

## **Implementing Procedures for the Whistleblower Policy**

### **I. Purpose and Scope**

UC Santa Barbara's implementing procedure for the [University of California Policy for Reporting and Investigating Allegations of Suspected Improper Governmental Activities](#) (Whistleblower Policy) governs the reporting and investigation of allegations of suspected improper governmental activities at UC Santa Barbara (UCSB).

The procedure's objectives are to assure an appropriate University response to any known or suspected impropriety and to create an environment that encourages candor while protecting the rights of all involved parties.

The rights and protections of people when making protected disclosures are covered by the [University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints](#) (Whistleblower Protection Policy).

*The University of California Policy for Reporting and Investigating Allegations of Suspected Improper Governmental Activities* (Whistleblower Policy), together with the *University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints* (Whistleblower Protection Policy), represents the University's implementing policies for the California Whistleblower Protection Act (Government Code sections 8547-8547.12). The information or procedures described in UC Santa Barbara's implementing procedure provides local guidance for implementing the University's Whistleblower Protection Policy at UC Santa Barbara. It is intended to supplement the University's system-wide Whistleblower Policy and Whistleblower Protection Policy. If any provision contradicts the University's system-wide Whistleblower Policy or the Whistleblower Protection Policy, the system-wide policy controls.

### **II. Making a Whistleblower Report**

#### **A. Who Can Report**

Any person may report allegations of suspected improper governmental activities, as defined in the University's Whistleblower Policy. Reports are encouraged to be made in writing to assure a clear understanding of the issues raised, however they may be made orally. Such reports should be factual rather than speculative or conclusory, and contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.

## UC SANTA BARBARA POLICY AND PROCEDURE

Local Implementing Procedures for the Whistleblower Policy

June 2012

Page 2 of 8

### B. Anonymous Reports

Whistleblower reports may be made anonymously. Anonymous whistleblowers must provide sufficient corroborating evidence to justify the commencement of an investigation. Because of the inability of investigators to interview anonymous whistleblowers, it may be more difficult to evaluate the allegations and, therefore, less likely to cause an investigation to be initiated.

### C. Where to File

Oral or [written reports](#) may be directed to any of the following:

On Campus

- ❑ **Locally Designated Official (LDO)**  
Administrative Services  
4129 Cheadle Hall  
(805) 893-8291
- ❑ **Whistleblower Coordinator** (805) 893-4335; or
- ❑ **Investigative units** (e.g. Academic Personnel, Audit and Advisory Services, Human Resources, Office of Research, Sexual Harassment Complaint/Title IX Officer and UCSB Police); or
- ❑ Other appropriate **administrators** (e.g. Vice Chancellors and Deans); or
- ❑ An **immediate supervisor** or other appropriate administrator or supervisor within the operating unit (such as the unit head); or

Off-Campus

- ❑ **UC Whistleblower Hotline** 800-403-4744<sup>1</sup>; or
- ❑ [State Auditor](#) or **State Auditor Hotline** 800-952-5665<sup>2</sup>

---

<sup>1</sup> This service, operated independently of the University and the campus, assures anonymity, assigns a case number to each caller, and acts as an intermediary for the institution. Anonymous callers may receive information about the disposition of their report by making subsequent hotline inquiries using the assigned case number.

<sup>2</sup> Under the law, the State Auditor is prohibited from disclosing the identity of a whistleblower unless he or she obtains the whistleblower's permission to do so, or when the disclosure is to a law enforcement agency that is conducting a criminal investigation.

## **UC SANTA BARBARA POLICY AND PROCEDURE**

Local Implementing Procedures for the Whistleblower Policy

June 2012

Page 3 of 8

### **D. Conflicts of Interest**

When there is a potential conflict of interest or for other reasons, a reporting employee may contact a University official other than those listed in Section II.B., above. The University official should be one whom the reporting employee may reasonably expect to have 1) responsibility over the affected area or 2) the authority to review the alleged improper governmental activity on behalf of the University. If the alleged improper governmental activity involves the head of a campus investigative unit, such a report should be made to the LDO. In instances when the allegation involves the Chancellor or the LDO the report should be made to the Executive Vice President of Business Operations in the UC Office of the President.

### **E. Reports by Members of the Public**

The University recommends that persons who are not University employees report allegations to the LDO. Alternately, such reports may be made to another University official whom the reporting person may reasonably expect to have 1) responsibility over the affected area or 2) the authority to review the alleged improper governmental activity on behalf of the University.

### **F. Office of the Ombuds**

If an individual is unsure of whether or not to report, he or she may contact the Office of the Ombuds to discuss the matter confidentially. The Office of the Ombuds is not required to report the matter pursuant to this policy. Therefore, discussing an issue with the Office of the Ombuds does not constitute formal notice to the University. Office of the Ombuds, 1205-K Girvetz Hall, 893-3285.

## **III. Content of Whistleblower Report**

In providing information, the whistleblower is not to conduct any investigative procedures or obtain evidence for which he or she does not have a right of access. Doing so may constitute a violation of law or University policy.

Providing the following information regarding each allegation is most useful; however, answers to all these questions are not required to file a whistleblower report.

- **WHAT?** What is the alleged improper activity? What makes it an improper governmental activity? Do any documents exist that would provide evidence of the improper activities? Where are the documents located? Who controls them?

## UC SANTA BARBARA POLICY AND PROCEDURE

Local Implementing Procedures for the Whistleblower Policy

June 2012

Page 4 of 8

- ❑ **WHO?** Who are the subjects of the allegation? Who else do you believe is involved -- complete names and work location? If you believe an organization is involved, who are the contact people? Do the subjects of the complaint know about this report? Can anyone else corroborate the improper activities being reported and how can they be contacted?
- ❑ **WHERE?** In which campus operating unit is the alleged improper activity occurring?
- ❑ **WHEN?** When did the alleged improper activity occur? Is it ongoing? How frequently has it occurred?
- ❑ **HOW?** How did you become aware of the alleged improper activity? How did the subject carry out the activity? Do you believe that a circumvention of controls or lack of controls is involved? If so, describe.

### IV. Receiving a Whistleblower Report

#### A. Who Can Receive a Report

All employees, and especially academic or staff employees in supervisory or management roles, should be alert to any communications that may constitute reports of allegations of suspected improper governmental activity. An improper governmental activity is defined as:

*Any activity undertaken by the University or by an 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 University property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of University property and facilities, or willful omission to perform duty, or (2) is economically wasteful, or involves gross misconduct, gross incompetence, or gross inefficiency.*

Additional definitions are available in the [University of California Policy for Reporting and Investigating Allegations of Suspected Improper Governmental Activities](#)

#### B. When Should the Locally Designated Official Be Advised of the Report

## **UC SANTA BARBARA POLICY AND PROCEDURE**

Local Implementing Procedures for the Whistleblower Policy

June 2012

Page 5 of 8

Managers, administrators, and employees in supervisory roles shall report to the LDO as soon as possible any allegations of suspected improper governmental activities – whether received as a protected disclosure, reported by their subordinates in the ordinary course of performing their duties, or discovered in the course of performing their own duties – any allegation(s) that concern:

1. A significant threat to the health and safety of employees, students and/or the public;
2. A potentially *criminal* act (e.g., disappearance of cash);
3. The misuse of University resources or creates exposure to a liability in potentially significant amounts;
4. A situation that is economically wasteful, or suggests gross misconduct, incompetency, or inefficiency;
5. Potentially insufficient internal controls or policy violations that are likely to exist in other units at the institution or across the University system;
6. A matter that may be likely to receive media or other public attention; or may be judged to be significant or sensitive for other reasons.

If an administrator, manager or supervisor is unsure about whether the report meets the criteria, please consult with the Whistleblower Coordinator at 893-4335.

### **C. Documenting the Report**

Managers, supervisors or other report recipients should create a written document of all oral reports of suspected improper governmental activities and forward it to the LDO as soon as possible. When receiving an anonymous report, the recipients should obtain as much specific and relevant information as possible during that initial contact.

## **V. Responsibilities for Investigating Allegations of Improper Governmental Activities**

### **A. Locally Designated Official (LDO)**

The Chancellor has delegated responsibility for implementing the UC Whistleblower Policy at the campus level to the LDO. The LDO is

## **UC SANTA BARBARA POLICY AND PROCEDURE**

Local Implementing Procedures for the Whistleblower Policy

June 2012

Page 6 of 8

responsible for ensuring that UCSB effectively responds to whistleblower reports, institutes procedures, and facilitates coordination and appropriate investigation of allegations of suspected improper governmental activities. If a whistleblower report gives rise to investigative responsibilities under more than one University policy, the LDO shall consult with other appropriate administrative offices to coordinate a review under this and related policies. Where there is a potential conflict of interest involving the LDO and a particular investigation, the Chancellor may delegate LDO responsibilities to another, as appropriate. The Whistleblower Coordinator shall staff the LDO.

### **B. Whistleblower Policy Oversight Committee**

The Chancellor or his designee shall appoint a Whistleblower Policy Oversight Committee to ensure coordination of the campus' local implementing procedures and proper reporting of investigations. The LDO may appoint additional members and ad hoc members as necessary to address particular issues. The LDO chairs the committee and members include:

- ❑ Director of Academic Personnel
- ❑ Director of Accounting Services and Controls
- ❑ Director of Audit and Advisory Services
- ❑ Associate Vice Chancellor for Diversity, Equity and Academic Policy
- ❑ Director, Office of Equal Opportunity
- ❑ Director of Human Resources
- ❑ Chief of Police
- ❑ Assistant Vice Chancellor, Research
- ❑ Sexual Harassment Complaint /Title IX Officer
- ❑ Whistleblower Coordinator

### **C. Campus Investigation Workgroup**

The Campus Investigation Workgroup provides coordination for investigative activities pursuant to the Whistleblower Policy. The Investigation Workgroup receives from the LDO all allegations of known or suspected improper governmental activities and determines whether an

## **UC SANTA BARBARA POLICY AND PROCEDURE**

Local Implementing Procedures for the Whistleblower Policy

June 2012

Page 7 of 8

adequate basis exists for commencing an investigation. The Investigation Workgroup assesses the planned course of action, facilitates communications among appropriate parties and insures that investigations are conducted in a manner consistent with the UC Whistleblower Policy.

The LDO chairs the Investigation Workgroup. The membership includes the Director of Audit and Advisory Services, Whistleblower Coordinator and representatives from any additional functional units that may have responsibility in a particular investigation (e.g., Campus Police, Human Resources, Academic Personnel Office, Controller, Director of Accounting Services, Office of Research, Sexual Harassment Complaint/Title IX Office). In addition, representatives with specialized expertise may be included on an ad hoc basis. All workgroup members and other assigned investigators must conduct investigations in a manner consistent with Section VI.D. of the UC Whistleblower Policy.

### **VI. Investigative Reports**

At the conclusion of an investigation, the investigator(s) shall provide a written report that includes an investigation summary and findings to the LDO as soon as possible.

Depending on the outcome of the investigation and subsequent findings, the LDO will communicate the investigation findings to the appropriate administrator or manager for action. The administrator or manager will inform the LDO of the appropriate action taken.

### **VII. Related Resources**

[Academic Personnel Manual: Policy 140-Non-Senate Academic Appointees/Grievances](#)

[Academic Senate Manual, Faculty Conduct](#)

[Collective Bargaining Agreements for Represented Staff](#)

[Legal Requirements on Privacy of and Access to Information](#)

[Privacy of and Access to Information Responsibilities](#)

[University of California Personnel Policies for Staff Members: Policy 70-Complaint Resolution](#)

[University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints](#)

**UC SANTA BARBARA POLICY AND PROCEDURE**

Local Implementing Procedures for the Whistleblower Policy

June 2012

Page 8 of 8

[University of California, Santa Barbara Implementing Procedures for the Whistleblower Protection Policy](#)

[University of California Policy for Reporting and Investigating Allegations of Suspected Improper Governmental Activities](#)

[University Policy on Integrity in Research, Office of the President, June 1990](#)

[University of California Research Misconduct Policy and Procedures](#)

[University of California Sexual Harassment Policy](#)