



# Whistleblower

Policy CP004

Volume 2, College

Responsible Administrator: General Counsel and Secretary of the college

Responsible Office: Office of Policy and Compliance

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## Policy Statement

Fashion Institute of Technology (“FIT” or “the college”) is committed to high standards of honest behavior, ethical conduct, and fiduciary responsibility, and all employees, officers, trustees, independent contractors, vendors, and volunteers performing substantial services for FIT (all such individuals singularly, a “Protected Person” or collectively, “Protected Persons”) are required to comply with all applicable laws, regulations, and policies. All members of the FIT community have a responsibility for stewardship of the college’s resources and are expected to report concerns if they have a reasonable basis for suspecting that fraud or other illegal, improper, or unethical conduct has occurred.

FIT prohibits any form of retaliation, intimidation, harassment, or adverse employment action against any Protected Person who, in good faith, reports any activity within the college that is suspected of being illegal, fraudulent, or in violation of any law, governmental regulation, or college policy (“Improper Conduct”). The college investigates reports of such activity promptly and fairly.

## Reason for the Policy

The college strives to operate ethically and lawfully, and to encourage reporting of Improper Conduct, and to investigate and address, as appropriate, reports of Improper Conduct by Protected Persons. This policy creates a process for members of the FIT community to raise concerns, without fear of retaliation, regarding suspected Improper Conduct. Reports are treated confidentially. The college will receive and address anonymous reports.

## Who is Responsible for this Policy

- General Counsel and Secretary of the College

## Who is Affected by this Policy

- All members of the FIT community

## Definitions

- **Protected Person:** An employee, officer, trustee, or independent contractor of FIT, or a volunteer performing substantial services for FIT.
- **Improper Conduct:** Any activity within the college that is suspected of being illegal, fraudulent, or in violation of any governmental regulation or college policy. Examples of Improper Conduct include, by way of example, and without limitation:
  - Financial fraud (including bank fraud or fraudulent statements to any governmental entity);
  - Intentional or grossly negligent misstatements, misrepresentations, falsifications, deceptions or fraud in preparing, reviewing or auditing any financial statement or report of the college;
  - Significant deficiencies in, or intentional noncompliance with, the college's internal accounting controls;
  - Theft of the college's assets or embezzlement;
  - Misuse or waste of the college's resources;
  - Activities endangering the health or safety of the college community or others;
  - Misuse of data, either physical or electronic;
  - Unlawful discrimination or illegal workplace behavior;
  - Violations of ethical standards or college policies (see below);
  - Use of official authority, directly or indirectly, to discourage a Protected Person from reporting suspected Improper Conduct; and
  - Retaliation against individuals who submit reports or voice concerns about any of the above.
- **Whistleblower:** An individual who, in good faith, reports any activity taken by or within the college that the individual reasonably believes to be Improper Conduct.
- **Adverse Employment Action:** Failure to promote; adverse impact on compensation; termination, discharge, suspension, or demotion; other change in responsibilities, whether formal or informal; or other negative consequences including, but not limited to, bullying or the perpetuation of a hostile work environment that a reasonable person would find so abusive or intimidating that it adversely impacts their ability to work.

## Principles

- **Encouragement of Reporting**
  - FIT encourages the good faith reporting of activity within the college suspected of being Improper Conduct. Reports will be promptly and fairly investigated by the college, as appropriate.
  - Policies to which Whistleblower protection applies:
    - Policies designed to prevent financial wrongdoing and policies prohibiting fraud/misuse of resources;
    - Conflict of interest policies;
    - Policies addressing unethical conduct, harassment, and discrimination; and
    - Policies prohibiting academic or research misconduct or other regulations applicable to conduct of research or use of federal funds.

- This policy is not intended to replace the college's applicable human resources policies or grievance procedures related to alleged discrimination based on any protected category or any form of unlawful harassment. Those policies, found in the FIT Handbook, and the most current Collective Bargaining Agreements are designed to address individual grievances and personal complaints.

- **Non-Retaliation**

Individuals who in good faith report a concern shall not suffer intimidation, harassment, retaliation, discrimination, or adverse employment action because of such a report. This policy intends to empower, encourage, and enable all members of the FIT community to raise serious concerns within the college, so that FIT may address them appropriately.

Any employee of the college who retaliates against someone who has reported Improper Conduct in good faith is subject to discipline up to and including termination of employment. This policy is not an employment contract and does not modify the employment relationship between the college and its employees, nor is it intended to provide any member of the FIT community with any additional rights or causes of action, other than those provided by law. Similarly, any independent contractor of the college is subject to consequences up to and including termination of contract or criminal prosecution.

A Whistleblower is not necessarily exempt from consequences that are the result of participating or being complicit in the reported Improper Conduct.

- **Acting in Good Faith**

Anyone reporting a concern must act in good faith and have reasonable grounds for believing that the information disclosed is evidence of a violation of law, college policy, or ethical standards. Any allegations that prove to have been made maliciously or with knowledge that they are false will be viewed as a serious disciplinary offense.

- **Confidentiality**

FIT will treat the information provided in a report of Improper Conduct with discretion and confidentiality to the extent possible. The college may be required to disclose information it receives, consistent with the need to conduct an appropriate investigation, afford fair process to accused individuals, and resolve actual violations.

Reports may also be made on an anonymous basis. Reporters are encouraged to provide as much information as possible, including their contact information, so that the college can best address the allegations.

## Responsibilities

- **Members of the FIT Community**

It is the responsibility of all members of the FIT community to:

- Report, in good faith, suspected or actual Improper Conduct;
- Refrain from retaliation against Whistleblowers;
- Report any known or suspected acts of retaliation against Whistleblowers; and
- Cooperate fully and in a timely manner with college investigations including, but not limited to, participating in interviews, and providing all requested information, documentation, and

access to records, systems, personnel, and physical spaces; provided, however, that an employee may assert its right to not self-incriminate instances where governmental investigations are involved, including the right to use immunity when directed to answer questions by the college.

- **Division of Legal Affairs and Internal Controls**

- The offices within this division (Policy and Compliance; Internal Controls and Management Analysis; and General Counsel) will coordinate efforts to ensure fair and thorough investigations according to the procedures outlined in this and any applicable policy.
- The General Counsel, or their designee, will report compliance activity, including whistleblower investigations, to the President and to the Board of Trustees.

- **Investigating Offices**

It is the responsibility of offices charged with assisting with investigations of Whistleblower reports, to:

- Conduct timely investigations of such reports;
- Provide fair processes for those facing accusations of misconduct, including notification of allegations and opportunity for response; and
- Communicate findings and conclusions to responsible senior leadership, the Director of Policy and Compliance, and the Executive Director of Internal Controls and Management Analysis. The Director of Policy and Compliance will then communicate findings to the General Counsel.

## Procedures

The following is a summary of the procedures for reporting, investigating, and addressing Improper Conduct:

- Reports may be made to department supervisors, specific FIT offices based on the alleged policy violation, or via [FIT's reporting system](#). Reports should be factual and set forth the specific information known by the reporter. FIT encourages the prompt reporting of Improper Conduct, as the passage of time can make investigations more difficult. **Imminent and immediate dangers should be reported to the Department of Public Safety (212) 217-7777.**
- The college will ensure that a prompt and fair investigation appropriate to the allegation is completed, either by college officials or outside experts. The role of the individual reporting the Improper Conduct is not as an investigator or factfinder, nor is it to determine appropriate remedial action by the college, if any.
- All claims of Improper Conduct involving financial irregularity should be reported to the General Counsel, who will coordinate with the Office of Internal Controls and Management Analysis and the Vice President for Finance and Administration/Treasurer, or their designee.
- Reports of potential or actual violations of college policies should be made in accordance with the procedures contained in those policies. Where the subject-specific policy lacks explicit reporting procedures, or where the conduct goes beyond what can be appropriately addressed under an applicable policy, contact the Vice President of Human Resource Management and Labor Relations or their designee(s) who will address the matter or refer the matter to the

appropriate college department for investigation. The Director of Policy and Compliance and the General Counsel shall be informed of all reports under this policy. It is the responsibility of the Division of Legal Affairs to ensure that an appropriate investigation is done according to this policy. Such investigation may involve college and/or outside personnel, as appropriate.

- The investigator(s) will determine findings of fact and present those to responsible senior leadership of the affected areas, as well as to the Executive Director of Internal Controls and Management Analysis and the Director of Policy and Compliance, who will share the findings with the General Counsel.
- The General Counsel will share the findings with the Vice President for Human Resources and Labor Relations. Responsible senior leadership of the affected areas, and the Director of Labor Relations, or their designee, will make determinations and take or initiate corrective action, if appropriate, pursuant to applicable policies and/or collective bargaining agreements (see Violations section below).
- If the report involves the President, the Board of Trustees shall make determinations and take corrective action, if appropriate.
- Faculty, staff, and students must cooperate fully and in a timely manner with any investigation, including, but not limited to, participating in interviews, and providing all requested information, documentation, and access to records, systems, personnel, and physical spaces. The college is committed to timely resolution of Whistleblower reports.

## Violations

Violations of college policy will be handled in accordance with the following, unless a specific policy explicitly states otherwise:

- **Employees:**  
Employees covered by the Collective Bargaining Unit will be disciplined according to the Collective Bargaining Agreement, as well as relevant law and college policy. For non-bargaining employees, the Vice President for Human Resource Management and Labor Relations, or their designee(s), will review the violation and make a recommendation to the President for appropriate counseling and/or disciplinary action based upon relevant law and college policy.
- **Third Party or Contractor**  
Violations of FIT policies by third parties will be addressed by FIT senior leadership and in accordance with the relevant policy, laws, and circumstances.

## Related Policies

- [Records Retention and Disposition](#)
- [Employee Code of Ethical Conduct](#)
- [Fraudulent Financial Activities Reporting](#)

## Related Documents

- [College Policy Library](#)
- [SUNY Reporting Fraud](#)

## Contacts

- **Office of the General Counsel**  
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