

BP 7700 -- Whistleblower Protection

Chemeketa Community College prohibits discrimination or retaliation against any employee for engaging in whistleblowing activities as defined in Oregon law¹, including disclosure of information otherwise protected under Oregon Public Records Law.²

An employee who discloses information that is exempt³ from disclosure under Oregon Public Records Law² may be protected against civil or criminal liability arising out of such disclosure when:

1. The employee has a reasonable belief that the actions of the college or its employees violate federal, state or local law; and
2. The employee discloses this information to any of the following:
 - a. A state or federal regulatory agency;
 - b. A law enforcement agency;
 - c. A manager employed by the college; or
 - d. An attorney, when the communication is in connection with the alleged violation and the communication is subject to Oregon's attorney-client privilege protection.⁴

The protection, described above, may be available to an employee who discloses information related to an alleged violation by a coworker or supervisor acting within the course and scope of employment.

The protection, described above, does *not* apply to information that is:

1. Disclosed or redisclosed by the employee or at the employee's direction to a party other than the parties listed in 2.a.–d. above; or
2. Stated in an agreement that is not related to the employee's employment with the employer and is either:
 - a. a commercial exclusive negotiating agreement, or
 - b. a commercial nondisclosure agreement;
3. Disclosed by an attorney or their employee if the information disclosed is related to the representation of a client; or
4. Protected from disclosure under federal law, including but not limited to Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) and under these circumstances may only be disclosed in accordance with federal law.

¹ ORS 659A.200 to 659A.229

² ORS 192.501 to 192.505

³ Exempt means information that employees are prohibited by law for disclosing

⁴ ORS 40.225

⁵ ORS 659A.200 to 659A.224

Any employee who invokes their rights under this policy has the right to file a complaint with the Director of Human Resources or designee and, is entitled to all remedies available under Oregon's unlawful employment practices law⁵.

December 20, 2016

Adopted College Board of Education

May 17, 2017

Revised College Board of Education

References:

Former Policy Number: 1721