

Whistleblower Protection

AP 3600

Scope

This procedure sets out the processes for reporting, responding to and investigating reports of unlawful activities, as defined in Board Policy BP 3600, “Whistleblower Protection,” and addressing complaints of retaliation for making such reports.

Consistent with Board Policy, 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, in good faith, reported such activities and/or assist the District in the investigation will be protected from retaliation.

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 other Official Agent as described in BP 3600. When the alleged unlawful activity involves the Chancellor/Vice Chancellor/ President, the report should be made to the President of the Board of Trustees. Such reports may also be made to the Chancellor’s Office of the California Community Colleges.

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

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he or she must immediately forward it to an Official Agent as noted in BP 3600. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The Official Agent who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District’s no-retaliation policy. Each

individual shall be: a) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if he or she experiences retaliation for cooperating in the investigation, then it must be reported immediately. In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt, and appropriate, corrective action shall be taken.

Protection from Retaliation

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation. Any employee who believes he or she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise an Official Agent of the district. If the allegations of retaliation or the underlying allegations of unlawful conduct involve an Official Agent, the supervisor shall report to the next higher level administrator and/or trustee who is not implicated in the reports of unlawful activity and retaliation. All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

Requirement to Post Whistleblower Hotline

The District shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws referenced in this procedure.

The list shall include the telephone number of the whistleblower hotline, (800) 952-5225<verify #>, for employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility.

Other Policies Covering Unlawful Activities

Procedures for investigating allegations of unlawful activities covered in other district administrative procedures shall be followed.

Other Remedies and Appropriate Agencies

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

See Board Policy 3600 – Whistleblower Protection

References: Labor Code Section 1102.5, - 1106.
Education Code 87160-87164

Approved by Chancellor's Advisory Council 4/16/10