

HUMAN RESOURCES

AP 7700 WHISTLEBLOWER PROTECTION

References:

- Education Code Sections 87160-87164;
- Labor Code Sections 1102.5 and 2698 (Private Attorney General Act of 2004);
- Government Code Section 53296

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, with reasonable cause, reported such activities and/or assist the District in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

Filing a Report of Suspected Unlawful Activities

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. When the alleged unlawful activity involves the Superintendent/President, the report should be made to the President of the Governing Board. When the alleged unlawful activity involves the Governing Board or one of its members, the report should be made to the Superintendent/President who will confer with the President of the Governing Board and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should

37 be factual and contain as much specific information as possible. The receiving
38 supervisor or administrator should elicit as much information as possible. If the report is
39 made orally, the receiving supervisor or administrator shall reduce it to writing and make
40 every attempt to get the reporter to confirm by his or her signature that it is accurate and
41 complete.

42 Once the receiving supervisor or administrator has received and/or prepared a written
43 report of the alleged unlawful activity, he/she must immediately forward to the
44 Superintendent/President. However, if this process would require submitting the report
45 to an employee implicated in the report, the receiving supervisor or administrator should
46 follow the reporting options outlined, above. The high-level administrator or trustee who
47 receives the written report pursuant to this paragraph is responsible for ensuring that a
48 prompt and complete investigation is made by an individual with the competence and
49 objectivity to conduct the investigation, and that the assistance of counsel and/or an
50 outside investigator is secured if deemed necessary.

51 In the course of investigating allegations of unlawful conduct, all individuals who are
52 contacted and/or interviewed shall be advised of the District's no-retaliation policy.
53 Each individual shall be: a) warned that retaliation against the reporter(s) and/or others
54 participating in the investigation will subject the employee to discipline up to and
55 including termination; and b) advised that if he or she experiences retaliation for
56 cooperating in the investigation, then it must be reported immediately.

57 In the event that an investigation into alleged unlawful activity determines that the
58 allegations are accurate, prompt, and appropriate corrective action shall be taken.

59 **Protection from Retaliation**

60 When a person makes a good-faith report of suspected unlawful activities to an
61 appropriate authority, the report is known as a protected disclosure. District employees
62 and applicants for employment who make a protected disclosure are protected from
63 retaliation.

64 Any employee who believes he or she has been (1) subjected to or affected by
65 retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage
66 in activity that would result in a violation of law, should report such conduct to the
67 appropriate supervisory personnel (if such supervisory personnel is not the source of or
68 otherwise involved in the retaliatory conduct). Any supervisory employee who receives
69 such a report, or who otherwise is aware of retaliatory conduct, is required to advise the
70 Superintendent/President or the Superintendent/President's designee. If the allegations
71 of retaliation or the underlying allegations of unlawful conduct involve the
72 Superintendent/President, the supervisor shall report to the highest level administrator
73 and/or Board member who is not implicated in the reports of unlawful activity and
74 retaliation.

75 All allegations of retaliation shall be investigated promptly and with discretion, and all
76 information obtained will be handled on a "need to know" basis. At the conclusion of an
77 investigation, as appropriate, remedial and/or disciplinary action will be taken where the
78 allegations are verified and/or otherwise substantiated.

79 **Requirement to Post Whistleblower Hotline**

80 Employees who have information regarding possible violations of state or federal
81 statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or
82 limited liability company to its shareholders, investors, or employees should contact the
83 Community College Chancellor's Office or the Governing Board for the District.
84 Employees can contact the State Personnel Board with complaints of retaliation
85 resulting from whistleblower activities. The State Personnel Board hotline is (916) 653-
86 1403.

87 **Other Remedies and Appropriate Agencies**

88 In addition to the internal complaint process set forth above, any employee who has
89 information concerning allegedly unlawful conduct may contact the appropriate
90 government agency.

91 Office of Primary Responsibility: Human Resource Services