

Whistleblower Policy BOD Training

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What is a Whistleblower?

- ▶ A “whistleblower” is a person who suspects an agency, individual, etc., is acting improperly or illegally
- ▶ Several years ago, following the Enron scandal, many companies put Whistleblower Policies in place
- ▶ These policies provide a way for people to alert others that something wrong might be going on
- ▶ Protects the whistleblower from action if they make a good faith claim

DDS Requirements

- ▶ The Department of Developmental Services (DDS) requires Regional Center Board members, as well as staff members, to review and sign the Whistleblower Policy annually



Completing the Form

- ▶ Important: A whistleblower claim is different than mandated reporting

Notice: Please be aware that making a report of abuse to RCRC in no way replaces a mandated reporter's responsibility to report abuse to Child or Adult Protective Services or other required regulatory entities.

Whistleblower Policy Statement

Policy

Redwood Coast Regional Center (RCRC) requires all directors and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. This policy is established to ensure that clients and their families, service providers (vendor/contractors), agencies, community members, members of the board of directors and regional center employees can report suspicions, concerns, or evidence of illegal, unethical or other inappropriate activity without fear of retaliation.

Definition of regional center or service provider whistleblower complaints:

Regional center or service provider (vendor/contractor) whistleblower complaints are defined as the reporting of an “improper regional center or service provider (vendor/contractor) activity.”

Improper Activity - Defined

- An “improper regional center activity” is defined as 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 in 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 service provider (vendor/contractor) activity” means an activity by a service provider (vendor/contractor), or an employee, officer or board member of a service provider (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.

Confidentiality

While maintaining confidentiality when requested by the complainant will be attempted during the investigation, this may not be possible in situations where statutory responsibilities such as ensuring the health and safety of clients or regional center contract compliance may require disclosure of confidential information. Prior to releasing identifying information, attempts will be made to notify the complainant of the need to release identifying information. Additionally, the identity of the complainant may be revealed to appropriate law enforcement agencies conducting a criminal investigation.



Process: Filing a Complaint

A whistleblower complaint may be received via telephone, fax, e-mail, and letter or in person. The recipient of the complaint should obtain sufficient information from the complainant to refer them to the appropriate person or division for review and resolution.

The complaint should include the complainant's name (if provided); contact information, the nature of the complaint; who or what the complaint is regarding; the names of the possible witnesses; and the date and time the complaint was received.

Although complaints may be filed anonymously, if insufficient information is provided and RCRC has no means to contact the complainant, RCRC may not be able to investigate the allegations.

It is RCRC's intent to adhere to all laws and regulations that apply to the Agency. The underlying purpose of this policy is to support the Agency's goal of legal compliance.



No Retaliation

No RCRC director, officer, or employee; nor client, family member, service provider, agency, or community member who reports a violation of the law shall suffer harassment, retaliation or adverse employment consequence. An RCRC employee who retaliates against someone who has reported a violation is subject to discipline up to and including termination of employment.

This Whistleblower Policy is intended to encourage and enable clients; families, service providers (vendors/contractors), agencies, community members and RCRC staff to report serious concerns within RCRC or service providers/service provider agencies prior to seeking resolution outside of the agency.



Notification Requirements

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RCRC's Whistleblower Policy along with the DDS Whistleblower Complaint Process is posted on the regional center's website. Notification of both regional center and the State's Whistleblower Policy will be provided annually to employees, board members, clients/families and the vendor community.



How to File a Whistleblower Complaint

- ▶ Complaints may be filed via telephone, fax, e-mail, and letter or in person.
 - ▶ To any member of the RCRC Director Team
 - ▶ To RCRC Board of Directors



I have received and read the RCRC's Whistleblower Policy and understand my responsibilities. I am aware that this policy can be found on the agency's website, along with the DDS Whistleblower Policy.

Board Member Signature _____

Acknowledgement



Questions?

- ▶ What questions do you have for me?



