

**WALLA WALLA COMMUNITY COLLEGE
WHISTLEBLOWER PROTECTION
ADMINISTRATIVE POLICY 5675**

I. POLICY BACKGROUND/PURPOSE

The Whistleblower Act, set out in Chapter [42.40 RCW](#), encourages employees to disclose improper governmental actions and protects the rights of the employees to make such disclosures. The objective of this Policy is to provide information regarding the reporting of suspected improper governmental action(s).

II. AUTHORITY

Chapter [42.40 RCW](#), Board Policy 1370.

III. SCOPE OF POLICY

This policy applies to all employees of the College.

IV. DEFINITIONS

- A. Improper Governmental Action – means any action by an employee undertaken in the performance of the employee’s official duties, which:
1. Is a gross waste of public funds or resources;
 2. Is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature;
 3. Is of substantial and specific danger to the public health or safety;
 4. Is gross mismanagement; or,
 5. Prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. [RCW 42.40.020\(6\)\(a\)](#)
- B. Improper Governmental Action – does not include personnel actions for which other remedies exist; including but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action that may be taken under Chapter 41.06 RCW, or other disciplinary action except as provided in [RCW 42.40.030](#). [RCW 42.40.020\(6\)\(a\)](#).
- C. Good Faith – means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports or who reasonably ought to know he or she is providing or reporting malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information, is not acting in good faith. [RCW 42.40.020\(3\)](#)
- D. Gross Mismanagement – means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation. [RCW 42.40.020\(4\)](#)
- E. Public Official – means the Attorney General’s designee or designees; the Director or equivalent in the agency where the employee works (at WWCC, this is the College President); an appropriate number of individuals designated to receive whistleblower

reports by the head of each agency (at WWCC, this is the College Vice President of Human Resources identified in Section III. B. above); or the Executive Ethics Board. [RCW 42.40.020\(7\)](#)

F. Reprisal or Retaliatory Action – means, but is not limited to, any of the following:

1. Denial of adequate staff to perform duties;
2. Frequent staff changes;
3. Frequent and undesirable office changes;
4. Refusal to assign meaningful work;
5. Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;
6. Demotion;
7. Reduction in pay;
8. Denial of promotion;
9. Suspension;
10. Dismissal;
11. Denial of employment;
12. A supervisor or superior behaving in or encouraging coworkers to behave in a hostile manner toward the whistleblower;
13. A change in the physical location of the employee’s workplace or a change in the basic nature of the employee’s job, if either are in opposition to the employee’s expressed wish;
14. Issuance of or attempt to enforce any nondisclosure policy or agreement in a manner inconsistent with the prior practice; or,
15. Any other action that is inconsistent compared to actions taken before the employee engaged in protected conduct, or compared to other employees who have not engaged in protected conduct.

G. Whistleblower – means:

1. An employee, who in good faith, reports alleged improper governmental action to the State Auditor or other public official, initiating an investigation by the Auditor;
2. An employee who is perceived by the employer as reporting, whether they did or not, alleged improper governmental action to the Auditor or other public official, initiating an investigation by the Auditor [RCW 42.40.020\(10\)\(a\)](#); or,
3. Relating to reprisals and retaliatory action, whistleblower also includes employees who have in good faith, or who are perceived to have, provided information in connection with an investigation or reported asserted improper governmental action.

V. PROCEDURE

- A. Any current Washington State employee may report a suspected improper governmental action through the Whistleblower Program. This includes Temporary employees, Classified and Exempt civil service employees. [RCW 42.40.020\(2\)](#) & (6)(b)
- B. Whistleblowers must make a reasonable attempt to ascertain the correctness of their complaint and file assertions in good faith. Employees cannot knowingly report false, malicious or frivolous information, recklessly disregard the truth or omit relevant information in order to report in good faith. [RCW 42.40.020\(3\)](#)
- C. The identity of a whistleblower or any person who provides information in an investigation is confidential at all times, unless the whistleblower or other person consents to disclosure or unless the state auditor determines the information has been provided other than in

good faith. Filing a tort claim, lawsuit or complaint with the Human Rights Commission may waive whistleblower confidentiality. [RCW 42.40.040](#)

- D. All College employees must cooperate fully in any investigation and shall take appropriate action to preclude the destruction of any evidence during the course of an investigation.
- E. No employee shall directly or indirectly use, or attempt to use, their official authority or influence for the purpose of, or attempting to, intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to disclose to the State Auditor or College representative or other public official, information concerning improper governmental action. [RCW 42.40.030](#)
- F. No employee shall directly or indirectly use, or attempt to use, their official authority or influence for the purpose of, or attempting to engage in, support or ignore reprisal or retaliatory action against a whistleblower, perceived whistleblower, or any witness or perceived witness who provided information during the investigation.

VI. REPORTING

- A. Whistleblowers are to submit their assertions of suspected improper governmental action on the State of Washington Whistleblower Reporting Form.
- B. Whistleblowers are allowed to file their State of Washington Whistleblower Reporting Form through the following College officials and the designated College official will forward the assertions to the State Auditor's Office within fifteen (15) calendar days of receipt:
 - 1. College Public Officials:
 - Chad Hickox, President
 - Brooke Marshall, Vice President of Human Resources
 - 2. State Auditor's Office:
 - Washington State Auditor's Office
 - Attention: State Employee Whistleblower Program
 - P.O. Box 40031
 - Olympia, WA 98504-0031
 - Facsimile: (360) 586-3519
 - E-Mail: whistleblower@sao.wa.gov
 - Website: <https://portal.sao.wa.gov/saoportal/public/Whistleblower>
- C. Whistleblower assertions may be submitted anonymously.
- D. For an improper governmental action to be investigated by the State Auditor's Office, it must be provided to the State Auditor within one (1) year after occurrence of the action. [RCW 42.40.040\(1\)\(a\)](#)
- E. The State Auditor's Office can be contacted directly at (360) 902-0378 or more detailed information about the Whistleblower Act and Program can be found at the State Auditor's website referenced above.

VII. PROTECTION

- A. Whistleblowers are entitled to protection from reprisal or retaliatory action as a result of their status as whistleblowers. If you feel you are being retaliated against as a result of filing an assertion, providing information during an investigation, or are believed to have filed a whistleblower report or provided information, you may file a claim with the Washington State Human Rights Commission at the following address:

711 South Capitol Way, Suite 402
Olympia, WA 98504-2490
Website: <http://www.hum.wa.gov>

- B. Whistleblowers have two (2) years in which to file a whistleblower retaliation complaint. [RCW 49.60.230\(2\)](#)

VIII. NOTIFICATION

The College’s Human Resources Department is responsible to ensure:

- A. A written summary of the Whistleblower law and procedures is provided to each new employee of the College.
- B. Employees are notified each year of the procedures and protections. The annual notice shall include a list of College officials authorized to receive whistleblower reports.
- C. The list of College officials authorized to receive whistleblower reports is prominently displayed along with other required employment related postings. [RCW 42.40.070](#).

IX. ASSOCIATED RESOURCES (4)

- A. [Whistleblower Program Flyer \(1 pg.\)](#)
- B. [Whistleblower Posting \(RCW 42.40.070\) \(1 pg.\)](#)
- C. [Whistleblower Program Frequently Asked Questions \(5 pgs.\)](#)
- D. [State of Washington Whistleblower Reporting Form \(4 pgs.\)](#)

<p>Policy Contact: <u>VP of Human Resources</u></p> <p>Approved by (Department/Body): <u>Dr. Chad Hickox, President</u></p> <p>Date Originally Approved: <u>April 13, 2009</u></p> <p>Last Reviewed/Revised on: <u>December 7, 2021; April 18, 2024</u></p>
