



**Policy Number 3.3.15**

**Chapter: Administration**

**Title: Retaliation and Whistleblower Protection**

**Division/Department: Administration/Human Resources**

**Policy Administrator: Human Resources Director**

**Adoption Date: June 26, 2024**

## **1. PURPOSE**

The Auraria Higher Education Center is committed to operating in a transparent, ethical, and lawful manner. Retaliation against an employee or other person for making a report, in good faith, of fraud, discrimination, or other wrongdoing at AHEC is prohibited. The purpose of this policy is to assure that persons who bring a good faith report or complaint forward, or who participate in investigations and grievance procedures, are protected from retaliation.

## **2. DEFINITIONS**

- 2.1. **Disciplinary Action:** Any direct or indirect form of discipline or penalty, including, but not limited to, dismissal, demotion, transfer, reassignment, suspension, corrective action, reprimand, admonishment, unsatisfactory or below standard performance evaluation, reduction in force, or withholding of work, or the threat of any such discipline or penalty.
- 2.2. **Good Faith Report:** A report made with an honest and reasonable belief that a violation of law or policy may have occurred. Good Faith Report does not include a report by an employee who discloses: (a) information that the Reporter knows to be false or who discloses information with disregard for the truth or falsity of the information; (b) information from public records that are closed to public inspection pursuant to applicable law; or (c) without lawful authority, information that is confidential or closed to public inspection under any provision of law.
- 2.3. **Protected Activity:** Good Faith Reporting or inquiring about suspected wrongful or unlawful activity; assisting others in making such a report; participating in an investigation or proceeding related to suspected wrongful or unlawful activity; or taking some action that is permitted or protected by law with respect to

employment discrimination, harassment, or other violation of law or AHEC policy. Examples include, but are not limited to:

- Bringing a complaint about discrimination, harassment, or bullying.
- Bringing a complaint about fraud or misuse of public funds or resources.
- Disclosing information concerning conduct that the Reporter believes to be illegal or in violation of an AHEC policy.
- Participating in a complaint, investigation, grievance procedure, hearing, or related activity.
- Cooperating or assisting in any manner with AHEC officials carrying out an authorized employment action.
- Resisting harassment or discriminatory behavior.
- Intervening to protect others from harassing and discriminating behavior.
- Requesting accommodation for a disability or for religious beliefs.
- Bringing a complaint that pay practices are discriminatory.

2.4. Reporter (Whistleblower): A person who makes a Good Faith Report of possible unlawful practice or violation of AHEC policy or participates in a Protected Activity. Reporters are sometimes referred to as “Whistleblowers.” A “Whistleblower” covered under this policy also includes someone who refuses to participate in an activity that would result in a violation of law.

2.5. Retaliate/Retaliation: To take any Disciplinary Action, or any action that might deter a reasonable person from engaging in Protected Activity, against an employee because they have participated or may participate in a Protected Activity.

### **3. POLICY**

3.1. AHEC encourages individuals to bring forward information and/or complaints about violations of law or AHEC policies.

3.2. No person shall Retaliate against an employee for engaging in a Protected Activity. Good Faith Reporters are protected pursuant to both federal and state laws, including, but not limited to, C.R.S. §§ 24-50.5-101-107.

3.3. An employee who wishes to disclose information under the protection of this policy and Colorado law is obligated to make a good-faith effort to provide to their supervisor or appointing authority, or a member of the Colorado general assembly, the information to be disclosed prior to the time of its disclosure.

3.4. A Disciplinary Action taken in accordance with established AHEC policies and procedures against an employee whose conduct or performance is reasonably believed to warrant such action will not constitute a violation of this policy, even if such action is later reversed, set aside, overruled, withdrawn, or

modified.

3.5. This policy is consistent with, and in addition to, the provisions of C.R.S. Title 24, Article 50.5.

**4. APPROVAL AND ADOPTION**

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: June 26, 2024

Approved by: */s/ Kate Barton*  
Vice Chairperson of the Auraria Board