

Policy 270 - Whistleblower Policy

All LCC employees are encouraged to report improper governmental actions. LCC recognizes the importance and value of employees reporting governmental misconduct without fear of retaliation or reprisal and supports the reporting of misconduct.

A. Who is a Whistleblower?

A whistleblower is a current employee who reports alleged improper governmental action to the State Auditor, Executive Ethics Board, or the Vice President of Foundation, HR, and Legal Affairs or provides information at the request of the State Auditor, Executive Ethics Board, or the Vice President of Foundation, HR, and Legal Affairs. This also includes situations where the employee is perceived by the employer as reporting or providing information, whether they did or not.

Whistleblowers must report in “good faith” meaning the employee has a reasonable basis in fact for reporting or providing the information. An employee who knows or ought to know they are 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. An employee must make a reasonable attempt to ascertain the correctness of the information furnished and may be subject to disciplinary actions, including but not limited to, termination, for knowingly furnishing false information.

B. Improper Governmental Action is defined in RCW 42.40.020 (app.leg.wa.gov/rcw/default.aspx?cite=42.40.020) .

C. Protections for Whistleblowers

State law affords whistleblowers protection from reprisal or retaliation.

The identity or identifying characteristics of any person who in good faith provides information in an investigation is confidential at all times, unless the person consents to disclosure by written waiver or by acknowledging their identity as a witness who provides information in an investigation.

A whistleblower who reports improper governmental actions in good faith is entitled to protection from reprisal or retaliatory action. The Whistleblower Act prohibits anyone from using their office or authority to interfere or attempt to interfere with an employee filing a complaint or providing information. This prohibition includes threatening, taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, including but not limited to duties and office location, reassignment, reinstatement, restoration, reemployment, performance evaluation, determining any material changes in pay, provision of training or benefits, tolerance of a hostile work environment, or any adverse action **RCW 41.06** (app.leg.wa.gov/rcw/default.aspx?cite=41.06) , or other disciplinary action. If a

whistleblower believes they have been the subject of retaliation due to their status or actions as a whistleblower, the whistleblower may file a claim with the **Washington Human Rights Commission (www.hum.wa.gov/)** .

D. Responsibilities

An employee may report improper governmental action to the Vice President of Foundation, HR, & Legal Affairs, directly with the State Auditor, or with the Executive Ethics Board. The report must be provided within one year after the occurrence of the asserted improper governmental action.

Process for Reporting: The complaint should include a description of the improper action, the name of the employee(s) involved, the agency and any other details necessary to conduct an investigation. The complaint should be signed; however, complaints may be filed anonymously. The whistleblower's name will be held in strict confidence. Telephone calls will not be accepted.

Additional information regarding Whistleblower Protection, as well as a form to electronically submit a complaint to the State Auditor's office can be found at: <https://sao.wa.gov/report-concern/how-report-concern/whistleblower-program>

The State Auditor contact information is:

Washington State Auditor's Office

Attention: Whistleblower Program Manager

PO Box 40031 Olympia, WA 98504-0031

Email: whistleblower@sao.wa.gov

If the employee who has reported the improper governmental action wishes to be informed of the results of the State Auditor's investigation, they must include a name, address, and telephone number in the original whistleblower report.

An employee who is contacted by the State Auditor's Office during an investigation of an allegation is expected to cooperate fully in the investigation and is prohibited from destroying any evidence during the course of the investigation.

If the Vice President of Foundation, HR, & Legal Affairs receives a report of improper governmental action, a report will be made to the State Auditor within 15 days.

The Vice President for Foundation, HR, & Legal Affairs shall provide all employees, on an annual basis, a summary of The Whistleblower Act, and the procedures for reporting under The Whistleblower Act.

Historic Information

- Reviewed by Executive Leadership Team: January 24, 2024
- Reviewed by Governance Council: February 16, 2024
- Reviewed by UMCC: February 20, 2024
- Campus Review: February 27- March 12, 2024

- Approved: March 20, 2024

Resource/Reference/ Procedure	Title	Unit Responsibility
RCW 42.40 (app.leg.wa.gov/rcw/default.aspx?cite=42.40)	State Employee Whistleblower Protection	Washington State Legislature