

1.0 Definitions

- 1.1 A “protected disclosure of unlawful conduct” is the written or oral disclosure of information by an employee to the Los Rios Community College District, the government or a law enforcement agency where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
- 1.2 A “protected disclosure of improper conduct” is the written disclosure of information to the District submitted under penalty of perjury which identifies gross mismanagement or a significant waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, and which is made within 60 days of the act or event which is the subject of the disclosure.
- 1.3 An “illegal order” is a demand or request that an employee participate in an activity that would result in the violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
- 1.4 “Retaliate” means any act of intimidation, restraint, coercion, discrimination, or disciplinary action taken against any employee, or applicant for employment who has made a protected disclosure or refused to obey an illegal order while employed by the District/College or during any prior employment.

2.0 Submitting a Report

- 2.1 Any person may report allegations of suspected unlawful or improper conduct. Knowledge or suspicion of improper governmental activities may originate from academic personnel, staff or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, and customers, vendors, students or other third parties. Allegations of suspected unlawful conduct may also be reported anonymously.
- 2.2 Protected disclosures of unlawful conduct should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally.
- 2.3 Protected disclosures of improper conduct must be submitted in writing and must be made under penalty of perjury and must be made within sixty (60) days of the date of the act or event which is the subject of the disclosure.
- 2.4 All protected disclosures should be factual and contain as much specific information as possible.
- 2.5 Normally, a protected disclosure of unlawful conduct or a protected disclosure of improper conduct by a District/College employee should be made to the reporting employee’s immediate supervisor or other appropriate administrator or supervisor within the operating unit. If, however, there is a potential conflict of interest or for other reasons, these disclosures may be made to another District/College official whom the reporting employee may reasonably expect to have either responsibility over the affected area or the authority to review the alleged improper

governmental activity on behalf of the District/College. When the alleged improper conduct involves the Chancellor's Executive Staff, such reports should be made to the Chancellor or his/her designee.

- 2.6 Anonymous reports will be investigated where there is sufficient information made available for the District/College to conduct a meaningful investigation and take remedial action. 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.

3.0 Investigation

- 3.1 A District/College employee who receives a protected disclosure shall forward that report to the District's Internal Auditor who shall notify the Vice Chancellor, Finance and Administration of the report. If the report concerns the Vice Chancellor, Finance and Administration, the Internal Auditor shall notify the Chancellor of the report.
- 3.2 In consultation with the person the Internal Auditor notifies (Chancellor or Vice Chancellor, Finance and Administration), the District may enlist the General Counsel, police, outside legal, accounting or other advisors, as appropriate, to conduct any investigation of complaints regarding fraud, financial statement disclosures, disclosure concerns or violations, accounting, internal accounting controls, auditing matters or violations of the District's/College's Policies and Administrative Regulations.
- 3.3 All internal complaints will 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.

4.0 Protection from Retaliation

- 4.1 A District/College employee may not retaliate against an employee or applicant for employment because they have made a protected disclosure of unlawful conduct, because they have made a protected disclosure of improper conduct, because they have refused to obey an illegal order, or because they have cooperated in any investigation of the foregoing.
- 4.2 A District/College 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 employee or applicant for employment to make a protected disclosure of unlawful conduct, to make a protected disclosure of improper conduct, to refuse to obey an illegal order or to cooperate in the investigation of the foregoing.
- 4.3 Any employee who believes he or she has been retaliated against for making a protected disclosure of unlawful conduct, for making a protected disclosure of improper conduct, or for refusing to obey an illegal order or cooperating in an

investigation of the foregoing, 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 Vice Chancellor, Finance and Administration of any such report or knowledge of retaliatory conduct. If the employee believes that reporting such conduct to the appropriate supervisor is for any reason inappropriate, unacceptable or will be ineffectual, or if the report to the supervisor has been made and the retaliatory conduct has not ended, the employee should report the incident directly to the Vice Chancellor, Finance and Administration. In the event the Vice Chancellor, Finance and Administration, is involved, this report should be made directly to the Chancellor.

5.0 Disciplinary Action

An employee may be disciplined when they have made a protected disclosure of unlawful conduct or a protected disclosure of improper conduct if:

- 5.1 The employee has disclosed information that he or she knows to be false or has disclosed information with reckless disregard for the truth or falsity thereof.
- 5.2 The employee has made a protected disclosure of improper conduct from confidential records which they are not authorized to view.
- 5.3 The employee has made a public protected disclosure of improper conduct which is confidential pursuant to the law.
- 5.4 The employee has been the subject of ongoing or existing disciplinary action prior to the disclosure of the information and which disciplinary action is based on facts unrelated to the protected disclosure.
- 5.5 Separate and independent of the protected disclosure, the employee has violated state or federal statutes, state or federal rules or regulations, the District's Policies and/or Administrative Regulations, the appropriate collective bargaining agreement, or has failed to perform assigned duties, or has committed any other act unrelated to the disclosure, and those acts or omissions would otherwise subject the employee to disciplinary action.

LRCCD

Adm. Regulation Adopted: 1/20/10
Adm. Regulation Revised: 1/26/15; 1/25/16
Adm. Regulation Reviewed: 1/25/16
Board Policy: [P-6166](#)