

XIV. WHISTLEBLOWER POLICY

POLICY

It is the policy of the Regional Center of Orange County (RCOC) that employees, board members, consumers/families and the vendor community have notice of and the opportunity to report alleged improper regional center and improper vendor/contractor activity through a whistleblower complaint process.

- An “improper regional center activity” means 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 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.
- An “improper vendor/contractor activity” means an activity by a vendor/contractor, or an employee, officer, or board member of a 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.

The Regional Center and the Department of Developmental Services (DDS) have a variety of complaint and appeal processes available to vendor/contractors, agencies, facilities, parents, and consumers. These include Consumer Rights Complaints, Early Start Complaints, Due Process Requests, Mediation Conference Requests, Lanterman Act, Fair Hearing Requests, Title 17 Complaints, Citizen Complaints and Comments and Vendor Appeals. Each of these complaint and appeal processes has separate and distinct procedures for resolution. This policy relates only to Regional Center and Vendor/Contractor Whistleblower Complaints as described above.

Nothing in this policy shall dissuade or prohibit complaints of alleged improper activity to be made using the other complaint or appeal processes or other less formal means to make such complaints known.

Confidentiality

The investigating party will make every effort to maintain the confidentiality of a complainant making a whistleblower complaint if the complainant requests confidentiality. However, in the rare circumstances where the investigating party is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of consumers and regional center contract compliance), the investigating party will attempt to inform the complainant of its need to disclose certain information prior to releasing identifying information. Additionally, the identity of the complainant may be revealed to appropriate law enforcement agencies conducting a criminal investigation.

No Retaliation

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns about alleged improper regional center and vendor/contractor activities and permit an investigating party the opportunity to investigate and take appropriate action.

No person who reports a violation of this policy shall suffer harassment, retaliation or adverse employment consequences. The regional center Executive Committee will investigate complaints of retaliation following an established process. An employee who harasses or retaliates against someone who has reported a violation in good faith is subject to discipline up to and including immediate termination of employment.

Notification Requirements

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

PROCEDURE

A Whistleblower Complaint about alleged improper regional center or vendor/contractor activity may be filed by contacting any of the following:

- RCOC's Directors (includes Executive Director, Chief Operating Officer, Chief Financial Officer, Chief Medical Officer, Director of Organizational Effectiveness).
- RCOC's Board of Directors Executive Committee (includes RCOC Board Chairperson, Vice Chair, Secretary, Treasurer and Corporate Counsel).
- Members of the Board of Directors of Regional Center of Orange County (contact may be made by phone call or e-mail through the RCOC Executive Assistant to the Board; or attendance at a board meeting).
- Department of Developmental Services - Community Operations Division
- Department of Developmental Services - Community Services and Supports Division (for Early Start program services)

The regional center will utilize an established process to investigate and take appropriate action on complaints, including complaints of retaliation. An initial review process will determine the appropriate venue for the complaint which could result in referral to another entity or process as described in the "Policy" section.

A Whistleblower Complaint shall contain a clear and concise statement of the alleged improper activity and any evidence to support the allegation. If a name or other information (witness or

documents) is not provided that clearly identifies the person alleged to have acted improperly, and the regional center or vendor/contractor where that person works, the investigating party may not have sufficient information to investigate. Original documents should be provided when submitting written information. The submitting party should keep copies of all submitted documents for their records.

Although complaints may be filed anonymously, if insufficient information is provided and the investigating party has no means to contact the complainant, it may not be possible to investigate the allegation.

Employees with questions about this policy should contact the Human Resources Manager or a member of the Executive Committee.

GUIDING PRINCIPLES

- The public funds that support the service system are expended in a fashion that is cost-effective, consumer-directed, consistent with good business practices, and that reflect careful stewardship.
- The governing Board of the Regional Center of Orange County is representative of and accountable to the community served by RCOC.
- RCOC Board of Directors will be actively involved in the organization (i.e., attendance and participation). The Board provides appropriate support to maximize effective participation by all its members.
- RCOC aspires to the highest standards of ethical conduct: doing what we say; reporting information with accuracy and transparency; and maintaining full compliance with the laws, rules and regulations that govern RCOC's business.

Last Policy Review Date: August 15, 2011

Date Revisions Approved by Board: September 1, 2011

Date of Next Review: on or before September 1, 2012