

STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

Whistleblower Protection

BP 3-71

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EFFECTIVE: February 9, 2005
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REAFFIRMED: December 13, 2023

REFERENCE(S): C.R.S. §§ 24-50.5-101 *et seq.*, State Employee Protection

APPROVED:

Landon Mascareñaz, Chair

Policy Statement

Colorado Community College System employees have an obligation to conduct the System's business in an ethical manner and in compliance with applicable laws. The purpose of this policy is to provide protections to employees reporting misconduct and establish a process for reviewing reports of inappropriate conduct within the System, including, but not limited to, misuse, misappropriation, or misreporting of CCCS funds or its physical assets, questionable auditing or accounting practices, mismanagement of a CCCS program, department, resources, or causing harm to the public interest because of an abuse of authority or violation of law.

Scope

This policy applies to all employees in the Colorado Community College System, including its Colleges (CCCS or System).

Disclosure of Whistleblower Information

A Whistleblower complaint may be filed, either verbally or in writing, regarding knowledge or good faith suspicion of a CCCS employee misusing, misappropriating, or misreporting CCCS funds or its physical assets, engaging in questionable auditing or accounting practices, mismanaging a CCCS program, department, or resources, or causing harm to the public interest by abuse of authority or violation of law. The report may be submitted to any of the following:

- The CCCS Concerns Hotline;
- The employee's supervisor or appointing authority;
- The Chief Human Resources Officer at the System office or the Human Resources Director at the employee's College; or
- The CCCS Director of Internal Audit.

The CCCS Concerns Hotline, <https://www.cccs.edu/concerns-hotline/>, is hosted by an external entity, allowing for anonymous reporting so as to ensure confidentiality and provide a safeguard against retaliation. Whistleblower complaints that are not received through the CCCS Concerns Hotline should be forwarded immediately to the Director of Internal Audit upon receipt. All Whistleblower complaints will be reported to the Audit Committee and the Chancellor.

Responsibilities upon receipt of Whistleblower Complaint

Upon receipt of a Whistleblower complaint, the Director of Internal Audit or their designee will acknowledge receipt of the complaint, determine whether or not the reporter wishes to remain anonymous, and advise them of the process under this policy.

The Director of Internal Audit may consult with the Chief Human Resources Officer and any other relevant System or College staff to evaluate the Whistleblower information provided and determine whether an investigation is warranted. Once this preliminary review is conducted, the reporting party will be notified by the Director of Internal Audit or their designee as to whether an investigation will occur.

Investigation

Anonymous reporters must timely respond to questions and requests for information that are sent to them. A failure to timely respond will result in inconclusive findings.

Employees shall cooperate fully with any investigation initiated pursuant to this policy. Any employee engaged in conduct intended to impede an investigation may be subject to corrective and/or disciplinary action, up to and including termination of employment.

The reporting party should refrain from gathering evidence that they would not otherwise be permitted to access.

Once an investigation is complete, the Chancellor or their designee will evaluate any recommended action.

If the Director of Internal Audit is the subject of the complaint, the complaint shall be forwarded directly to the Office of the Chancellor and the Audit Committee Chair. If the Chancellor is the subject of the complaint, the complaint shall be forwarded to the Audit Committee Chair and the Chair of the State Board for Community Colleges and Occupational Education.

If the State Board for Community Colleges and Occupational Education or one of its members is the subject of the complaint, the complaint shall be forwarded to an external agency for review and further action.

To the extent the matter reported is deemed by the Chancellor to place CCCS at material risk, financial or otherwise, or involves a College President or any senior management at the System office, the Chancellor is responsible for reporting the concern to the Audit Committee, and the Audit Committee Chair will report the complaint to the State Board for Community Colleges and Occupational Education.

Reports involving criminal implications will be reported to local law enforcement and/or the relevant prosecutorial office.

For misconduct that is substantiated through the investigation process, the wrongdoer(s) may be subject to corrective and/or disciplinary action, up to and including termination of employment.

Retaliation Prohibited

Except as provided below, no disciplinary action, as defined by C.R.S. § 24-50.5-102, shall be threatened, initiated, or administered against a CCCS employee on account of the employee's disclosure of information or on account of the employee's providing information in response to a subpoena or other legal process. This shall not apply to:

- An employee who discloses information that they know to be false, or who discloses information with disregard for the truth or falsity thereof; or
- An employee who discloses information which is confidential under any provision of law.

Filing a Retaliation Complaint

A retaliation complaint may be filed and will be addressed in the same manner as outlined in this policy for whistleblower complaints.

Procedures

The Chancellor shall promulgate such procedures as may be needed to implement this policy.