

WESTERN NEBRASKA COMMUNITY COLLEGE

Western Community College Area Board of Governors' Policy

TITLE: Whistleblower Protection

DIVISION: Human Resources

CATEGORY: Personnel

REFERENCE: Nebraska Revised Statutes: §48-1102 & §48-1114

NUMBER: BP-423

APPROVAL/DATE: F. Lynne Klemke, President, WCCA Board of Governors
Date: October 23, 2019

Purpose

The purpose of this policy is to protect WNCC employees and other members of the WNCC community who make a good faith disclosure of suspected wrongful acts or behavior.

Scope

This policy applies to all WNCC employees, whether full-time, part-time, or temporary; volunteers; contract service providers; and members of the Board, each of whom shall be entitled to protection.

Definitions

Complainant: a person that makes a complaint.

Compliance Officer: Human Resources Executive Director

Wrongful Act/Behavior: Wrongful acts/behavior may be any act that is illegal or unethical including, but not limited to the following:

- Any violation of applicable state and federal law;
- A serious violation of WNCC policy;
- Embezzlement;
- Fiscal waste or fiscal mismanagement, to and including, but not limited to misappropriation, misapplication, destruction, removal, or concealment of property;
- Alteration or falsification of documents;
- False claims by students, employees, vendors, or others associated with Western Nebraska Community College;

- Theft of any asset including, but not limited to money, tangible property, trade secrets or intellectual property;
- Unauthorized use of College property or equipment for personal use;
- Bribery, receipt of a rebate or kickback; or
- Misrepresentation of facts.

Protected person: All WNCC employees, whether full-time, part-time, or temporary employees; volunteers; contracted service providers; and members of the Board.

Retaliation: Punishment of an employee by an employer for engaging in legally protected activity such as making a complaint of harassment or participating in workplace investigations. Retaliation can include any negative job action, such as demotion, discipline, firing, salary reduction, or job or shift reassignment.

Whistleblower: A protected person who reports suspected wrongful acts or behavior as defined by and consistent with this policy.

Policy

Reporting Credible Information

A protected person shall be encouraged to report information related to suspected wrongful acts or behavior that such person in good faith has reasonable cause to believe is credible. Information shall be reported to the Human Resources Executive Director (the “Compliance Officer”), unless the report relates to the Compliance Officer, in which case the report shall be made to the College President, who shall be responsible to provide an alternative procedure.

Anyone reporting suspected wrongful acts or behavior must act in good faith and have reasonable grounds for believing that the information shared in the report indicates that the suspected acts/behavior has occurred.

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. The Compliance Officer in receiving and investigating the report and additional information shall endeavor in all actions to protect the confidentiality of all persons entitled to protection.

In the event that a report is made against the College President, the Compliance Officer shall promptly investigate each such report and prepare a written report to the Chair of the Board of Governors.

Confidentiality

WNCC encourages anyone reporting suspected wrongful acts or behavior under this policy to identify himself or herself when making a report in order to facilitate the investigation. However, reports may be submitted anonymously by filing a report through the “Report a Concern/Incident” link on the www.wncc.edu website. Reports of suspected wrongful acts or behavior under this policy will be kept confidential to the extent possible, with the understanding that confidentiality may not be maintained where identification is required by law or in order to enable the College or law enforcement to conduct an adequate investigation.

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 he or she is the subject of any form of retaliation for such participation should immediately report it as a violation of and in accordance with this policy.

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.

Dissemination and Implementation of Policy

This policy shall be disseminated in writing to all affected constituencies. The College shall adopt procedures for implementation of this policy, which may include:

- 1) Documenting reported suspected wrongful acts or behavior;
- 2) Working with legal counsel to decide whether the reported suspected wrongful acts or behavior requires review by the Compliance Officer or should be directed to another person or department;
- 3) Keeping the Board of Governors informed of the progress of the investigation;
- 4) Interviewing employees;
- 5) Requesting and reviewing relevant documents, and/or requesting that an auditor or counsel investigate the complaint; and
- 6) Preparing a written record of the reported suspected wrongful acts or behavior and its disposition, to be retained for a specified period of time.

The procedures for implementation of this policy shall include a process for communicating with a complainant about the status of the complaint, to the extent that the complainant's identity is disclosed, and to the extent consistent with any privacy or confidentiality limitations.

Attachment: Whistleblower Reporting Form

Revising this Policy

This WCCA Board policy supersedes any prior WNCC policy, procedure, guideline or handbook on this subject matter.

If statutory provisions, regulatory guidance, or court interpretations change or conflict with this Board Policy, the Board retains the right to revise accordingly and for the changes to take effect immediately.

Adoption Date and Board of Governors' Minutes Item Number: 2012

Revision Date and Board of Governors' Minutes Item Number:

Prior Policy Number:

415.0850.12 (Discrimination, Harassment or Retaliation – Employee)

Schedule for Review:

Divisions/Department Responsible for Review and Update:

Sponsoring Division/Department: Human Resources

Repeal Date and Board of Governors' Minutes Item Number:

Cross Reference:

Procedure(s) for Policy:

Related Policies/References:



Western Nebraska
Community College

Whistleblower Reporting Form

Section 1: Instructions

Submit this form to the Compliance Officer. Wrongful conduct is a serious violation of WNCC's policy; a violation of applicable state and federal laws; or the use of college property, resources or authority for personal gain or other non-college-related purpose except as provided under college policy. (To report student misconduct, please refer to BP-5xx - Student Complaints and Grievances Presidential Procedure that is found at: <https://www.wncc.edu/500-student-services>)

Section 2: Personal Information

Person reporting the actual or suspected wrongful conduct: (Do not complete this section if you wish to remain anonymous. However, we strongly encourage you to share your personal information.)

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>First Name</i>	<i>Middle Initial</i>	<i>Last Name</i>

<input type="text"/>	<input type="text"/>
<i>Department</i>	<i>Title</i>

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Campus Mail Address</i>	<i>Campus Phone Number</i>	<i>Campus Email</i>

The Whistleblower Protection Board Policy BP-4xx can be found at:

<https://www.wncc.edu/400-420-human-resources>

<input type="text"/>	<input type="text"/>
<i>Name of individual(s) being reported</i>	<i>Date of Event</i>

Please list any witness(es) to the event below:

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Witness #1</i>	<i>Witness #2</i>	<i>Witness #3</i>

Have you reported the incident to anyone at WNCC? ____ Yes * ____ No

*Individual(s) you told of the incident (list all):

Date you reported incident to the individual(s) above:

Section 3: Description of Misconduct

Being as specific as possible, describe the alleged wrongful conduct, (use additional sheets if necessary):