



## **CSUEB Reporting Procedures for Protected Disclosure of Improper Governmental Activities and/or Significant Threats to Health or Safety**

### **I. Purpose**

This procedure is established to further the intent of the California Legislature as stated in §8547.1 of the Government Code, a part of the California Whistleblower Protection Act. It establishes a procedure for Employees and Applicants for employment at California State University, East Bay (“CSUEB”) to file Protected Disclosures (as defined herein) and provides a description of how CSUEB will handle such Protected Disclosures.

### **II. Definitions**

- A. “Applicant” refers to an individual who has completed and submitted an application for a specific, available position at CSUEB.
- B. "Complainant" means an Employee or Applicant for employment who files a report and makes a Protected Disclosure under CSU Executive Order #929 (“E.O. 929”).
- C. “Document” refers to writings, drawings, graphs, charts, photographs, phonorecords, and other data compilations from which information be obtained or translated, if necessary by detection devices into reasonably usable form.
- D. “Employee” refers to any person employed by CSUEB.
- E. "Improper Governmental Activity" means any activity by a CSUEB 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.
- F. "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.

- G. "Working days" means Monday through Friday excluding all officially recognized university holidays or closure of CSUEB.

### **III. General Provisions**

- A. All time limits refer to working days.
- B. Time periods set forth herein may be extended by the Assistant Vice President, Human Resources ("AVPHR") at CSUEB, provided she/he informs the Complainant of the new time period in writing.
- C. Employees and Applicants for Employment may also make a Protected Disclosure to the Vice Chancellor of Human Resources ("Vice Chancellor"). The procedure set forth herein is the same procedure used by the Vice Chancellor except that the Vice Chancellor shall substitute for the AVPHR.

### **IV. Disclosure Procedure**

- A. Any Employee or Applicant for employment may make a Protected Disclosure to the AVPHR no later than 30 days after the event giving rise to the Protected Disclosure or no later than 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 CSUEB 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 and all Documentation that supports the allegations of Improper Governmental Activities or of a threatening condition.

6. Descriptions of Documents that support the allegations of Improper Governmental 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.

## **V. Response Procedure**

- A. The AVPHR shall acknowledge receipt of the written Protected Disclosure in writing within 10 days of receipt.
- B. Upon receipt of a Protected Disclosure complying with the provisions of section IV.B. above, the AVPHR may commission an investigation of the matter.
- C. If the AVPHR 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 AVPHR shall report this information with a recommendation for appropriate action to the Chancellor of CSU ("Chancellor").
- E. The Chancellor will determine what action, if any, is necessary. Within 90 days of receipt of the Protected Disclosure, the AVPHR shall issue a formal response to the Complainant that includes whether the allegations were substantiated and what, if any, actions were taken.

## **VI. Notification Procedure**

- A. The AVPHR will notify the Vice Chancellor of all cases of actual or suspected fraud, theft or other irregularity.
- B. The AVPHR will also notify the 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 the result of any Protected Disclosures made under E.O. 929.

## **VII. Confidentiality**

- A. Care shall be taken to keep confidential the identity of Complainant in so far as feasible and consistent with the law.
- B. Care shall also be taken to protect the privacy interests of those involved.
- C. Complaints, responses, and investigations will be shared only with individuals who have a legitimate business or legal reason to know.