

POLICY

Effective Date: January 4, 2010

Approved By: President Bruce Shepard

Authority: [Chapter 42.40 RCW](#), State Employee Whistleblower Protection

Cancels:

See Also: [PRO-U1000.15A Public Official Receiving State Whistleblower Reports State Auditor's Office - Whistleblower Reporting Form](#)**POL-U1000.15 ADMINISTERING THE STATE EMPLOYEE WHISTLEBLOWER ACT***This policy applies to all current university employees.***Definitions:****Improper Governmental Action:**

- Gross waste of public funds
- Violation of federal or state law or rule
- Substantial and specific danger to the public health and safety
- Gross mismanagement
- Prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification

Gross Waste of Public Funds: To spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

Gross Mismanagement: The exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

Public Official: The attorney general's designee or designees; the President; an appropriate number of individuals designated to receive whistleblower reports by the President (Whistleblower Designees); or the Executive Ethics Board.

Whistleblower: An employee who makes a report alleging improper governmental action in good faith or an employee perceived to have provided such information to the State Auditor's Office or another public official in connection with an investigation.

1. Employees May Report Improper Governmental Actions Under the Whistleblower Law

Employees may report improper governmental actions in good faith under the Whistleblower law to ensure that they have a means of reporting without fear of employment reprisal.

POLICY

2. **President's Office Ensures Annual Notification of the Whistleblower Act is Sent to Each Employee**

The President's Office is responsible for notifying employees at least once a year of the State Employee Whistleblower Act.

3. **Certain Actions Are Not Covered by the Whistleblower Act**

Complaints involving personnel matters for which other remedies exist, including but not limited to, grievances, appointments, promotions, suspensions, dismissals, and claims of illegal harassment and discrimination are not covered by the Whistleblower Act.

4. **Whistleblower Assertions Must Have Occurred Within the Past Year**

In order to be investigated, an assertion of improper governmental action must be provided to the State Auditor or University Public Official within one year after the occurrence of the asserted improper governmental action.

5. **President Establishes List of Designees to Receive Report of Whistleblower Assertions**

The President designates a list of university officials who are responsible for receiving whistleblower reports from employees under the State Employee Whistleblower Act. The list of Whistleblower Designees is posted on the Human Resources Web site, campus bulletin boards, and distributed to all departments.

6. **University Public Officials Maintain Confidentiality of Whistleblower**

7. **Employees May Submit Whistleblower Reports Using Various Methods**

Employees can submit whistleblower reports using either of the two methods described below. Both methods require that the employee complete a Whistleblower Reporting Form and that the completed report be submitted via mail, e-mail, fax, or Internet to the State Auditor's Office.

POLICY

The form is located at:

<https://www.sao.wa.gov/EN/Investigations/Whistleblower/Pages/Whistleblower.aspx>

NOTE: The State Auditor's Office does not recommend submitting reports via electronic mail to protect the identity of the whistleblower.

- Submit to the Whistleblower Public Official (Follow PRO-U1000.15A)

Employees may submit a Whistleblower Report to a Public Official. Public Officials will instruct the employee to complete the Whistleblower Reporting Form. Public Officials will forward the completed Whistleblower Report to the State Auditor's Office **within 15 calendar days**; or

- Submit Directly to the State Auditor's Office

Employees may submit a Whistleblower Report by completing a Whistleblower Reporting Form, located on the State Auditor's Web site at:

<https://www.sao.wa.gov/EN/Investigations/Whistleblower/Pages/Whistleblower.aspx>.

The form is downloadable as a Word document or as a Web form. The Word document may be printed and submitted by e-mail, fax, or regular mail. The Web form will be submitted electronically through the State Auditor's Web site.

Mailing address:

Washington State Auditor's Office
Attn: State Employee Whistleblower Program
P. O. Box 40031
Olympia, WA 98504-0031

Fax: 360-586-3519

E-mail: whistleblower@sao.wa.gov

Web:

<https://www.sao.wa.gov/EN/Investigations/Whistleblower/Pages/Whistleblower.aspx>

POLICY

8. **University Public Officials Follow Established Procedures For Receiving State Whistleblower Reports (PRO-U1000.15A)**
9. **Whistleblower Assertions May be Submitted Anonymously but Must be Labeled “State Whistleblower Report”**

Whistleblowers are not required to provide their names. However, without name identification, the State Auditor’s Office is unable to keep the whistleblower updated on the progress of the investigation. If the whistleblower chooses to provide his/her name, the State Auditor’s Office will retain it confidentially.

10. **Whistleblower Act Provides Confidentiality**

The identity and identifying characteristics of the whistleblower will remain in confidence unless a written consent is given or acknowledged in receipt of a claim against the state for retaliation.

Witnesses who provide information during the whistleblower investigation will also be provided confidentiality.

11. **Employees Must Fully Cooperate with Investigations**

- Employees must cooperate with investigations and are prohibited from destroying any evidence during the course of the investigation.
- Employees retain their constitutional rights against self-incrimination in the course of the investigation.

12. **University Will Not Retaliate**

The university will not retaliate against:

- a. A whistleblower or perceived whistleblower; or
- b. A witness who provides information during an investigation, or those perceived to be a witness.

POLICY

The university is required to report any whistleblower assertions of retaliation or reprisal to the State Auditor.

13. **Employees Experiencing Retaliation Contact Human Rights Commission**

Employees experiencing retaliation covered under the State Whistleblower Act can contact the Human Rights Commission at <http://www.hum.wa.gov>.

14. **State Auditor Retains Sole Authority to Investigate Whistleblower Assertions**

The State Auditor retains sole authority to investigate an assertion, including those made to the university's public officials.

15. **Whistleblower Assertions Must Be Made In Good Faith**

An employee must make a reasonable attempt to ascertain the correctness of the information furnished and may be subject to disciplinary actions, including, but not limited to, suspension or termination, for knowingly furnishing false information.

16. **President, Appropriate Vice President and Human Resources Are Notified of All Whistleblower Complaints**

After the State Auditor's Office informs the university that they have received a whistleblower report alleging improper governmental action(s), the university's SAO contact immediately notifies the President, appropriate Vice President and Human Resources Director about the whistleblower complaint.

17. **Human Resources Monitors For Potential Retaliatory Personnel Actions**

Upon notification of the whistleblower complaint, the Human Resources Director monitors the subject department's personnel processes to reduce the risk of retaliatory personnel actions.

18. **Provost Monitors For Potential Retaliatory Personnel Actions in Academic Departments**

POLICY

Upon notification of the whistleblower complaint, the Provost monitors the subject academic department's personnel processes to reduce the risk of retaliatory personnel actions.