

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR



January 6, 2005

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 - Executive Order No. 929

Attached is a copy of Executive Order No. 929, which revises Executive Order 821 to clarify several points. First, it is the campuses' responsibility to adopt and implement the procedures set out in this executive order instead of establishing their own procedures for handling protected disclosures filed by employees and applicants for CSU employment. Second, protected disclosures that are forwarded to the campuses by the California State Auditor, as opposed to being filed directly at the Chancellor's Office or the campuses, are not covered by this executive order. Guidance on how to handle these protected disclosures should be sought from the Office of University Auditor as the need arises. Third, the requirement for campuses to notify the vice chancellor of human resources of all protected disclosures of actual or suspected fraud, theft or other irregularities is distinct from, and unrelated to, any reporting requirement having to do with complaint tracking.

If you have questions regarding this executive order, please call Employee Relations at (562) 951-4425.

In accordance with the policy of the California State University, the campus president has the responsibility for implementing Executive Order 929 and for maintaining the campus repository and index for all executive orders.

CBR/eb

Attachment

cc: Executive Staff, Office of the Chancellor
Vice Presidents, Administration
Vice Presidents, Faculty Affairs
Vice Presidents, Student Affairs
Human Resources Directors
Equal Employment Opportunity Directors

BAKERSFIELD

CHANNEL ISLANDS

CHICO

DOMINGUEZ HILLS

FRESNO

FULLERTON

HAYWARD

HUMBOLDT

LONG BEACH

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

POMONA

SACRAMENTO

SAN BERNARDINO

SAN DIEGO

SAN FRANCISCO

SAN JOSE

SAN LUIS OBISPO

SAN MARCOS

SONOMA

STANISLAUS

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4425

Executive Order: 929
Effective Date: January 6, 2005
Supersedes: Executive Order No. 821
Title: **Reporting Procedures for Protected Disclosure of Improper Governmental Activities and/or Significant Threats to Health or Safety**

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 file protected disclosures (as defined in this executive order) with the Chancellor's Office or the campus, and provides instructions on how to handle such protected disclosures. For guidance in handling protected disclosures that are forwarded by the California State Auditor, the campuses should consult the Office of University Auditor at the Chancellor's Office.

I. Definitions

- A. "Employee" refers to any person employed by CSU.
- B. "Applicant" refers to an individual who has completed the application process 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 IV.F.

These notification requirements are unrelated to the provisions of a separate CSU policy, which requires campuses to forward a copy of all grievances and complaints filed at the campus to Employee Relations or Labor Relations, as appropriate, for the purpose of inputting and tracking them in a database.



Charles B. Reed, Chancellor

Dated: January 6, 2005