



Policy

7700 Whistleblower Protection

The Chancellor shall establish procedures regarding the reporting and investigation of suspected unlawful activities by District employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, “unlawful activity” refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or District policy.

Individuals are encouraged to report suspected incidents of unlawful activities or incidents in violation of Board Policies. Such reports are investigated thoroughly and in a timely manner, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, District employees shall not:

- retaliate against an employee, or applicant for employment, who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order;
- retaliate against an employee, or applicant for employment, because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or
- directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an employee, or applicant for employment, to make a protected disclosure to the District. The District will not tolerate retaliation and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it, up to and including termination.

Cross References (see also):

- YCCD Policy 3430 – Prohibition of Harassment
- YCCD Policy 3433 – Prohibition of Sexual Harassment under Title IX
- YCCD Policy 3434 – Responding to Harassment Based on Sex under Title IX
- YCCD Policy 3435 – Discrimination and Harassment Complaints and Investigations
- YCCD Policy 3540 – Sexual and Other Assaults on Campus
- YCCD Policy 3-8020 – Due Process
- YCCD Policy 5500 – Standards of Student Conduct
- YCCD Policy 5530 – Compliant Policy

References:

Education Code Sections [87160-87164](#); Government Code Section [53296](#); Labor Code Section [1102.5](#); [Private Attorney General Act of 2004 \(Labor Code Section 2698\)](#); [Affordable Care Act \(29 U.S. Code Section 218C\)](#)

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Revision Adopted: ~~February 11, 2009, October 12, 2016~~, February 10, 2021

Last Reviewed: ~~October 12, 2016~~, February 10, 2021

Administrative Procedure

7700 Whistleblower Protection

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly, and appropriate remedies applied. Employees, or applicants for employment, who, in good faith, reported such activities and/or assist the District in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in Board Policy 7700 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

Filing a Report of Suspected Unlawful Activities

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from any source, inside or outside of the District.

Anonymous reports will be investigated to the extent possible. However, employees, or applicants for employment, are strongly encouraged not to report anonymously because doing so impedes the District’s ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee’s immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any other District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. When the alleged unlawful activities involve a college president, the report should be made directly to the Chancellor. When the alleged unlawful activity involves the Chancellor, the report should be made to the Chair of the Board of Trustees. When the alleged unlawful activity involves the Board of Trustees or one of its members, the report should be made to the Chancellor who will confer with the Chair of the Board of Trustees and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing to assure a clear understanding of the issues raised but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his or her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he or she must immediately forward to the President of the College where the alleged activity has occurred or to the Chancellor if the activity involves the District Office or is District-wide. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The high-level administrator or Trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the

1 competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an
2 outside investigator is secured if deemed necessary.

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4 In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or
5 interviewed shall be advised of the District's no-retaliation policy. Each individual shall be: a) warned that
6 retaliation against the reporter(s) and/or others participating in the investigation will subject the
7 employee to discipline up to and including termination; and b) advised that if he or she experiences
8 retaliation for cooperating in the investigation, then it must be reported immediately.

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10 In the event that an investigation into alleged unlawful activity determines that the allegations are
11 accurate, prompt, and appropriate corrective action shall be taken.

12 Protection from Retaliation

13 When a person makes a good-faith report of suspected unlawful activities to an appropriate authority,
14 the report is known as a "protected disclosure." District employees and applicants for employment who
15 make a protected disclosure are protected from retaliation. A District employee or applicant whose family
16 member makes a protected disclosure is also protected from retaliation.

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19 Any employee, or applicant for employment, who believes he or she has been (1) subjected to or affected
20 by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity
21 that would result in a violation of law, should report such conduct to the appropriate supervisory
22 personnel (if such supervisory personnel is not the source of, or otherwise involved in the retaliatory
23 conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory
24 conduct, is required to advise their College President, the Chancellor or the Chancellor's designee. If the
25 allegations of retaliation, or the underlying allegations of unlawful conduct involve the President or
26 Chancellor, the supervisor shall report to the highest level administrator and/or Trustee who is not
27 implicated in the reports of unlawful activity and retaliation

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29 All allegations of retaliation shall be investigated promptly and with discretion, and all information
30 obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate,
31 remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise
32 substantiated.

33 Whistleblower Contact Information

34 Employees who have information regarding possible violations of state or federal statutes, rules, or
35 regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its
36 shareholders, investors, or employees should contact the California Community Colleges Chancellor's
37 Office or the Board of Trustees for the District. Employees can contact the State Personnel Board with
38 complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is
39 (916) 653-1403.

40 Other Remedies and Appropriate Agencies

41 In addition to the internal complaint process set forth above, any employee who has information
42 concerning allegedly unlawful conduct may contact the appropriate government agency.

43 Cross References (see also):

44 YCCD Policy 3430 – Prohibition of Harassment

45 YCCD Policy 3433 – Prohibition of Sexual Harassment under Title IX

- 1 YCCD Policy 3434 – Responding to Harassment Based on Sex under Title IX
- 2 YCCD Policy 3435 – Discrimination and Harassment Complaints and Investigations
- 3 YCCD Policy 3540 – Sexual and Other Assaults on Campus
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8 **References:**

9 Education Code Sections [87160-87164](#); Government Code Section [53296](#); Labor Code Section [1102.5](#);
10 [Private Attorney General Act of 2004 \(Labor Code Section 2698\)](#); [29 U.S. Code Section 218C \(Affordable](#)
11 [Care Act\)](#)

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13 **Procedure Last Revised:** ~~March 8, 2006, February 24, 2010, October 12, 2016,~~ February 10, 2021

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Last Reviewed: ~~October 12, 2016,~~ February 10, 2021