

BP 7700 WHISTLEBLOWER PROTECTION

References:

California Labor Code Section 1102.5;
Government Code Section 53296;
Private Attorney General Act of 2004 (Labor Code Section 2698)
Education Code Sections 87160-87164
Affordable Care Act (29 U.S.C. 218C)

The Chancellor shall establish procedures regarding the reporting and investigation of suspected unlawful activities by District employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or Board Policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices, and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, District employees shall not: (1) retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; (2) retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or (3) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

Date Adopted: May 20, 2008
Revised: February, 2014 (references only)
Revised: January 17, 2017

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Riverside Community College District has a responsibility for the stewardship of District resources and the public and private support that enables it to pursue its mission. Laws, regulations, policies and procedures strengthen and promote ethical practices and ethical treatment of the members of the District community and those who conduct business with the District.

The District's internal controls and operating procedures are intended to detect and to prevent or deter improper activities. However, even the best systems of control cannot provide absolute safeguards against irregularities. Intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute improper activities. The District has a responsibility to investigate and report allegations of suspected improper activities, and the actions taken by the District in regard to those activities.

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. 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.

Employees and others should use guidance provided by this procedure for reporting all allegations of suspected improper activities. The scope of this procedure is intended to be limited to the statutory definition of improper activities. Upon review or investigation, serious or substantial violations of District policy also may constitute improper activities.

I. WHISTLEBLOWER

A. What is a whistleblower?

A "whistleblower" may be District employees, applicants for employment, students, vendors, contractors or the public. During the course of their interaction with the District, such persons might come to learn of an improper

governmental activity or a condition that may significantly threaten the health or safety of employees. Employees who make good faith disclosure of such activities are protected from retaliatory conduct.

B. What is an “improper governmental activity”?

An improper governmental activity means an activity by a community college or by an employee that is undertaken in the performance of the employee’s official duties, whether or not that activity is within the scope of his/her employment and:

- violates state or federal law or regulation, including, but not limited to: corruption, malfeasance, bribery, theft of governmental property; fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property or willful omission to perform duties;
- the activity is economically wasteful or involves gross misconduct, incompetency, or inefficiency.

II. REPORTING ALLEGATIONS OF IMPROPER ACTIVITIES

A. Filing a Report

1. Any person may report allegations of suspected improper activities. Knowledge or suspicion of improper activities may originate from employees, including management and confidential employees, , students, internal or external auditors, law enforcement, regulatory agencies, and customers or other third parties. An initial report may consist of a notification to:

Riverside Community College District
Vice Chancellor, Human Resources and Employee Relations
3801 Market Street
Riverside, CA 92501
(951) 222-8595

2. It is recommended that reports be made in writing to assure a clear understanding of the issues raised. They should be factual rather than speculative, and contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.
3. Allegations of suspected improper activities may also be reported anonymously; however, it is more difficult to investigate an anonymous complaint because evidence must be obtained to corroborate the alleged improper activity before a formal investigation can begin. If the party filing the complaint chooses to file it anonymously, specific and relevant information

should be provided, including the first and last names of any individuals mentioned, their contact information and the location address at which the improper activity has occurred or is occurring.

4. Normally, an allegation of suspected improper activity by an employee should be made to the reporting employee's immediate supervisor or other appropriate administrator. However, in the interest of confidentiality, when there is a potential conflict of interest or for other reasons, such reports may be made to another District official whom the reporting employee may reasonably expect to have either responsibility over the affected area or the authority to review the alleged improper activity on behalf of the District. When the levels of authority have been exhausted, the appropriate authority is the Vice Chancellor, Human Resources and Employee Relations, or designee.
5. All District employees, in a supervisory role, should be aware of any oral or written, formal or informal communications that may constitute a report of suspected improper activity.
6. Employees who hear of or are a witness to suspected improper activities, are encouraged to promptly report this information to their supervisor, an appropriate District manager and/or to the Vice Chancellor, Human Resources and Employee Relations, or designee.

B. Managers in Supervisory Roles

1. Supervisors who receive a report alleging suspected improper activities shall ensure that the matter is promptly reported to their superior and the Vice Chancellor, Human Resources and Employee Relations, or designee.
2. The Vice Chancellor, or designee, shall report any allegations of losses of money, securities or other property to the Risk Management Office as soon as discovered. The Director of Risk Management shall report such matters in accordance with the terms of any contracts with insurance or bonding companies.
3. In the event that a person believes there is a conflict of interest on the part of the person to whom the allegations of suspected improper activities are to be reported, the next higher level of authority shall receive the report.
4. Whistleblowers frequently make their reports in confidence. To the extent possible within the limitations of law and policy and the need to conduct a competent investigation, confidentiality of whistleblowers will be maintained. Whistleblowers should be cautioned that their identity may

become known for reasons outside of the control of the investigators or District administrators.

Similarly, the identity of the subject(s) of the investigation will be maintained in confidence within the same limitations.

III. INVESTIGATION

The Vice Chancellor, Human Resources and Employee Relations, or designee, will forward a report on each allegation of suspected improper activities to the Chancellor or College President as appropriate. The Vice Chancellor, Human Resources and Employee Relations, or designee, may enlist legal, accounting or other advisors to conduct any investigation of complaints regarding financial matters, internal controls, illegal activities or violations of District policies.

Complaints will be investigated promptly and with discretion. 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.

IV. PROTECTION FROM RETALIATION

A. Protected Disclosure

1. 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. A District employee or applicant whose family member makes a protected disclosure is also protected from retaliation.
2. Any employee who believes he or she has been (a) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (b) 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 the District's Compliance Officer at (951) 222-8595. Employees may also contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is (916) 653-0799.

B. Prevention of Retaliation

It is the intention of the District to take whatever action may be needed to prevent and correct activities that violate this policy.

1. An employer may not make, adopt, or enforce any rule, regulation or policy preventing an employee from being a whistleblower. An employer may not retaliate against an employee who is a whistleblower.
2. An employee may not retaliate against an employee or applicant for employment who has made a protected disclosure or who has refused to obey an illegal order.
3. An employee may not directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District.

V. WHISTLEBLOWER HOTLINE

In addition to the process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the California State Attorney General Hotline at 1-800-952-5225. *California Whistleblower Protection Act (Government Code Section 8547)*.

Office of Primary Responsibility: Vice Chancellor, Diversity and Human Resources

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