

STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

WHISTLEBLOWER PROTECTION POLICY

BP 3-71

APPROVED: February 9, 2005
EFFECTIVE: February 9, 2005

REFERENCES:

C.R.S. 24-50.5-101 *et seq.*

ISSUED BY:

Dr. Nancy McCallin, System President

Policy Statement

Colorado Community College System employees have an obligation to conduct the System's business in an ethical manner and in compliance with law and statute. CCCS employees are encouraged to disclose information on actions of the System or its employees, contractors, or agents that are not in the public interest.

Scope

This policy applies to all employees of the State Board for Community Colleges and Occupational Education throughout the State.

Procedure for Disclosure of Information

This policy applies to information regarding any action, policy, regulation, practice or procedure of CCCS or its employees, contractors or agents that is unethical, illegal or contrary to public interest, including but not limited to the misuse, misappropriation, or misreporting of CCCS funds or its physical assets, questionable auditing or accounting practices, abuse of authority, or mismanagement. Unless such information is provided in response to a subpoena or other legal process from a law enforcement agency or governmental body, information covered by this Policy must first be provided (1) using the CCCS Concerns Hotline (303-307-3926) or (2) in writing, which may be anonymous, to the CCCS Vice President for Legal Affairs or the System Office Director of Human Resources. The Vice President for Legal Affairs and the Director of Human Resources shall be responsible for addressing information provided and recommending action to the System President. If the matter reported is material (considered to place CCCS at risk, financial or otherwise, or involving a college president or senior management), it

shall be reported to the Chair of the State Board for Community Colleges and Occupational Education.

If an employee reports such information to his or her supervisor or appointing authority, the supervisor or appointing authority shall refer the employee to this policy and direct the employee to follow the process stated in this policy.

Retaliation Prohibited

Except as provided below, no disciplinary action shall be threatened, initiated or administered against a CCCS employee on account of the employee's disclosure of information or on account of the employee's providing information in response to a subpoena or other legal process. This shall not apply to:

(1) An employee who discloses information that he or she knows to be false or who discloses information with disregard for the truth or falsity thereof;

(2) An employee who discloses information which is confidential under any provision of law; or

(3) An employee who discloses information (except in response to legal process) without first having made a good faith effort to provide the information using the CCCS Concerns Hotline or in writing to the Vice President for Legal Affairs or the Director of Human Resources, or by notifying his or her supervisor or appointing authority if the supervisor or appointing authority did not refer the employee to the process stated in this policy;

"Disciplinary action " means any direct or indirect form of discipline or penalty, including but not limited to dismissal, demotion, transfer, reassignment, suspension, corrective action, reprimand, admonishment, unsatisfactory or below standard performance evaluation, reduction in force, or withholding of work, or the threat of such discipline or penalty.

Filing a Retaliation Complaint

A retaliation complaint may be filed in writing with the CCCS Vice President for Legal Affairs or the System Office Director of Human Resources. A retaliation claim must be filed within 45 days of the employee's discovery of the disciplinary action. If there is more than one instance of retaliation, the complaint must be filed within 30 days of the most recent alleged disciplinary action.

The complaint will be investigated by the Vice President for Legal Affairs, who shall report the results of the investigation to the System President and the Chair of the State Board within 30 days of receipt of the complaint. The Chair of the State Board will convene a meeting of the Board Executive Committee for the purposes of a hearing within 30 days of receipt of the report of the Vice President for Legal Affairs.

The Chair of the Board may request any documentation or verbal statements by employees as may be reasonably required for appropriate fact finding. The employee filing the complaint may, at the time of the hearing, present his or her complaint to the Executive Committee in person.

If the Executive Committee determines that retaliation has occurred, the System President will provide that information to the full Board. The Executive Committee's determination is final and binding. The System President will assure that appropriate remedial action is taken with respect to the employee against whom retaliation has occurred and that appropriate disciplinary action is taken against the employee(s) found to have retaliated.