MOUNTAINLAND TECHNICAL COLLEGE

PROCEDURE

ETHICAL CONDUCT AND WHISTLEBLOWER PROTECTION PROCEDURE

PERSONNEL | 300.340A

Last Evaluation

02/23/2026

Executive Staff Approval

03/09/2026

1. Procedure Purpose

This procedure outlines steps for reporting improper conduct, and provides employee remedies against adverse actions unjustly applied.

2. Definitions

Improper Conduct - may involve the following activities:

- Waste or misuse of public funds, property, or manpower
- Violations of any federal, state, or local law, rule, or regulation
- Gross mismanagement or abuse of authority
- Unethical Conduct, as defined by the Utah Public Officers' and Employees' Ethics Act

Adverse Action - for the purposes of this policy means to discharge, threaten, or discriminate against an employee in a manner which affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges.

Good Faith - means the employee has a reasonable belief the conduct occurred. Protection does not extend to reports known by the employee to be false, malicious, or frivolous.

3. References

Utah Protection of Public Employees Act, Sections 67.21.1-10

4. Procedure

4.1. Reporting Concerns in Good Faith

4.1.1. Employees are encouraged to report improper conduct by giving written notice, or other formal communication regarding conduct listed in section 4.1 of the policy to:

- a person in authority over the person alleged to have engaged in the conduct described in 4.1.
- the president of the Mountainland Technical College
- law enforcement, if the conduct is criminal in nature;
- the Utah System of Higher Education (USHE) office;
- a board member of the Utah System of Higher Education;
- The USHE Internal Auditor
- the Commissioner of Higher Education;
- the Attorney General's office;

4.1.2. The presumption a communication was made in good faith may be rebutted if there is evidence the employee knew the report was malicious, false, or frivolous.

4.2. Retaliation

4.2.1. Mountainland Technical College may not take adverse action against an employee because they have filed a good-faith complaint under 4.1. An adverse action made for legitimate disciplinary or other purposes is not a violation of this policy.

4.2.2. MTECH may not take adverse action against an employee because the employee has objected to or refused to carry out a directive the employee reasonably believes violates a law of the State of Utah, a political subdivision of Utah, or the United States, or a rule or regulation adopted under the authority of the laws of Utah, a political subdivision of Utah, or the United States.

4.3. Reporting Adverse Action

An employee alleging adverse action for reporting in good faith under Subsection 4.1 shall have the opportunity to be heard before an independent personnel board.

4.3.1. The employee may file a complaint with the Associate Vice President of Human Resources within 45 days of the alleged adverse action.

4.3.2. The Associate Vice President of Human Resources will assemble an independent personnel board of three members to review the complaint.

4.3.3. No member of the board may be:

- in the same department as the complainant;
- a supervisor of the complainant; or
- have a conflict of interest in relation to the complainant or be the subject of an allegation made in the complaint.

4.4. HEARING PROCEDURES

4.4.1. The independent personnel board which receives the complaint shall hear the matter and make a recommendation to the President of Mountainland Technical College within the later of:

- 30 days after the day on which the employee files the complaint; or
- a longer period of time, not to exceed 30 additional days, if the employee and the independent personnel board mutually agree on the longer time period.

4.4.2. Evidence and testimony disclosed during a hearing are confidential, and board members and other participants are prohibited from discussing the proceedings outside the hearing.

4.4.3. The hearing is informal to allow a full and complete disclosure. Formal courtroom rules of evidence do not apply.

4.4.4. The burden of proof is on Mountainland Technical College to establish, by substantial evidence, the action was justified by reasons unrelated to the employee's good-faith actions in reporting improper conduct.

4.4.5. At the hearing, Mountainland Technical College and/or the complainant may:

- be represented by counsel,
- produce witnesses
- hear the testimony for or against the complainant,
- cross-examine witnesses, and
- examine documentary evidence.

4.4.6. Any probative evidence will be admitted unless it is totally irrelevant or repetitious.

4.4.6.1. Within five (5) days of the conclusion of the hearing the board shall make its recommendation in writing to the President of Mountainland Technical College. The board's recommendation shall include:

- Any relevant findings of fact, and
- recommended action, including any remedies recommended

4.4.6.2. The President of Mountainland Technical College shall render a decision after considering the recommendation of the independent personnel board and notify the employee of the outcome of the hearing.

4.5. Remedies

If an independent personnel board finds adverse action was taken in violation of the policy described in Subsection 4.1, the independent personnel board may recommend the College President take action to correct any consequences to the employee due to the adverse action.

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5. Evaluation History

Last Evaluation	Executive Staff Approval
07/23/2020	08/30/2020
02/23/2026	03/09/2026