

## CCS Administrative Procedure

### 2.10.06 – B Complaint of Improper Governmental Action and Non-Retaliation (Whistleblower Complaint)

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#### Implementing Board Policy [2.10.06](#)

Contact: Chief Financial Officer

#### 1.0 General Ethics for Employees and Officers Objective and Responsibilities (summary of Board of Trustees Policy 2.10.06)

Employees of Community Colleges of Spokane have the responsibility and right to report perceived instances of improper governmental action and to be protected from any form of retaliation for having participated in this protected activity. Related issues and practices designed to assist in this regard have been established as outlined in this procedure, consistent with the statutory requirements of chapter [42.40 RCW](#), State employee whistleblower protection, as well as opinions issued by the Washington State Auditor's Office. CCS employees have an obligation to prevent improper governmental action to ensure government in general, and their work unit in particular, follows the State's ethics laws.

- 1.1 Any current CCS employee may report a suspected improper governmental action through this procedure or directly to the State Auditor's Office under the Whistleblower Program. An employee may file a whistleblower complaint regarding perceived improper actions by either CCS or another state agency.
- 1.2 The Chief Financial Officer has responsibility to receive and review complaints of improper activities and actions under this procedure, and to work directly with the State Auditor's Office where complaint has been made under the Whistleblower Act and/or as determined appropriate.
- 1.3 The employee filing a complaint under this procedure shall make the complaint in good faith or upon a reasonable basis in fact. The employee must make a reasonable attempt to determine the correctness of the information they furnish. The complaining employee has a right to confidentiality unless the investigator determines the information has not been provided in good faith.
- 1.4 The subject of the complaint has the right to be notified of the nature of the complaint. Each subject shall be interviewed during the investigation, if appropriate, and receive a summary of the final report.
- 1.5 Complaints must be made within one year after the occurrence of the action alleged.
- 1.6 Complaints regarding personnel issues are not subject to this procedure.

#### 2.0 Definitions

The following definitions are specific to the terms of this procedure and do not modify or revise similar terms as used in related procedures or collective bargaining agreements.

- 2.1 Whistleblower Act (chapter [42.40 RCW](#)): provides an avenue for state employees to report suspected improper governmental action and makes retaliation against whistleblowers unlawful.
- 2.2 Improper governmental action: any action by an employee undertaken in the performance of the employee's official duties which:
  - 2.2.1 Is a gross waste of public funds or resources.
  - 2.2.2 Is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature.
  - 2.2.3 Is of substantial and specific danger to the public health or safety.

- 2.3 Good faith: a reasonable basis in fact for the report. Good faith is lacking when the employee knows or reasonably ought to know that the report is malicious, false or frivolous.

### 3.0 Filing a Complaint Regarding Improper Action

The Community Colleges of Spokane has provided this complaint procedure for employees who have a complaint of possible improper governmental action. CCS will take all complaints seriously and will properly investigate the incidents and issues alleged. Further, employees have the right to file a complaint of improper governmental action(s) in writing with the State Auditor's Office.

- 3.1 Complaint Format: A complaint can be reported using the [Whistleblower Reporting Form](#) or in a separate letter. In either case, the complaint should include:
- 3.1.1 A detailed description of the improper governmental action(s).
  - 3.1.2 The name of the employee(s) involved.
  - 3.1.3 The agency, division, and location where the action(s) occurred.
  - 3.1.4 Date(s) of the improper governmental action.
  - 3.1.5 Details that may be important for the investigation (i.e. witnesses, documents and evidence).
  - 3.1.6 The specific law or regulation that has been violated, if known.
  - 3.1.7 The complainant's name, home address and phone number. (optional)
- 3.2 Each improper governmental action should be noted separately and supported with as much specific information as possible.
- 3.3 Filing a Complaint: The complaint form is submitted to either the Chief Financial Officer or to the State Auditor's Office, as determined by the complainant.

### 4.0 Complaint Investigation

- 4.1 The Chief Financial Officer or their designee is solely authorized to consider complaints of improper government action and to investigate them for CCS. All complaints made under this procedure, regardless of the perceived merit or basis, are to be forwarded to the Business/Finance Office for review and processing.
- 4.2 The complainant has the right to file complaint with the State Auditor's Office. Information is provided on their [website](#).
- 4.3 Investigation: The Chief Financial Officer, or their designee, will assess the written complaint and determine the appropriate steps necessary to ensure relevant evidence is obtained and critical elements are addressed. This normally begins with an initial interview with the complainant/s. The goal is to obtain sufficient information to determine the next step/s. Next steps may include: providing consultation, obtaining clarification, making referral and/or initiating a formal fact-finding investigation. If a formal investigation is undertaken, the accused will be alerted to the existence of a formal complaint and that an investigation of the complaint is underway.
- 4.4 Findings Report: When the investigation is complete, to the extent appropriate, the person/s filing the complaint and the person/s alleged to have committed the conduct will be informed of the results of the investigation in summary form.
- 4.5 Records: Copies of all complaints of improper actions, and records related to a subsequent formal investigation conducted pursuant to that complaint, if any, shall be maintained confidentially to the extent allowed by law for an indeterminate period of time in the Finance Office.

### 5.0 Non-Retaliation

- 5.1 Any employee who in good faith reports alleged improper governmental action under this procedure and which initiates an investigation and/or any employee who provides information during a related investigation are provided protection under this procedure from any form of retaliation.
- 5.2 The identities of complainants shall be kept confidential to the fullest extent possible. Retaliation against a complainant is unlawful and shall not be tolerated. Reports of asserted retaliation may be filed with either the Human Resources Office or the Washington State Human Rights Commission. The complaint will be investigated and appropriate action taken.

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