

## Chapter 7 – Human Resources

### BP 7700 Whistleblower Protection

#### References:

Education Code Sections 87160-87164; California Labor Code Section 1102.5; Government Code Section 53296; Private Attorney General Act of 2004 (Labor Code Section 2698); Affordable Care Act (29 U.S.C. 218C)

The College President/CEO shall establish procedures regarding the reporting and investigation of suspected unlawful activities by College employees, and the protection from retaliation of those who, in good faith, oppose such activities, ~~make such~~ reports such activities ~~in good faith~~ and/or assist in the investigation of such ~~reports~~ activities. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity—intentional or negligent—that violates State or federal law, local ordinances, or College policy; or is economically wasteful or involves gross misconduct, incompetency, or inefficiency.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices, and protections are provided to those employees who, in good faith, oppose, report, ~~these activities~~ and/or assist the College in its investigation of unlawful activities.

Furthermore, the College prohibits retaliation against any person who, in good faith, has or is believed to have: (1) ~~employees shall not: (1) retaliate against an employee or applicant for employment who has~~ opposed unlawful activities; (2) made a protected disclosure; (3) assisted someone in opposing unlawful activities or making a protected disclosure; or, (4) assisted or participated in an investigation, or ~~refused to obey an illegal order~~ proceeding. ~~or (2)~~ Employees are prohibited from directly or indirectly using or attempting to use the official authority or influence of ~~his or her~~ their position for the purpose of interfering with the right of ~~an applicant or an employee~~ any individual to make a protected disclosure to the College. Protected disclosure means a good faith communication that discloses or demonstrates an intention to disclose information that may indicate unlawful activity or any condition that may significantly threaten the health and safety of an employee or the public for the purpose of remedying the condition. The College will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate ~~it~~ this policy up to and including termination and/or expulsion when applicable.

Approved: April 26, 2006

References Revised: June 2008

Reviewed: November 26, 2013

References Revised: March 2014

Reviewed: June 9, 2015

Reviewed: August 17, 2016