

WHISTLEBLOWER PROTECTION

Mount Wachusett Community 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.

College 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. College faculty, staff, students or volunteers may not directly or indirectly use or attempt to use the 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 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 law or policy.

POLICY GUIDELINES

I. Definitions

- A. Wrongful Conduct – A serious violation of College policy or a violation of applicable state and federal laws.
- 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. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct in writing to:
 - 1. The disclosing individual's supervisor,
 - 2. Any office listed in this policy under part one of the Procedure Section (Reporting Violations), or
 - 3. The appropriate governmental unit, law enforcement office or ethics commission after first providing written communication about the wrongful conduct to the appropriate College administrator identified in the Procedure Section (I. Reporting Violations) of this policy.

Individuals who wish to be protected by the College's Whistleblower Protection policy must provide a written report describing the violation in sufficient detail to identify the act and the person(s) potentially involved.

- 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.

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 is meant to:
 - 1. Encourage 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. Inform individuals how allegations of wrongful conduct can be disclosed,
 - 3. Protect individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self-report their own misconduct are not afforded protection by this policy), and
 - 4. Provide 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. Nothing in this policy is intended to interfere with legitimate employment decisions or protections afforded employees under Chapter 149, Section 185 of the General Laws or any other applicable law or regulation.

III. Regulations

- A. Acting in good faith. Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of law or College policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of this policy.
- B. False Allegation. Any employee or volunteer 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 will be subject to disciplinary action, up to and including termination. Any student who makes false allegations in the non-employment setting will be subject to Judicial Board action. Allegations that are made in good faith and investigated but not substantiated will not be the basis for corrective action or discipline.
- C. Retaliation. No individual who makes a protected disclosure will suffer harassment, retaliation, or adverse employment consequences for taking that action. Any person who retaliates against any individual who makes a protected disclosure is subject to discipline up to and including termination. Protection against retaliation does not, however, include immunity for any personal wrongdoing.
- D. Confidentiality. Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation or prosecution and in accordance with the Public Records Act.
- E. Handling Protected Disclosures. The Offices (listed in the Procedure Section below) receiving the protected disclosure will notify the disclosing individual (if her or his identity is known) and acknowledge receipt of the reported violation within ten working days for most issues. All reports will be promptly investigated within 45 calendar days and appropriate corrective action will be taken if warranted by the investigation.

PROCEDURE

I. Reporting Violations

- A. Individuals should share their questions, concerns, suggestions, or complaints with a College administrator who can address them properly. In many cases the individual's supervisor is in the best position to address an area of concern. If an individual is not comfortable speaking with their supervisor, or is not satisfied with the supervisor's response, individuals should take their concerns to the offices listed below that will investigate and/or address the concern as appropriate.
 - 1. Office for the Vice President of Academic Affairs 978-630-9208
 - 2. Office for the Vice President of Human Resources and Payroll 978-630-9160
- B. Supervisors who receive protected disclosures are required to contact the Division of Human Resources and Payroll at: 978-630-9160.

II. Individual Responsibilities

- A. Be knowledgeable about this policy.
- B. Report violations or suspected violations of any law or policy to the individual's direct supervisor or to the appropriate administrator or office as noted above.

III. Unit Responsibilities

- A. Familiarize employees, students and volunteers with this policy and incorporate into your orientation materials.
- B. Maintain findings of wrongful conduct or false allegations in the individual's personnel file.
- C. Information concerning this policy will be communicated on an annual basis to faculty, staff and student employees and volunteers.

IV. Division of Human Resources Responsibilities

- A. Accept and investigate protected disclosures regarding employment matters.
- B. Accept and investigate complaints of retaliation for making protected disclosures.
- C. Provide information about this policy during New Employee Orientation and Human Resources Professional training.

INSTRUCTIONS

Submit this form to your supervisor or the office you believe to be appropriate based upon the type of suspected wrongful conduct being reported. All reports will be addressed regardless of the office receiving it.

1. Office for the Vice President for Academic Affairs
2. Office for the Vice President of Human Resources and Payroll

Person reporting the suspected wrongful conduct: *(do not complete this section if you wish this report to be anonymous)*

Name:

Title:

Department:

Campus mail address:

Campus Phone:

E-mail address:

Person against whom the report of suspected wrongful conduct is being made: (provide as much information as possible)

Name:

Title:

Department:

Campus mail address:

Campus Phone:

E-mail address:

Alleged violation: (Use the back of this form if needed to describe the alleged wrongful conduct. Include specific facts and any documents you have, as well as the names of any individual at Mount Wachusett Community College with whom you have discussed your concerns.)