

1. What is EthicsPoint?

EthicsPoint is simply a tool that allows people to report suspected illegal or unethical conduct anonymously. It is used by thousands of organizations, including hundreds of educational institutions.

2. Why would we want to allow anonymous reports?

If there is illegal or unethical activity at RISD, we want to know about it so we can address and correct it. However, people who have information about such activity are sometimes reluctant to come forward by name, for a variety of reasons. Under various laws and existing RISD policy, they already have the right to make anonymous reports, but they may not trust existing reporting mechanisms to maintain their anonymity. The EthicsPoint tool is designed to give them assurance in that regard.

3. But aren't anonymous reports unconstitutional?

No. The Sixth Amendment to the Constitution does give criminal defendants the right “to be confronted with the witnesses against” them in a criminal proceeding, and the Due Process Clause does give participants in certain other governmental proceedings the right to “adequate notice” of the charges and evidence against them. However, neither provision prohibits the making of anonymous reports or the initiation of an investigation based on them. Moreover, neither applies to private institutions like RISD.

4. So RISD can punish people on the basis of anonymous reports?

No. The receipt of *any* report of alleged illegal or unethical conduct, whether anonymous or by name, is simply the beginning of the process, not the end. Reports that RISD receives through EthicsPoint will be handled through the same processes and under the same standards as similar reports that RISD receives through other means. Thus, in general, reports about students will be handled through the Code of Student Conduct, reports about staff will be handled through normal HR processes, and reports about faculty will be handled in accordance with the processes provided for in the faculty contracts.

Each of those processes requires further investigation and provides the person about whom a report may be made an opportunity to respond. No disciplinary action can or will be taken solely on the basis of an anonymous – or identified – report.

5. Isn't it a violation of the faculty contracts to allow anonymous reports?

No. The faculty contracts provide that “anonymous material” may not be placed in faculty personnel files. The EthicsPoint system is not a personnel file, and no record will be placed in a faculty member's personnel file unless and until the faculty member has been found, through the appropriate process, to have engaged in the illegal or unethical

activity reported. (While not regulated by a collective bargaining agreement, the same is true with respect to staff.)

6. Who will have access to reports made through EthicsPoint?

EthicsPoint will notify the General Counsel, the Director of Risk and Compliance, and the Director of Public Safety of all reports made through the system. In addition, it will notify the Controller of any reports involving alleged financial irregularities and the Vice President for Human Resources of any reports involving alleged employment-related issues. If a report is deemed not to be legitimate (that is, if it does not allege illegal or unethical conduct), it will go no further. If a report does allege illegal or unethical conduct, it will be referred to the person responsible for handling that type of report.

7. Is EthicsPoint *really* anonymous?

Yes. The EthicsPoint server is hosted offsite by EthicsPoint, and it does not generate or maintain IP log files, so neither RISD nor EthicsPoint has an independent means of identifying reporters. The only information that RISD will receive about a reporter is the information that the reporter chooses to submit to RISD through the EthicsPoint system.

8. Does this mean that people have the right to make false reports?

No, but it is important to distinguish between false reports and erroneous reports. Under our policy, anyone who intentionally makes a false report of illegal or unethical conduct may be disciplined for doing so. However, it also is a violation of our policy, and in some cases actually criminal, to retaliate against anyone who makes a report of suspected illegal or unethical conduct *in good faith*, even if it subsequently turns out the report was erroneous.

To be sure, it likely will not be possible to discipline someone who makes a false report anonymously, but that would be true whether the report were made through EthicsPoint or by other means. And, as noted above, neither a false nor an erroneous report will result in a record in the personnel file of the subject of the report.