirement of written notice to a supervisor or the University's designated person or agent shall be waived when the employee is reasonably certain that the matter is known to one or more supervisors at the University or when the employee reasonably fears physical harm as a result of the disclosure.

VI. Distribution and Posting of Notices

Kean University shall post this policy on its webpage. Further, the University shall also conspicuously display notices of its employees' protections, obligations, rights and procedures under this act, and shall use other appropriate means to keep its employees informed of protection afforded under New Jersey to whistleblowers. Each notice posted or distributed pursuant to this section shall be in English and Spanish. The notices shall include the name of the person the University has designated to receive written notifications pursuant to this policy.