

Policy Change	<input checked="" type="checkbox"/>	Subject Matter Area Review	<input checked="" type="checkbox"/>
Procedure Change	<input checked="" type="checkbox"/>	Constituency Group Review	<input checked="" type="checkbox"/>
New Policy	<input type="checkbox"/>	District Council	<input type="checkbox"/>
New Procedure	<input type="checkbox"/>	Board 1 st Reading	<input type="checkbox"/>
		Board 2 nd Reading	<input type="checkbox"/>

KEY:
BOLD= new language
~~strikethrough=~~ delete language

Comments:

CCLC Spring 2016 Update

Referred to:

Edited:

3/15/17



Yosemite Community College District Policies and Administrative Procedures

No. 7700

Policy

7700 Whistleblower Protection

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 District 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;
- **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
- ~~(2)~~ 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.

References:

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

Adopted: March 8, 2006

Revision Adopted: ~~February 11, 2009~~, October 12, 2016

Last Reviewed: October 12, 2016

Administrative Procedure

7700 Whistleblower Protection

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.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in Board Policy 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 other 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 activities involve a college president, the report should be made directly to the Chancellor. When the alleged unlawful activity involves the Chancellor, the report should be made to the Chair of the Board of Trustees. When the alleged unlawful activity involves the Board of Trustees or one of its members, the report should be made to the Chancellor who will confer with the Chair of the Board of Trustees 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 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 to the President of the College where the alleged activity has occurred or to the Chancellor if the activity involves the District office or is District-wide. 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

1 high-level administrator or Trustee who receives the written report pursuant to this paragraph is
2 responsible for ensuring that a prompt and complete investigation is made by an individual with the
3 competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an
4 outside investigator is secured if deemed necessary.

5
6 In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or
7 interviewed shall be advised of the District's no-retaliation policy. Each individual shall be: a) warned that
8 retaliation against the reporter(s) and/or others participating in the investigation will subject the
9 employee to discipline up to and including termination; and b) advised that if he or she experiences
10 retaliation for cooperating in the investigation, then it must be reported immediately.

11
12 In the event that an investigation into alleged unlawful activity determines that the allegations are
13 accurate, prompt and appropriate corrective action shall be taken.

14 **Protection from Retaliation**

15 When a person makes a good-faith report of suspected unlawful activities to an appropriate authority,
16 the report is known as a protected disclosure. District employees and applicants for employment who
17 make a protected disclosure are protected from retaliation. **A District employee or applicant whose
18 family member makes a protected disclosure is also protected from retaliation.**

19
20
21 Any employee who believes he or she has been (1) subjected to or affected by retaliatory conduct for
22 reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a
23 violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory
24 personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory
25 employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to
26 advise their College President, the Chancellor or the Chancellor's designee. If the allegations of retaliation,
27 or the underlying allegations of unlawful conduct involve the President or Chancellor, the supervisor shall
28 report to the highest level administrator and/or Trustee who is not implicated in the reports of unlawful
29 activity and retaliation

30
31 All allegations of retaliation shall be investigated promptly and with discretion, and all information
32 obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate,
33 remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise
34 substantiated.

35 **Whistleblower Contact Information**

36 Employees who have information regarding possible violations of state or federal statutes, rules, or
37 regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its
38 shareholders, investors, or employees should contact the California Community Colleges Chancellor's
39 Office or the Board of Trustees for the District. Employees can contact the State Personnel Board with
40 complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is
41 (916) 653-1403.

42 **Other Remedies and Appropriate Agencies**

43
44 In addition to the internal complaint process set forth above, any employee who has information
45 concerning allegedly unlawful conduct may contact the appropriate government agency.

46 **References:**

1 Education Code Sections [87160-87164](#); Government Code Section [53296](#); Labor Code Section [1102.5](#);
2 [Private Attorney General Act of 2004 \(Labor Code Section 2698\)](#); [29 U.S. Code Section 218C \(Affordable](#)
3 [Care Act\)](#)

4
5 **Procedure Last Revised:** ~~March 8, 2006, February 24, 2010~~, October 12, 2016

6 **Last Reviewed:** October 12, 2016