



ACCREDITATION EVIDENCE

Title: Proposed Board Policy 2XXX: Whistleblower Protection, waiting on final Board of Trustees approval.

Evidence Type: Clear

Date: 14 July 2022

WAN: 22-0436

Classification: Policy

PII: No

Redacted: No



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WHISTLEBLOWER PROTECTION

References: Section 11(c) of the OSH Act of 1970; Whistleblower Protection Enhancement Act of 2012; Wyoming Statute: §9-11-102, §27-11-109

The Western Wyoming Community College Board of Trustees encourages the reporting of information that may be related to illegal practices or violations of Federal, state, or local laws captured in Board policies that such person in good faith has reasonable cause to believe is credible. Anyone reporting a violation must act in good faith and have reasonable grounds for believing that the information shared in the report indicates that a violation has occurred.

The Board of Trustees requires the College President to ensure that the College complies with this Federal law and has a process for reporting such alleged violations to an impartial party that will investigate the allegation in a timely manner.

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WHISTLEBLOWER PROTECTION

This procedure applies to all College employees, whether full-time, part-time, or temporary employees, all volunteers, all who provide contract services, and all officers of the Board, each of whom shall be entitled to protection. Any such person may report information that may be a violation of federal, state, or local laws, that is captured in Board Policy, to the Associate Vice President of Human Resources (the "Compliance Officer"), unless the report relates to the Compliance Officer, in which case the report shall be made to the College President. If a report is made regarding the College President, the Board President is responsible for assigning a College designee. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. This policy is not intended to replace existing College policies. Accordingly, complaints or grievances such as those regarding discrimination or harassment, personnel, employment, academic matters, and other matters for which the College has specific policies, ~~should~~ shall continue to be made and addressed in accordance with the policies and procedures applicable to such matters and applicable law.

Investigating Information

The Compliance Officer shall promptly investigate each such report and prepare a written report to the College President. In connection with such investigation all persons entitled to protection shall provide the Compliance Officer with credible information. All actions of the Compliance Officer in receiving and investigating the report and additional information shall endeavor to protect the confidentiality of all persons entitled to protection.

Confidentiality

The College encourages anyone reporting a violation to identify himself or herself when making a report in order to facilitate the investigation of the violation. However, reports may be submitted anonymously. Reports should be submitted by ~~submitting-completing~~ a "Whistleblower Reporting Form" online, or filling out the form and mailing it to the Compliance Officer (Human Resources, 2500 College Drive, Rock Springs, WY 82901). Reports submitted anonymously must include sufficient detailed information to enable an investigation as the ability to request additional information or clarification from the whistleblower is removed. The confidentiality of the whistleblower will be maintained to the extent possible, with the understanding that identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

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Protection from Retaliation

No person entitled to protection shall be subjected to retaliation, intimidation, harassment, or other adverse action for reporting information in accordance with this policy. Any person entitled to protection who believes that they are the subject of any form of retaliation for such participation ~~should~~ shall immediately report the same as a violation of and in accordance with

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this procedure. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Any individual within the College who retaliates against another individual who has reported a violation in good faith or who, in good faith, has cooperated in the investigation of a violation is subject to discipline, including termination of employment or volunteer status. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Dissemination and Implementation of Policy

This procedure shall be disseminated in writing to all affected constituencies. The College will:

- (1) ~~document~~ Document reported violations;
- (2) ~~work~~ Work with legal counsel to decide whether the reported violation requires review by the Compliance Officer or ~~should~~ be directed to another person or department;
- (3) ~~keep~~ Keep the College President informed of the progress of the investigation;
- (4) ~~interview~~ Interview all named parties;
- (5) ~~request~~ Request and review relevant documents, and/or request that legal counsel investigate the complaint; and
- (6) ~~prepare~~ Prepare a written record of the reported violation and its disposition, to be retained for a specified period of time.

The Compliance Officer, or designee, will communicate with the reporting individual the status of the investigation, to the extent that the reporting individual's identity is disclosed, and to the extent consistent with any privacy or confidentiality limitations.

Proposed ~~February 3, 2022~~ July 14, 2022