

## **XIV. WHISTLEBLOWER POLICY**

### **POLICY**

It is the policy of the Regional Center of Orange County (RCOC) that employees, Board members, persons served, their families, and the vendor community have notice of and the opportunity to report alleged improper RCOC and alleged improper vendor/contractor activity through a whistleblower complaint process.

RCOC is contractually required to have a Board approved Whistleblower Policy, in accordance with Article I, Section 18, of RCOC's contract with the Department of Developmental Services (DDS). Improper regional center activity and improper vendor/contractor activity is defined in the contract as:

- *An “improper regional center activity” means an activity by a regional center, or an employee, officer, or board member of a regional center, in the conduct of regional center business, that is a violation of a state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of government property; or constitutes gross misconduct, incompetency, or inefficiency.*
- *An “improper vendor/contractor activity” means an activity by a vendor/contractor, or an employee, officer, or board member of a vendor/contractor, in the provision of DDS funded services, that is a violation of a state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of government property; or constitutes gross misconduct, incompetency, or inefficiency.*

RCOC and DDS have a variety of complaint and appeal processes available to vendor/contractors, agencies, facilities, parents, and persons served. These include: Consumer Rights Complaints, Early Start Complaints, Due Process Requests, Mediation Conference Requests, Lanterman Act, Fair Hearing Requests, Title 17 Complaints, Citizen Complaints and Comments, and Vendor Appeals. Each of these complaint and appeal processes has separate and distinct procedures for resolution. This separate policy relates only to RCOC and Vendor/Contractor Whistleblower Complaints as described above.

Nothing in this policy shall dissuade or prohibit complaints of alleged improper activity to be made using the foregoing complaint or appeal processes or other less formal means to make such complaints known.

### **Confidentiality**

The investigating party will make every effort to maintain the confidentiality of a complainant making a whistleblower complaint if the complainant requests confidentiality. However, in the rare circumstances where the investigating party is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of persons served and RCOC contract compliance and legally required disclosures), the investigating party will attempt to inform the complainant of its need to disclose certain information prior to releasing identifying

information. Additionally, the identity of the complainant may be revealed to appropriate law enforcement agencies conducting a criminal investigation.

### **No Retaliation**

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns about alleged improper RCOC and/or vendor/contractor activities and to permit an investigating party the opportunity to investigate and take appropriate action.

No person who in good faith reports a violation of this policy shall suffer harassment, retaliation or adverse employment consequences from RCOC. RCOC's Executive Committee or its designee will investigate complaints of retaliation following an established process. An RCOC employee who harasses or retaliates against someone who has reported a violation in good faith is subject to discipline up to and including immediate termination of employment.

### **Notification Requirements**

RCOC's Whistleblower Policy, along with the DDS Whistleblower Complaint Process are posted on RCOC's website. Notification of both RCOC's policy and DDS' Whistleblower Complaint Process will be provided annually to employees, Board members, persons served, their families and the vendor community.

### **PROCEDURE**

A Whistleblower Complaint about alleged improper RCOC and/or vendor/contractor activity may be filed by contacting any of the following:

- RCOC's Senior Management which includes: Executive Director; Clinical Director; Chief Financial Officer; Director of Services, Supports and Community Development; General Counsel; Human Resources Director and Information Technology Director.
- RCOC's Board of Directors Executive Committee which includes: RCOC Board Chairperson, Vice Chair, Secretary and Treasurer. Counsel to the Board may also be contacted.
- Members of RCOC's Board of Directors may be contacted by phone or e-mail through the RCOC executive assistants to the Board, or attendance at a Board meeting.
- Department of Developmental Services Community Operations Division or the Community Services and Supports Division (for Early Start program services)

However, to ensure proper and timely logging and investigation, it is recommended that whistleblower complaints be submitted to RCOC's Custodian of Records.

RCOC will utilize an established process to investigate and take appropriate action on complaints, including complaints of retaliation. An initial review process will determine the

appropriate venue for the complaint which could result in referral to another entity or process as described in the “Policy” section.

A Whistleblower Complaint shall contain a clear and concise statement of the alleged improper activity and any evidence to support the allegation. If a name, or other information (e.g., witness or document), is not provided that clearly identifies the person alleged to have acted improperly, and where that person works, the investigating party may not have sufficient information to investigate. Original documents should be provided when submitting written information. The submitting party should keep copies of all submitted documents for their records.

Although complaints may be filed anonymously, if insufficient information is provided and the investigating party has no means to contact the complainant, it may not be possible to investigate the allegation.

RCOC employees with questions about this policy should contact the Human Resources Director or a member of the Executive Committee.

## **GUIDING PRINCIPLES**

- The public funds that support the service system are expended in a fashion that is cost-effective, consumer-directed, consistent with good business practices, and that reflect careful stewardship.
- The RCOC Board of Directors is representative of, and accountable to its stakeholders and the community it serves.
- The RCOC Board of Directors will be actively involved in the organization (e.g., attendance and participation). The Board will provide appropriate support to maximize effective participation by all its members.
- RCOC aspires to the highest standards of ethical conduct: doing what we say; reporting information with accuracy and transparency; and maintaining full compliance with the laws, rules and regulations that govern RCOC’s business.

***Last Policy Review Date: May 22, 2017***

***Date Revisions Approved by Board: June 7, 2018***

***Date of Next Review: on or before June 7, 2019***