



I. **Rationale**

This whistleblower policy will encourage a culture of transparency, protection against wrongdoing, compliance with laws and university policies, prevention of retaliation, and improving organization effectiveness.

The Whistleblower Policy provides an avenue for all employees and counterparties of the Lasallian Community, as well as other stakeholders to disclose any improper conduct or unethical behavior, actual or suspected fraud and/or abuse, suspected gross mismanagement and misconduct, non-feasance or gross neglect of duty, and gross waste in funds in accordance with the procedures as provided for under this Policy and to provide protection for those who report such allegations.

It also aims to reassure whistleblowers that they will be fully protected from harassment, discrimination or reprisal for whistleblowing in good faith.

II. **Owner**

De La Salle University - Dasmariñas

III. **Coverage**

This whistleblower policy covers all improper conduct or unethical behavior that will result in loss of money, property, or life of the University or its community members. Specifically illegal activities, fraud, corruption, harassment, discrimination, safety violations, environmental violation, and unethical behavior. Additionally, this whistleblower policy is a contributing factor to the University vision to drive innovation toward a just, peaceful, and sustainable society.

IV. **Definition of Terms**

1. A **"Whistleblower"** is a person who publicly reveals a concealed misconduct or a commission or attempted commission of a crime by a person, employer, employee, or an agency whether of a public or private entity. Provided, however, that said person has not participated or has refused to participate in the misconduct or the violation or attempted violation of law.
2. **"Whistleblowing"** is the disclosure, making public, giving evidence to, an information that a whistleblower reasonably believes constitutes:
 - a. a violation of law, rule, regulation, policy,
 - b. gross mismanagement,
 - c. gross waste of funds,
 - d. abuse of authority,

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- e. threat to public interest such as fraud and corruption,
 - f. or a substantial and specific danger to public health or safety;
3. **“Employer”** is any individual, partnership, association, corporation, or any person or group of persons who has the power and right to control and direct the employee in the material details of how the work is to be performed, which includes any public or privately owned corporation, branches of government, or any other political subdivision, authority, commission, or board, or any other agency or instrumentality thereof;
4. **“Superior”** is an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust to their grievances, or effectively recommend such action, if in connection with the foregoing the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment;
5. **“Retaliatory Action”** is the discharge, suspension, transfer, or demotion of any employee/whistleblower or the withholding of bonuses, reduction in salary or benefits, or any other action that may adversely affect his rights and interests taken by his employer, superior, supervisor or head of agency;
6. **“Gross Mismanagement”** is the continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact;
7. **“Gross Waste of Funds”** means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.
8. **WB** - Whistleblowing Committee

V. Specific Guidelines

A. Confidentiality

All reports of suspected wrongdoing will be treated in strict confidence. The whistleblower's name will be protected to the greatest degree feasible and will only be released to those who need to know in order to investigate and resolve the issue.

B. Committee

1. The Administration shall create a whistleblower committee. The composition of the committee shall be
 - a. Chancellor/President
 - b. Director, Human Resource Management Office

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 De La Salle University D A S M A R I Ñ A S	Title: WHISTLEBLOWER POLICY		
	Doc. No. HR-031	Rev. No. 0	Classification: Governance
	Effective: January 31, 2024		Page 3 of 6

- c. Director, Risk, Compliance, and Audit Office
- d. Any other members deemed suitable by the President/BOT

- 2. The composition of the committee will be subject to changes depending on the discretion of the Administration.

C. Types of Misconduct

- 1. The types of misconduct include, but are not limited to the following:
 - a. Financial misconduct such as corruption or fraud, bribery, theft, and falsifying claims, etc;
 - b. Criminal offenses that threaten the performance or well-being of any entity related to the University or its business-related affiliates;
 - c. Any activity that the whistleblower feels is tantamount to a serious breach of professional and ethical conduct as stated in the University's official documents such as employment agreement, directives, circulars, policies, the Faculty Manual, Staff Manual, Administrators' Manual and the Handbook of Handling Grievance and Discipline;
 - d. Misappropriation or misuse of the University's funds;
 - e. Knowingly directing or advising a person to commit any of the above misconducts.

D. Reporting

- 1. Reporting protocols. The whistleblower shall follow and be guided with the protocol of reporting alleged wrongdoing in the table below. The confidential report will be treated as a formal grievance request for the necessary investigation and disciplinary action to be taken.

Alleged Wrongdoer	Report to	Email / Write To
Staff or Faculty (Who is Not a Member of the Whistle Blower Committee)	Whistle Blower Committee	whistleblower@dlsud.edu.ph
3rd Parties (University Partners, Suppliers or Contractors)	Whistle Blower Committee	whistleblower@dlsud.edu.ph
Member of the Whistle Blower (WB) Committee	Chairman of the Audit Committee; Chairman of the Board of Trustees; OR WB committee member(s) who is/are not accused or implicated in the complaint	bot_chairman@dlsud.edu.ph

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Academic Administrators, Administrators and Administrative Services Personnel	Whistle Blower Committee; to escalate to the Chairman of the Audit Committee arcc_chairman@dlsud.edu.ph OR Directly to Chairman of the Audit Committee
Member of the Risk and Audit Committee	Whistle Blower Committee; to escalate to the Chairman of the Board of Trustees bot_chairman@dlsud.edu.ph OR Directly to Chairman of the Board of Trustees

2. Burden of Proof

The whistleblower has the burden of proof to affirm allegations to the wrongdoer. Whistleblower Committee to decide on the substantiation of evidence.

3. Handling Process

- a. Whistleblower reports discovered misconduct/wrongdoing to the Whistleblower Committee, Chairman of the Audit Committee, or Chairman of the Board of Trustees.
- b. Whistleblower Committee, Chairman of the Audit Committee, or Chairman of the Board of Trustees shall conduct a preliminary review or investigation.
- c. The Whistleblower Committee, Chairman of the Audit Committee, or Chairman of the Board of Trustees shall inform the immediate head of the accused to serve a show cause order.
- d. The immediate head assesses if the accusation is for grievance or for discipline.
 - i. Grievance – process in the handling of grievance as indicated in the Handbook of Handling Grievance and Discipline shall be followed.
 - ii. Discipline – corrective actions provided in the Handbook of Handling Grievance and Discipline shall be followed.

E. Protection of Whistleblower

1. Protection Against Retaliation. It shall be unlawful for any superior, supervisor or immediate head or any worker's association or union to retaliate or perform such acts which can be deemed as "Retaliatory Action" as defined in this policy against an employee/whistleblower.

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2. Protection to Whistleblowers and Persons. Legal protections will be accorded to employees/whistleblowers and their spouse and/or any member of the family within the first (Ist) degree by consanguinity or affinity who:
 - a. disclosed information on their own initiative in a written and signed complaint or affidavit; or
 - b. are requested to participate in an investigation, hearing, or other inquiry conducted by the Whistleblowing Committee, Audit Committee, Grievance Machinery; and,
 - c. refuse to participate in any retaliatory action prohibited by this policy; or
 - d. who initiate a complaint against or testify regarding a misconduct or illegal act.
3. Remedy. Any whistleblower who is discharged, disciplined, or subjected to other retaliatory action, or denied employment, because he or she engaged in an activity protected by this policy may file a complaint without the need to exhaust all available contractual or administrative remedies, before the Whistleblowing Committee.
4. Relief. Any action brought under this policy; the relief must include the following:
 - a. Reinstatement of the whistleblower or employee to the same position held before the retaliatory action was commenced, or to an equivalent position or reasonable front pay as alternative relief;
 - b. Reinstatement of the whistleblower or employee's full fringe benefits and seniority rights, as appropriate;
 - c. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the retaliatory action;
 - d. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the whistleblower or employee filed a frivolous action in bad faith;
 - e. Issuance of an injunction, if appropriate, by the Whistleblowing Committee or Audit Committee;
 - f. Temporary reinstatement to the whistleblower or employee's former position or to an equivalent position, pending the final outcome on the complaint, if an employee complains of being discharged in retaliation for a protected disclosure.

F. Investigation and Resolution

1. The Whistleblowing Committee, Chairman of the Audit Committee; or Chairman of the Board of Trustees shall review the information disclosed by the whistleblower and ensure protection is afforded to the whistleblower.

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2. The Whistleblowing Committee, Chairman of the Audit Committee; or Chairman of the Board of Trustees shall recommend if such information disclosed should be elevated to the Grievance Board/Machinery.
3. The Grievance Board/Machinery, upon receipt of the recommendation, shall proceed following the Handbook of Handling Grievance and Discipline.

G. Review and Revision

1. This whistleblower policy, to ensure its effectiveness, is open to amendments should it be deemed necessary.

H. Communication and Awareness

1. This Whistleblowing Policy shall be communicated to all members of the DLSU-D community.
2. This Whistleblowing Policy shall be made available to all members of the DLSU-D community through the individual DLSU-D portals of students and employees.
3. The Whistleblowing Committee shall be responsible for orientation to Administrators. Administrators, on the other hand, shall be responsible for orienting their subordinates.

VI. Related Documents

1. Faculty Manual
2. Staff Manual
3. Administrators' Manual
4. Handbook on Handling Grievance and Discipline

VII. References

1. 1301611690!.pdf (senate.gov.ph)
2. [Whistleblower Policy | Asia School of Business Malaysia \(asb.edu.my\)](https://www.asb.edu.my/whistleblower-policy)

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