



Santa Monica Community College District  
**District Planning and Advisory Council**  
**MEETING – MAY 8, 2013**  
**AGENDA**

A meeting of the Santa Monica Community College District Planning and Advisory Council (DPAC) is scheduled to be held on Wednesday, **May 8, 2013** at 3:00 p.m. at Santa Monica College, Drescher Hall Room 300-E (the Loft), 1900 Pico Boulevard, Santa Monica, California.

I. Call to Order

II. Members

Randal Lawson, Administration, Chair Designee  
Jeff Shimizu, Administration Representative

Brenda Benson, Management Association President  
Katharine Muller, Management Association Representative

Janet Harclerode, Academic Senate President, Vice-Chair  
Eve Adler, Academic Senate Representative

Mitra Moassessi, Faculty Association President  
Sandra Burnett, Faculty Association Representative

Bernie Rosenloecher, CSEA President  
Leroy Lauer, CSEA Representative

Parker Jean, Associated Students President  
Yacob Zuriaw, Associated Students Representative

III. Review of Minutes of the DPAC Meeting: April 24, 2013

IV. Agenda

Public Comments

*Individuals may address the District Planning and Advisory Council (DPAC) concerning any subject that lies within the jurisdiction of DPAC by submitting an information card with name and topic on comment is to be made. The Chair reserves the right to limit the time for each speaker.*

A. Board Policy/Administrative Regulation: Whistleblower Protection

B. Program Review Planning Summary

V. Adjournment

Meeting schedule through June, 2013 (second and fourth Wednesdays each month at 3 p.m.)

2013

May 22

June 12, 26

VI. Council of Presidents Meeting

The Council of Presidents will set the agenda for the May 22, 2013 DPAC meeting.

## **Board Policy 2116      Whistleblower Protection**

The Superintendent/President shall establish procedures regarding the reporting and investigation of suspected improper activities by District employees and the protection from retaliation of those who make such reports in good faith and/or participate in the investigation of such reports.

For the purposes of this policy and any implementing regulations, “improper activity” refers to any activity by the District or one of its employees that (a) violates a 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 (b) is economically wasteful or involves gross misconduct, incompetency, or inefficiency.

The regulations established by the Superintendent/President shall provide for the following:

1. Individuals may report suspected incidents of improper activities without fear of retaliation.
2. Reports are investigated thoroughly and promptly.
3. Remedies are applied when allegations regarding improper activities are verified or otherwise substantiated.
4. Protections are provided to and retaliation is prohibited against employees or applicants for employment who, in good faith, report suspected improper activities or participate in the investigation of such reports.
5. Protections are provided to and retaliation is prohibited against employees who refuse to obey an illegal order.
6. District employees shall not 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 individual or entity to make a report of a suspected improper activity to the District or to other non-District authorities.
7. Employees who violate this policy shall be subject to discipline up to and including termination.

### References:

Education Code Sections 87160-87164  
Labor Code Section 1102.5  
Government Code Section 53296  
Private Attorney General Act of 2004 (Labor Code Section 2698)  
Board Policy 6116 (Reporting Fraud, Waste or Abuse)

## **Administrative Regulation 2116      Whistleblower Protection**

Any individual may report suspected incidents of improper activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, report 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 improper activities, as defined\* in BP 2116 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

### Filing a Report of Suspected Improper Activities

Any person may report allegations of suspected improper activities. Knowledge or suspicion of such improper activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

District employees shall not directly or indirectly use or attempt to use the official authority or influence of their position for the purpose of interfering with the right of an individual or entity to make a report of a suspected improper activity to the District or to other non-District authorities.

Anonymous reports will be investigated to the extent possible. However, employees 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 improper activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected improper 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 another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged improper activity on behalf of the District. When the alleged improper activity involves the Superintendent/President, the report should be made to the chair of the Board of Trustees. When the alleged improper activity involves the Board of Trustees or one of its members, the report should be made to the Superintendent/President who will confer with the chair of the Board of Trustees and/or legal counsel on how to proceed.

Allegations of suspected improper activities should be made in writing so as 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.

## Internal Reporting and the Investigation Process

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged improper activity, he or she must immediately forward it to the Executive Vice President. 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 competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

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

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

Employees found to violate this Administrative Regulation shall be subject to discipline up to and including termination.

## Protection from Retaliation

When a person makes a good-faith report of suspected improper activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation.

Any employee who believes he or she has been subjected to or affected by retaliatory conduct for reporting suspected improper activity, or for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Executive Vice President. If the allegations of retaliation, or the underlying allegations of improper conduct involve the Superintendent/President, the supervisor shall report to the highest-level administrator and/or trustee who is not implicated in the reports of improper activity and retaliation.

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

## Whistleblower Contact Information

Employees may report suspected improper activities of employers or complaints of retaliation resulting from whistleblower activities to the California State Auditor Whistleblower Hotline at (800) 952-5665, or to the California State Attorney General's Whistleblower Hotline at (800) 952-5225. In addition, employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities at (916) 653-1403.

## Other Remedies and Appropriate Agencies

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

\*BP 2116 defines improper activity as “any activity by the District or one of its employees that (a) violates a 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 (b) is economically wasteful or involves gross misconduct, incompetency, or inefficiency.”

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Board Policy 2116