

WHISTLEBLOWER POLICY

A whistleblower as defined by this policy is a Student, Faculty, or Staff of Vivekananda Yoga University (VaYU), who reports an activity considered illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures, just report them; appropriate management officials are charged with these responsibilities.

VaYU does not make, adopt or enforce any rule, regulation, or policy preventing any individual from being a whistleblower. VaYU does not retaliate because the individual:

- Is a whistleblower.
- Refuses to participate in an activity that would result in a violation of a state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, or
- Exercises his or her rights as a whistleblower

1. PROCESS OF WHISTLEBLOWER'S COMPLAINT

If a Student, Faculty, or Staff has knowledge of or a concern about illegal or dishonest fraudulent activity, the person is to contact their immediate supervisor, supervisor of their immediate supervisor, or VP of Division or the human resources director. They must exercise sound judgment to avoid baseless allegations. An individual who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

All reports of illegal and dishonest activities will be promptly submitted to the human resources vice president, who is responsible for investigating and coordinating corrective action.

Employees with any questions regarding this policy should contact the director of human resources.

2. CONFIDENTIALITY AND PROTECTION

Whistleblower protections are provided in two important areas -- confidentiality and non-retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, comply with the law, and provide accused individuals their legal rights of defense.

VaYU will not retaliate against a whistleblower. This includes but is not limited to, protection from retaliation in the form of an adverse action such as termination, demotion, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must contact the VaYU human resources director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

3. TYPES OF WHISTLEBLOWER REPORTABLE ISSUES

Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

Types of inappropriate behavior that the whistleblower could be, but not limited to:

- Financial malpractice, impropriety, fraud or theft
- Conflict of interest
- Abuse of office or Authority
- Corruption, bribery or blackmail
- Failure to comply with a legal obligation or with the Statutes, Ordinances and Regulations of the University
- Criminal activity
- A miscarriage of justice
- Academic or professional malpractice
- Improper conduct or unethical behavior
- Attempts to conceal any of the above

4. 'DEFEND TRADE SECRETS ACT (DTSA)' COMPLIANCE

The Defend Trade Secrets Act (DTSA) requires "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing."

1. Immunity—An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that:
 - a. is made
 - i. in confidence to a Federal, state or local government official, either directly or indirectly, or to an attorney; and
 - ii. solely for the purpose of reporting or investigating a suspected violation of law; or
 - b. is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.
2. Use of Trade Secret Information in Anti-Retaliation Lawsuit—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual—
 - a. files any document containing the trade secret under seal; and
 - b. does not disclose the trade secret, except pursuant to court order.

Note:

To share your feedback and ideas email us at hr@vayuusa.org.

References:

[*SHRM - The Voice of All Things Work*](#)