

WHISTLEBLOWERS NEED MORE PROTECTION

AT THE UNIVERSITY OF IDAHO

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In 2005 the University of Idaho hired "The Network" to serve as a clearing house for employees to lodge anonymous complaints about their working conditions. In a mailing to all employees, President Tim White explained why the UI needed to invest in this service: "One of the continuing challenges here . . . are periodic occurrences of unethical, illegal, or unsafe behavior in the workplace."

White also explains the consequences if these activities are ignored: "[These] acts can have serious consequences for the University and its employees, including financial losses, legal liability, and reduced morale. Each employee shares the responsibility for preventing these effects by averting the causes."

The AFT has now reluctantly filed a suit on behalf of Judy Tackett, a data management specialist in the UI Office of Development. Judy has worked 20 years for the State of Idaho, seven years at the University of Idaho. During that time she has been an exemplary employee with consistently high annual reviews.

Over the past two years she has reported, in writing and in person, three incidents that she considered unsafe, inappropriate, and probably illegal. As was her right, Judy contacted the Ombudsman, the Safety Officer, and the Auditor's Office, which is in charge of protecting those who "blow the whistle." As a result of her actions, Judy experienced harassment, retaliation, and threats of dismissal.

For the first time in 33 years of handling UI grievances, the AFT was not allowed to represent a member at grievance meetings. Also for the first time, as far as we know, Judy was refused the right of an appeal before her peers. Furthermore, the UI refused Judy's request for mediation.

We usually allow our grievances to run their full course through the various stages of appeal, but we realized that as a whistleblower Judy was not receiving any protection from retaliation. We decided to go straight to President White and request that he honor the principles of the Network program. White was very receptive to our ideas, but the adverse action against Judy only intensified.

Section 3290 of the Faculty-Staff Handbook is designed to protect UI whistleblowers. What is absent from this policy is a mechanism by which an employee can receive "whistleblower" status and thereby be protected from further adverse action. We also believe that sections of 3290, designed to punish employees who make false complaints, must be balanced by new provisions that offer sufficient protection and remedies for employees who act with good reason and good faith. Furthermore, there must be some means to discipline supervisors who retaliate against whistleblowers.

The Staff Affairs Committee and the Auditor's Office have now agreed to take our suggestions, as well as parts of an Arizona State University policy, to revise UI policy to strengthen whistleblower protection. In an article in the *Lewiston Morning Tribune* (Dec. 12), White is quoted as saying that better procedures are being worked out, which is correct. Nevertheless, White could have used his executive authority to intervene in this case and instruct his attorney to settle, thus avoiding an embarrassing and costly suit.

The State of Idaho has a whistleblower statute that "provides a legal cause of action for public employees who experience adverse action from their employer

as a result of reporting waste and violations of a law, rule, or regulation." We have always preferred settle grievances internally, but a December 15 filing deadline has forced us to file the suit.

Judy asked for a new supervisor over two years ago, and we have tried to negotiate a settlement for five months. We urge UI officials to do the right thing and compensate Judy for the damages she has suffered during this long ordeal.