Chapter 380, Personnel—General
Section 17, Improper Governmental Activities/Whistleblower Protection
Date: 7/17/15, rev. 11/30/15
Supersedes: 1/18/11
Responsible Department: Offices of the Chancellor and Provost
Source Document: Whistleblower Policy (University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities); Whistleblower Protection Policy

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I. Purpose

This section supplements and provides campus procedures for implementing the University's Whistleblower Policy in compliance with the California Whistleblower Protection Act (Government Code sections 8547-8547.12).

II. Definitions

Terms used in this policy are defined in the systemwide Whistleblower Policy and Whistleblower Protection Policy.

III. Policy

A. Employees and other persons are encouraged to disclose improper governmental activities.

B. A University employee may not use his or her authority to interfere with the right of an employee or applicant for employment to make a protected disclosure of improper governmental activity under the University's Whistleblower Policy.

C. The University will investigate alleged improper governmental activities as described in the applicable UC policies (Whistleblower Policy (Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities) and Whistleblower Protection Policy).

D. If an allegation of improper governmental activity is substantiated through investigation, the University will correct the substantiated improper activities through procedures defined by UC policies and by maintaining internal controls and operating procedures to detect and prevent future improper governmental activities.

E. The Whistleblower Protection Policy protects employees or applicants for employment who report or attempt to report improper governmental activities or who refuse to obey an illegal order from retaliation for doing so.

IV. Roles and Responsibilities

A. Provost and Executive Vice Chancellor

1. With the exception of rendering the final decision in whistleblower retaliation complaints, the Provost and Executive Vice Chancellor is responsible for implementing the UC Whistleblower Policy and Whistleblower Retaliation Policy, including but not limited to appointment of the standing members of the Investigations Workgroup.

B. Chief Compliance Officer—General Campus

1. The Chief Compliance Officer—General Campus serves as the Locally Designated Official (LDO) and Retaliation Complaint Officer (RCO).

C. Chief Human Resource Officer

1. The Associate Vice Chancellor—Human Resources (Davis campus) is responsible for rendering the final decision in the review of whistleblower retaliation complaints when the respondent is a staff member.
2. The final decision in complaints against the LDO, Audit Director, or Chief Campus Counsel will be made at the Office of the President.

D. Vice Provost—Academic Affairs

1. The Vice Provost—Academic Affairs is responsible for rendering the final decision in the review of whistleblower retaliation complaints when the respondent is an academic appointee.
2. The final decision in complaints against the Chancellor or Provost and Executive Vice Chancellor will be made at the Office of the President.

E. Investigations Workgroup

1. The Investigations Workgroup provides coordination and oversight of investigative activities and facilitates communications among appropriate parties.
2. The LDO serves as chair of the workgroup and may appoint regular members in addition to the standing members appointed by the Provost and Executive Vice Chancellor, or ad hoc members as necessary to address specific issues.

F. Managers, administrators, and employees in supervisory roles

1. Managers, administrators, and employees in supervisory roles who receive written reports of alleged improper governmental activities or whistleblower retaliation or interference must forward the report to the LDO as soon as practicably possible.
2. Oral reports should be documented and reported to the LDO.

V. Procedures

A. Reporting suspected improper governmental activities to campus officials

1. A whistleblower may report allegations of improper governmental activities to the LDO by any of the methods outlined below:
   a. By completing the Improper Governmental Activities Report form, and submitting it to the LDO via fax (530-752-0853); mail (Locally Designated Official; Offices of the Chancellor and Provost; One Shields Avenue; Davis, CA 95616); or email (wjdelmendo@ucdavis.edu).
   b. Online through https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html.
   c. Through any of the Whistleblower Hotlines:
      1) Campus Hotline, 877-384-4272.
      2) UC Office of the President Hotline, 800-403-4744.
2. An employee whistleblower may report allegations of improper governmental activities to his or her supervisor or other appropriate administrator.
3. Allegations may be reported anonymously; however, this may limit the University's ability to conduct an investigation.

4. Reports under the Whistleblower Policy shall be made as soon as possible after the alleged conduct occurs, optimally within one year.
    a. The University will respond to all reports to the greatest extent possible.
    b. An unreasonable delay in reporting an incident may impede the University's ability to conduct an investigation or effect appropriate remedial action.

B. Reports of improper governmental activities may also be made to the Bureau of State Audits, by calling 800-942-5665.

C. Whistleblower retaliation complaints

1. To be covered by the retaliation provisions of the California Whistleblower Protection Act, the retaliation complaint must be accompanied by a sworn statement made under penalty of perjury that its content are true or are believed to be true. The Whistleblower Retaliation Complaint Form may be used for this purpose.
2. Whistleblower retaliation complaints may be filed by any of the following methods:
    a. With the LDO by completing the Retaliation or Interference Complaint form, and submitting it to the LDO via fax (530-752-0853); mail (Locally Designated Official; Offices of the Chancellor and Provost; One Shields Avenue; Davis, CA 95616); or email (wjdelmendo@ucdavis.edu).
    b. With a supervisor by completing the Whistleblower Retaliation Complaint Form and submitting it to the supervisor or another University administrator.
    c. Through any other formal grievance or complaint resolution process by submitting the Whistleblower Retaliation Complaint Form to the LDO or the grievance liaison. If the form is submitted to the grievance liaison, the liaison will forward the complaint to the LDO.
3. Regardless of how the whistleblower retaliation complaint is filed, the LDO will coordinate the process for reviewing the complaint and the process will follow the procedures set forth in the UC Whistleblower Protection Policy.
4. Reports under the Whistleblower Protection Policy must be filed within 12 months of the alleged retaliation or interference.

VI. References and Related Policies

A. California Government Code Section 8547 Reporting of Improper Governmental Activities.

B. UC Office of the President:

1. Whistleblower Policy (Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities).
2. Whistleblower Protection Policy.
3. Business and Finance Bulletins RMP-8, Legal Requirements on Privacy of and Access to Information.

C. Personnel Policies for Staff Members:

1. Policy 61, Release During the Probationary Period or from Limited, Casual/Restricted, and Floater Appointments.
2. Policy 62, Corrective Action--Professional and Support Staff.

3. Policy 63, Investigatory Leave.
4. Policy 64, Termination of Career Employees--Professional and Support Staff.
5. Policy 65, Termination of Career Employees--Managers and Senior Professionals, Salary Grades I through VII.
6. Policy 67, Termination of Career Employees—Managers and Senior Professionals, Salary Grades VIII and IX.
7. Policy 70, Complaint Resolution.

D. Local and Systemwide Labor Contracts.

E. Ethics at UC Davis

1. Improper Government Activities Report Form
2. Whistleblower Retaliation Complaint Form

F. Academic Personnel Manual:

1. Section 015, The Faculty Code of Conduct.
2. Section UCD-015, Procedures for Faculty Misconduct Allegations.
3. Section 016, University Policy on Faculty Conduct and the Administration of Discipline.
4. Section UCD-016, Procedures for Faculty Discipline.
5. Section 140, Non-Senate Academic Appointees/Grievances.
6. Section UCD-140, Non-Senate Academic Appointees/Grievances.

G. Academic Senate Bylaw 335, and Davis Division Bylaw 87.

H. Bylaws and Regulations of the Faculty of the School of Medicine.

I. UCD Policy & Procedure Manual Section 220-05, Integrity in Research.