

Whistleblower Protection

Policy Statement

This University Executive Directive (UED) is established to fulfill the requirements of **Executive Order No. 929** and Section §8547.1 of the Government Code, a part of the California Whistleblower Protection Act. Executive Order 929 prescribes guidelines for responding to disclosures filed with the Office of the Chancellor by employees or applicants for employment who allege an improper governmental activity or conditions that may significantly threaten the health or safety of employees or the public and establishes a procedure for employees and applicants for employment at California Maritime Academy (University) to make protected disclosures, as defined in this Executive Order.

An employee or applicant for employment may make a protected disclosure under the California Whistleblower Protection Act to their supervisor or manager, to the Director of Human Resources or to the CSU Vice Chancellor of Human Resources. The Director of Human Resources is the President's designee to receive and act on written disclosures made under this UED and will be responsible for evaluating compliance with this UED.

Definitions

- A. As used herein, "employee" refers to any person employed by California Maritime Academy (University).
- B. As used herein, "applicant for employment" refers to an individual who has completed and submitted the application form for a specific, available position at the University.
- C. Complainant - The term "complainant" means an employee or applicant for employment who files a report and makes a protected disclosure under this UED.
- D. Improper governmental activity - The term "improper governmental activity" means any activity by a University department or employee that is undertaken in the performance of the employee's official duties, whether or not that action is within the scope of his or her employment, and that (1) is in violation of any state or federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, or (2) is economically wasteful, or involves gross misconduct, incompetence, or inefficiency.
- E. Protected disclosure - The term "protected disclosure" means any good faith communication that discloses information that may evidence (1) an improper government activity, or (2) any condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.
- F. Working days - The term "working days" means Monday through Friday excluding all officially recognized university holidays or closure of the campus where the complaint originated.

General Provisions

All time limits refer to working days. Time periods set forth in this UED may be extended by the Director of Human Resources, provided she/he informs the complainant of the new time period in writing.

Complaints, responses and investigations under this UED shall be shared only with individuals who have a legitimate business reason to know.

Protected Disclosures at the University

A. Any employee or applicant for employment may make a protected disclosure to the Director of Human Resources no later than thirty (30) days after the event giving rise to the protected disclosure or no later than thirty (30) days after the employee or applicant for employment knew or reasonably should have known of the event.

B. The protected disclosure shall be in writing and contain the following information:

1. The name and mailing address of the complainant, the complainant's working title, or the position applied for.
2. A detailed description of the specific actions that constituted the alleged improper governmental activity or condition that may significantly threaten the health or safety of employees or the public, including the name(s) and title(s) of University employee(s) or official(s) allegedly engaged in the improper governmental activity or responsible for the health or safety condition.
3. The date(s) the alleged improper activities occurred or the condition developed.
4. Other potential witnesses to the alleged improper activities or condition.
5. Any documentation that supports the allegations of improper activities or of a threatening condition.
6. Descriptions of documents that support the allegations of improper activities or of a threatening condition, if the actual documents are not in the possession of the complainant.
7. The protected disclosure must be signed, dated, and contain a sworn statement under penalty of perjury that its contents are believed to be true.

Response to Protected Disclosures Made to the Director of Human Resources

A. The Director of Human Resources shall acknowledge receipt of the written protected disclosure in writing within ten (10) days of receipt.

B. Upon receipt of a protected disclosure complying with the provisions of section B above, the Director of Human Resources may commission an investigation of the matter.

C. Care shall be taken to keep confidential the identity of the complainant in so far as feasible and consistent with the law.

D. If the Director of Human Resources determines that there is reasonable cause to believe that improper governmental activity has occurred or that a condition that may significantly threaten the health or safety of employees or the public exists, the Director of Human Resources shall report this information with a recommendation for appropriate action to the Vice President, Business and Finance.

E. The Vice President, Business and Finance will determine what action, if any, is necessary. Within ninety (90) days of receipt of the protected disclosure, the Director of Human Resources shall issue a formal response to the complainant that includes whether the allegations were substantiated and what, if any, actions were taken. Care shall be taken to protect the privacy interests of those involved.

F. The Vice President, Business and Finance with oversight for business functions will notify the Chancellor, Executive Vice Chancellor and Chief Financial Officer, CSU University Auditor and the Chair of the Committee on Audits of the Board of Trustees, California Department of Finance, Office of State Audits and Evaluation, and the Bureau of State Audits, of all cases of actual or suspected fraud, theft or other irregularities it learns of as a result of any protected disclosures made under this UED.

G. The CSU Vice Chancellor of Human Resources shall be notified of all cases of actual or suspected fraud, theft or other irregularity.

Other pertinent references:

- HR 2008-07, "Whistleblower Protection Act Requirements." at:
<http://www.calstate.edu/HRAdm/pdf2008/HR2008-07.pdf>
- California State Auditor Hotline at: <http://www.bsa.ca.gov/hotline/filecomp.php>