



Whistleblower Policy

Ñia, Oya G T-Taccui Am Hab E-Ju:
“Our Dream Fulfilled”

**As amended by the Board of Trustees on
December 10, 2020**

This policy supersedes and replace any prior policies approved. No parts of these polices or procedures may be amended or altered in any way by oral statements. Only written amendments by authorized management officials and approved by the Tohono O’odham Community College Board of Trustees will constitute changes to statements made in this and any TOCC approved policies.

TOHONO O'ODHAM COMMUNITY COLLEGE

WHISTLEBLOWER POLICY

The Tohono O'odham Community College ("College") encourages all faculty, staff, students, and volunteers, acting in good faith, to report suspected or actual wrongful conduct. The College is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an illegal order as defined in this policy.

The College Board of Trustees, administration, faculty, staff, students, or volunteers may not retaliate against an individual who has made a protected disclosure or who has refused to obey an illegal order. The College Board of Trustees, administration, faculty, staff, students, or volunteers may not directly or indirectly use or attempt to use their official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate supervisor or other appropriate administrator or supervisor within the department or operating unit, or other appropriate College official about matters within the scope of this policy.

It is the intention of the College to take whatever action may be needed to prevent and correct activities that violate this policy.

POLICY GUIDELINES

I. Definitions

- A. Wrongful conduct – a serious violation of College policy; a violation of applicable Nation, Federal and State laws; or the use of College property, resources, or authority for the personal gain or other non-College-related purpose, except as provided under College policy.
- B. Protected disclosure – communication about actual or suspected wrongful conduct engaged in by a College employee, student, volunteer, agent, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or College Policy
- C. Retaliation – Adverse action against an individual because she or he has made a protected disclosure, or has participated in an investigation, proceeding or hearing involving a protected disclosure. Examples:
 - 1. Termination of Employment
 - 2. Demotion in title and/ or salary
 - 3. Suspension without pay
 - 4. Written reprimand
 - 5. Withholding salary adjustments
 - 6. Involuntary transfer or reassignment
 - 7. Significant change in duties, assignment, schedule or position

D. Acting in good faith. Any employee has reasonable grounds for believing the information disclosed in the case is a violation or suspected violation of the law, policy, ethical or financial misconduct.

E. False allegation. An individual who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation.

F. Confidentiality. Protected disclosures and investigatory records will be Confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance with the Nation's laws and College policies.

II. Intent of Policy

A. This policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated College official or public body. More specifically it:

1. encourages individuals to disclose wrongful conduct engaged in by others to the appropriate College official so that prompt, corrective action can be taken by the College,
2. informs individuals how allegations of wrongful conduct can be disclosed,
3. protects individuals from reprisal by adverse employment action or other retaliation as result of having disclosed wrongful conduct (individuals who self-report their own misconduct are not afforded protection by this policy), and
4. provides individuals who believe they have been subject to reprisal or false allegations a fair process to seek relief from these acts.

B. Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy. This policy is also intended to protect individuals against false allegations of wrongful misconduct.

C. This policy may not be used to grieve warranted and justified discipline.

PROCEDURE

Reporting violations or suspected violations

A. Reports of violations or suspected violations shall be writing and shall include the following information:

1. Date of the report
2. Name(s) of the individual(s) making the report
3. Nature of the alleged violation (including the policy or procedure violated)
4. Date(s) of the violation(s)
5. Name(s) of the individual(s) involved and others who may have direct knowledge of the violation(s)

B. Individuals should submit their written report within 14 calendar days of the incident or becoming aware of the incident to the departments listed below depending on the nature of the violation.

1. Academic misconduct matters – Academic Dean
2. Criminal matters - Tohono O'odham Police Department
3. Employment matters - Office of Human Resources
4. Financial matters - Dean of Finance
5. Student matters - all matters involving students, in the non-student-employment setting, and not covered by the offices listed above - Dean of Student Services
6. Matters involving any Deans - College President
7. Matters involving Workforce and Community Development Programs - Chair of Academic Programs
8. Matters involving a Board of Trustee member - the Nation's Attorney General
9. All other matters - Human Resources

C. Departments receiving written reported violations shall investigate the allegations of misconduct in a timely manner. The College shall take appropriate corrective or disciplinary actions based on the findings of the investigation in coordination with the Human Resources Department.

D. The College President shall report to the Chairperson of the Board of Trustees any violation of the College Whistleblower policy within 5 working days of receipt of the reported violation(s).