

AP 326 – WHISTLEBLOWER PROCEDURE

Associated Board Policy: 326.00 – Whistleblower Policy

Procedure Owner: Human Resources Generalist

Related Procedure: None

I. Procedure Scope and Purpose

Cowley College requires all employees to conduct the business of the College in an ethical, honest, and legal manner. It is the policy of the College to comply with all applicable federal, state, and local laws in the conduct of College business.

The purpose of this procedure is to encourage individuals who have serious and substantiated evidence about suspected unlawful misconduct to report this information without fear of retaliation (K.S.A. 75-2973). The Whistleblower Policy intends to cover activity that could have a serious impact on the operations and performance of the College. Such activity may involve an administrator, employee, student, Board member, visitor to campus, volunteer, or outside persons or firms (i.e., contractors, vendors, suppliers, or agencies) providing goods, services, or business to the College. Serious, unlawful misconduct includes illegal, fraudulent, unethical, or dishonest activity.

II. Definitions

Substantiated evidence: clear and convincing information that strongly supports the existence of serious, unlawful activity.

Illegal, Fraudulent, Unethical or Dishonest Activity may include:

- A. Violations of federal, state, or local laws
- B. Fraudulent financial reporting including:
 - 1. Forgery or alteration of any document or account belonging to the College
 - 2. Forgery or alteration of a check, bank draft, or any other financial document
 - 3. Misappropriation of funds, supplies, or other assets
 - 4. Impropriety in the handling or reporting of money or financial transactions
 - 5. Profiteering as a result of knowledge of College activities
 - 6. Acceptance or solicitation of anything of material value from vendors, contractors, or consultants for personal gain
- C. Identity theft/fraud
- D. Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment
- E. Billing for products or services not received or performed
- F. Improper supplier, vendor, or contractor activity
- G. Theft or inappropriate use of College funds or property
- H. Malicious use of College technology resources
- I. Negligent or reckless behavior directed at a person or property
- J. Other unethical or illegal misconduct involving the College's business or financial affairs

III. Procedure

An individual who has knowledge and clear and convincing evidence of illegal or fraudulent activity should immediately report the illegal activity using the recommended guidelines below based on their relationship to the college:

Staff Members

report to their immediate supervisor. If it is not appropriate to report to the immediate supervisor for any reason, the staff member should report to the supervisor's superior or may also contact the Director of Human Resources.

Faculty

report to their Department Chair or to the AVP of Academics. If it is not appropriate to report to the chair or AVP of Academics for any reason, the faculty member should report to the Vice President for Academic Affairs or may also contact the Director of Human Resources.

Students/Student Employees

students/employees should report to their immediate supervisor. If it is not appropriate to report the violation to the supervisor for any reason, the student employee should report to the Executive Director of Student Services or may also contact the Director of Human Resources.

Alumni, Vendor, or Guest

report to the Director of Human Resources

Volunteers

report to the college employee who coordinates the volunteer activity. If it is not appropriate to report the violation to the coordinator for any reason, the volunteer should report to the coordinator's superior, or the Director of Human Resources.

Members of the Board of Directors and College Administrators

report to the Board Chair or to the Director of Human Resources.

Depending on the severity of the misconduct, the individual may directly contact the appropriate State or Federal agency listed below.

State and Federal Agencies:

- A. U.S. Department of Labor: 1-866-487-2365
- B. Equal Employment Opportunity Commission: 1-800-669-4000
- C. Occupational Safety and Health Administration: 1-800-321-6742
- D. U.S. Department of the Treasury: 1-800-359-3898

While a report may be made anonymously, doing so may hinder the agency's ability to investigate the claim effectively and timely due to lack of information and the inability to gather relevant necessary facts.

Any confirmed, established and deliberate acts of illegal misconduct or activity will be addressed immediately with the appropriate level of disciplinary action, up to and including, termination of employment for the employee(s) responsible for such activity.

No individual who, in good faith (absent of malice or with the intent to defraud or defame), filing a formal complaint shall be subject to retaliation or adverse employment consequences

IV. Effective Date(s)

This procedure first became effective: September 9, 2020

This procedure was revised on: February 28, 2023

V. Signature and Title

This procedure implemented by: Megan Sweaney

Title: Director of Human Resources