

Whistleblower Protection Policy

Introduction

"Whistleblowing" is generally used to refer to the act by an employee of making a disclosure evidencing illegal or improper government activities. Whistleblower laws have been adopted on the federal level to protect Federal employees from retaliatory acts, and similar laws have been adopted by New York State to protect all employees of the State.

Whistleblower Protection afforded under New York State law: Section 740 of the New York State Labor Law provides protection to employees from retaliatory acts for engaging in the following activities:

- 1) reporting a practice of the employer (Corning Community College) that is in violation of law, rule or regulation; or
- 2) providing information or testimony regarding the violation of law, rule or regulation; or
- 3) objecting or refusing to participate in any activity, policy or practice in violation of a law, rule or regulation.

Policy: Corning Community College is committed to affording protection to College employees from retaliatory acts by any College employee or Official for the protected actions listed in the New York State Whistleblower Protection Law (Section 740 of the New York Labor Law). The College strictly prohibits and will not tolerate retaliation against anyone who in good faith makes a complaint of any kind or participates in an investigation of a complaint

Definition of College Official: a person employed by the College in an administrative leadership role.

Procedure Guidelines

Reporting Responsibility: It is the responsibility of all employees of the College to comply with the policy and to report violations or suspected violations in accordance with this Whistleblower Policy.

No Retaliation: No administrator or employee who in good faith reports a violation of the policy shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the College rather than seeking resolution outside the College.

Reporting Violations: The College maintains an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if an employee is not comfortable speaking with his or her supervisor or is not satisfied with the supervisor's response, such employee is encouraged to speak with someone in the Human Resources Department. Supervisors and managers are required to report suspected violations to the Human Resources office. For suspected fraud, or when the forthcoming employee is not satisfied or uncomfortable with discussing concerns, contact the Executive Director of Human Resources, 607.962.9444. Alternatively, reports can be made directly to the President of the College.

Conflict of Interest: Conflict of interests will be carefully managed during procedures for the receipt of complaints and while investigations are conducted to protect the reporting party and ensure there is no retaliatory actions.

Acting in Good Faith: Anyone filing a complaint concerning a violation or suspected violation of the policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality: Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Procedures

Any CCC community member (student, faculty, adjunct, full and part time staff) may contact the Executive Director of Human Resources to file a whistleblower complaint in writing. The Executive Director may assist in the write up if needed.

The complaint will be shared with the President of the College and an initial fact finding process will commence while considering the protection of the whistleblower, conflict of interests, and confidentiality. Should the Executive Director of Human Resources be identified as the party of concern, complaints should be directed to the President of the College. Should the President of the College be identified as the party of concern, complaints should be directed to the Regional Board of Trustee Chair.

If sufficient evidence is found, the College will follow procedures as noted in respective collective bargaining agreements and the non-union contract that addresses misconduct and/or insubordination. The College will consider unpaid suspension as an intermediary action should further investigation be needed. The College will follow appeals and grievance procedures as noted by the respective agreements and handbook.