

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR

BAKERSFIELD May 23, 2002

CHANNEL ISLANDS

CHICO

DOMINGUEZ HILLS

FRESNO

FULLERTON

HAYWARD

HUMBOLDT

LONG BEACH

LOS ANGELES

MARITIME ACADEMY

MONTERAY BAY

NORTHRIDGE

POMONA

SACRAMENTO

SAN BERNADINO

SAN DIEGO

SAN FRANCISCO

SAN JOSE

SAN LUIS OBISPO

SAN MARCOS

SONOMA

STANISLAUS

MEMORANDUM

TO: CSU Presidents

FROM: Charles B. Reed Chancellor



SUBJECT: Reporting Procedures for Protected Disclosure of Improper
Governmental Activities and/or Significant Threats to
Health or Safety.

Attached is a copy of Executive Order No. 821, which establishes procedures for employees and applicants for employment at CSU to make protected disclosures.

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

CBR:ea

Attachment

cc: Chancellor's Office Staff

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4455

Executive Order No: 821

Title: Reporting Procedures for Protected Disclosure of Improper Governmental Activities and/or Significant Threats to Health or Safety

Effective Date: May 23, 2002

Supersedes: None

This executive order is established to further the intent of the California Legislature as stated in §8547.1 of the Government Code, a part of the California Whistleblower Protection Act. It establishes a procedure for employees and applicants for employment at CSU to make protected disclosures, as defined in this executive order. It also directs the president of each campus to establish similar procedures.

I. Definitions

A. "Employee" refers to any person employed by CSU.

B. "Applicant for employment" refers to an individual who has completed and submitted the application form for a specific, available position at a CSU campus or at the Chancellor's Office.

C. "Complainant" means an employee or applicant for employment who files a report and makes a protected disclosure under this executive order.

D. "Improper governmental activity" means any activity by a CSU department or 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 government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, or (2) is economically wasteful, or involves gross misconduct, incompetence, or inefficiency.

E. "Protected disclosure" means any good faith communication that discloses information that may evidence (1) an improper government activity, or (2) any condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

F. "Working days" means Monday through Friday excluding all officially recognized university holidays or closure of the campus where the complaint originated.

II. General Provisions

- A. All time limits refer to working days.
- B. Time periods set forth in this executive order may be extended by the vice chancellor of human resources, provided she/he informs the complainant of the new time period in writing.
- C. Complaints, responses and investigations under this executive order shall be shared only with individuals who have a legitimate business reason to know.

III. Protected Disclosures at the Office of the Chancellor, California State University

- A. Any employee or applicant for employment may make a protected disclosure to the vice chancellor of human resources no later than thirty (30) days after the event giving rise to the protected disclosure or no later than thirty days after the employee or applicant for employment knew or reasonably should have known of the event.
- B. The protected disclosure shall be in writing and contain the following information:
 - 1. The name and mailing address of the complainant, the complainant's working title, or the position applied for.
 - 2. A detailed description of the specific actions that constituted the alleged improper governmental activity or condition that may significantly threaten the health or safety of employees or the public, including the name(s) and title(s) of CSU employee(s) or official(s) allegedly engaged in the improper governmental activity or responsible for the health or safety condition.
 - 3. The date(s) the alleged improper activities occurred or the condition developed.
 - 4. Other potential witnesses to the alleged improper activities or condition.
 - 5. Any documentation that supports the allegations of improper activities or of a threatening condition.
 - 6. Descriptions of documents that support the allegations of improper activities or of a threatening condition, if the actual documents are not in the possession of the complainant.
 - 7. The protected disclosure must be signed, dated, and contain a sworn statement under penalty of perjury that its contents are believed to be true.

IV. Response to Protected Disclosures Made to the Vice Chancellor of Human Resources

- A. The vice chancellor shall acknowledge receipt of the written protected disclosure in writing within ten (10) days of receipt.

B. Upon receipt of a protected disclosure complying with the provisions of section III.B. above, the vice chancellor of human resources may commission an investigation of the matter.

C. Care shall be taken to keep confidential the identity of the complainant in so far as feasible and consistent with the law.

D. If the vice chancellor determines that there is reasonable cause to believe that improper governmental activity has occurred or that a condition that may significantly threaten the health or safety of employees or the public exists, the vice chancellor shall report this information with a recommendation for appropriate action to the chancellor.

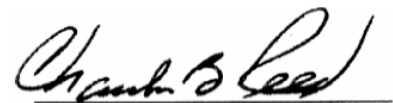
E. The chancellor will determine what action, if any, is necessary. Within ninety (90) days of receipt of the protected disclosure, the vice chancellor of human resources shall issue a formal response to the complainant that includes whether the allegations were substantiated and what, if any, actions were taken. Care shall be taken to protect the privacy interests of those involved.

F. CSU will notify the California Department of Finance, Office of State Audits and Evaluation, and the Bureau of State Audits, of all cases of actual or suspected fraud, theft or other irregularities it learns of as the result of any protected disclosures made under this executive order,

V. Protected Disclosures made on Campus

A. While employees and applicants for employment at any CSU campus may make a protected disclosure directly to the vice chancellor of human resources under this executive order, they may also make a protected disclosure on the campus. For that purpose, each campus president shall appoint an appropriate campus administrator to receive any such protected disclosures, which will then be processed on the campus in accordance with the procedures in this executive order, except that the campus president shall substitute for the chancellor.

B. Campuses are required to notify the vice chancellor of human resources of all cases of actual or suspected fraud, theft or other irregularity and must also meet the notification requirements under Section IVY above.



Charles B. Reed, Chancellor

Dated: May 23, 2001