
Procedure Title: Whistleblowing
Procedure Number: 03-2017-0001
Board Policy Reference: IV.B.

Accountable Administrator: VP, Administrative Services
Position responsible for updating: VP, Administrative Services
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Purpose/Principle/Definitions:

The Board strictly prohibits discrimination or retaliation against any employee for engaging in whistleblowing activities as defined in ORS 659A.200 to 659A.229, including disclosure of information otherwise protected under Oregon’s public records law (ORS 192.501 to 192.505).

Guideline:

When an employee has good faith and reasonable belief the community college has violated any federal, state or local law or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and the employee then discloses or plans to disclose such information, it is an unlawful employment practice for a community college to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the community college prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
 - a. Any member of the Legislative assembly;
 - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
 - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

An employee's good faith and reasonable belief shall serve as an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The community college will use the complaint process in administrative procedure 07-2014-0001, Complaint Process to address any alleged violation of this policy.

The community college shall deliver a written or electronic copy of this policy to each staff member.

Legal References:

ORS 192.338	ORS 659A.199-659A.224	OAR 589-008-0100
ORS 192.345	ORS 659A.233	OAR 715-011-0060
ORS 192.355	ORS 659A.236	OAR 715-011-0065
ORS 192.377		

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983)