

Title: Reporting of Wrongful Conduct and Whistleblower Protection

- Initial Action: 1/31/13
- Board Resolution: 13-009, 21-015
- Last Revised:
 - Policy: 3/2021
 - Procedure: 3/2021
- Last Reviewed: 3/2021
- Effective: March 25, 2021
- Next Review: March 2023
- Responsibility: Executive Director of Human Resources

Policy:

Cecil College is committed to conducting its operations in an ethical manner and to establishing high standards for employee behavior. The College is governed by various Federal and State laws and regulations and expects compliance from employees. Members of the college community are encouraged to report alleged wrongdoing when they observe the following: 1) abuse of authority, 2) gross fiscal mismanagement or irregularities, 3) behavior that creates a substantial, specific danger to public health or safety, and 4) violations of law, regulations, or College policy. The College has a responsibility to protect its employees and students from unlawful retaliation.

This policy applies to all college employees and students.

It is the policy of Cecil College to forbid anyone from taking any form of retaliatory action against any member of the Cecil College community who, in good faith:

- A. Reports concerns of ethical violations pursuant to established policies and procedures;
- B. Seeks advice or aid in reporting wrongdoing pursuant to established policies and procedures;
- C. Files a complaint or grievance pursuant to established policies and procedures;
- D. Testifies or participates in investigations, proceedings, or hearings pursuant to established policies and procedures;
- E. Opposes actual or perceived violations of the College's policies and procedures or unlawful acts; or
- F. Engages in any other protected activity defined by College policies and procedures.

Procedures:

Filing a Complaint - Any individual may submit a verbal or written report of alleged wrongdoing to any of the following individuals: Executive Director of Human Resources, the employee's supervisor, the Director of Student Life, the Vice President for Student Services, or the President. If a written report is

not possible, the complainant's verbal report must be documented in writing by the recipient of the complaint.

Written reports can be submitted through email, regular or interoffice mail, or delivered in person. Reports should contain as much detail as possible regarding the alleged wrongdoing, including a detailed description of the retaliation, name of individual(s) involved, the date(s) of the alleged wrongdoing, and any other details or data that may be important for the investigation.

Alleged wrongful conduct should be reported within 72 hours of the incident or within 72 hours of discovery of the wrongful conduct.

Regardless of the reporting method, all complaints will be reviewed by the appropriate College office.

Protections - Interference with a report made pursuant to this Policy is prohibited. No individual who makes a good faith report or cooperates in good faith with a College investigation can be subject to retaliation, including harassment or any adverse employment consequence, as a result of making a report. These protections are intended to safeguard individuals against reprisal. An employee who interferes with a report or investigation or retaliates against anyone who has reported alleged wrongful conduct consistent with this Policy is subject to disciplinary action, up to and including termination in accordance with College policy.

Confidentiality - The College affords reasonable confidentiality to both the complainant, the accused, and those who participate in an investigation. While complete confidentiality cannot be guaranteed, the College will exercise discretion with respect to the reports made under this policy.

Conducting an Investigation – Reports made pursuant to this policy will be acknowledged by the individual receiving the complaint and forwarded to the Executive Director of Human Resources and/or the President (or President's designee) if the complaint involves the Office of Human Resources.

If appropriate, the College may conduct a full investigation and reserves the right to assign an external investigator.

The manner and scope of the investigation will vary depending on the nature of the complaint, the involved parties, and preliminary investigatory findings, if any. An investigation may include interviews with involved individuals and witnesses and review of documentation.

The investigation will be conducted in a fair and balanced manner and with the purpose of objectively determining what transpired.

At the conclusion of an investigation, the investigator will prepare written findings, which generally will include: factual findings, identification of individuals interviewed, a list of documents reviewed, and a determination regarding the complaint, including whether action will be taken as a result of the findings.

The investigator will submit the findings for review to the President or the Board of Trustees, if appropriate. The outcome of the investigation will be communicated to the individual bringing the complaint; however, the College may use discretion with respect to the information provided.

Any individual found to have interfered with an investigation or retaliated against a member of the College community is subject to disciplinary action, up to and including termination of employment, consistent with College policy.

Disciplinary Actions - If the allegation(s) is/are substantiated, the College may impose disciplinary action, up to and including termination in accordance with College policy.

Appeals - Appeals of action(s) taken pursuant to this policy will be processed consistent with the College's Grievance Policy and Procedures.

Knowingly False Reports Prohibited - This policy does not protect an individual who files a report or provides information as part of an investigation that the individual knows is false, files a bad faith retaliation claim, or participates in any illegal conduct. Such conduct may result in disciplinary action, up to and including termination, in accordance with College policy. The failure to substantiate a claim of wrongdoing does not automatically constitute bad faith or that an individual made a knowingly false report.