

**Cochise College  
District Board Policy**

**Category: All Employee Groups  
Policy Number: 645  
Title: Whistle Blowing**

1. It is a prohibited personnel practice for an employee who has control over personnel actions to take reprisal against an employee for disclosure of information of a matter of public concern by the employee to a public body which the employee reasonably believes evidences:
  - a. A violation of any law.
  - b. Mismanagement, a gross waste of monies or an abuse of authority.
2. The disclosure by an employee to a public body alleging a violation of law, mismanagement, gross waste of monies or abuse of authority shall be in writing and shall contain the following information:
  - a. The date of the disclosure;
  - b. The name of the employee making the disclosure;
  - c. The nature of the alleged violation of law, mismanagement, gross waste of monies or abuse of authority;
  - d. If possible, the date or range of dates on which the alleged violation of law, mismanagement, and gross waste of monies or abuse of authority occurred.
3. When an employee who has control over personnel actions knowingly commits a personnel practice prohibited by this policy, and employee liability for such personnel practice is established by an adjudicating body (see Section 3. of Procedure 645.1 which follows), the employee shall be ordered by the adjudicating body to pay a civil penalty of up to \$5,000.00 to the College's unrestricted general fund and shall be subject to appropriate disciplinary action up to and including termination.
4. It is not prohibited to take reprisal against an employee who discloses information in a manner prohibited by law or who discloses materials or information prescribed as confidential by law.
5. An employee who knowingly makes a false accusation that a public officer or employee who has control over personnel actions has engaged in a violation of any law, mismanagement, a gross waste of monies or an abuse of authority is subject to dismissal from employment and other sanctions in accord with A.R.S. §38-532M.
6. This policy and the accompanying procedure, are adopted pursuant to A.R.S. §38-531 et seq., the pertinent provisions of which are fully incorporated into this policy and procedure by reference. To the extent that this policy or procedure differs from an otherwise applicable provision of A.R.S. §38-531 et seq., the statutory provision shall

supersede and shall be substituted into the policy or procedure. An employee may obtain a copy of A.R.S. §38-531 et seq. from the Human Resources Office.

**Procedure 645.1  
Whistle Blowing**

1. Section 38-531 et seq., Arizona Revised Statutes, defines the terms and conditions under which this procedure shall be implemented.
2. All employees, including temporary, part-time and probationary employees, shall be covered by the provisions of this policy and procedure.
3. Any employee who believes that a personnel action taken against him/her is the result of disclosure of information under this policy and procedure, may file a complaint as follows:
  - a. The complaint shall be submitted in writing to the Associate Vice President for Human Resources within 10 working days following the effective date of the action taken against the employee.
  - b. The complaint shall state the time, place and nature of the action leading to the complaint and the name(s) of the individual(s) believed to be responsible for the cause of the complaint.
  - c. The Associate Vice President for Human Resources shall transmit the complaint to the President, who shall schedule a hearing before the Governing Board. The Governing Board shall hear the complaint, make a determination concerning the validity of the complaint and, if appropriate, determine remedies and disciplinary measures as specified in A.R.S. §38-531 et seq.
  - d. Both the employee filing the charge and the employee against whom the charge is filed shall be notified in writing of the determination of the Governing Board.