WESTSIDE REGIONAL CENTER

WESTSIDE REGIONAL CENTER COMMUNITY & STAFF

WHISTLEBLOWER POLICY

PURPOSE:

This policy is intended to provide Westside Regional Center (WRC) employees, board members, service providers, contractors, individuals served and their families and other partners and friends with guidance and structure for reporting any perceived improper regional center activity and/or any perceived improper service provider/contractor activity, without fear of retaliation. WRC welcomes reports of reasonable suspicions, concerns or evidence of illegal, unethical or inappropriate activity so long as such reporting is in good faith. Good faith in this context means that the complaint is filed for the purpose of correcting a WRC employee or service provider/contractor related problem or eliminating a bad practice, and that the complaint is based on reasonable suspicion or knowledge of the facts.

WRC's Whistleblower policy protects those making whistleblower complaints from any form of retaliation for the good faith reporting of perceived improper activity committed by WRC employees, board members or service providers/contractors. No adverse action will be taken against the person filing the complaint simply because a complaint has been filed. WRC employees, service providers/contractors and board members are expected to adhere to the highest standards of business and personal ethics in carrying out their duties and responsibilities.

POLICY:

Definition of Regional Center or Service Provider/Contractor Whistleblower Complaints: Regional Center or Service Provider/Contractor Whistleblower complaints are defined as the reporting of an "improper regional center or service provider/contractor activity".

- An "improper regional center activity" refers to 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; is in violation of contract provisions; amounts to fraud or fiscal malfeasance; amounts to misuse of government property; or constitutes gross misconduct, incompetency, or inefficiency.

- An "improper service provider/contractor activity" means an activity by a service provider/contractor or an employee, officer, or board member of a service provider/contractor, in the provision of the Department of Developmental Services (DDS) funded services, that is in violation of a state or federal law or regulation; is in violation of

contract provisions; amounts to fraud or fiscal malfeasance; amounts to misuse of government property; or constitutes gross misconduct, incompetency, or inefficiency.

1. FILING COMPLAINTS

WRC has a variety of complaint and appeal processes available to individuals served and their families, service providers, agencies, community members, and WRC staff. These include Consumer Rights Complaints (Welfare and Institutions section 4731 Complaints); Early Start Complaints, Due Process Requests, and Mediation Conference Requests; Lanterman Act Fair Hearing Requests; Title 17 Complaints; Citizen Comments and Complaints; and Whistleblower Complaints. (*See* https://www.dds.ca.gov/general/appeals-%20complaints-comments/ *for additional information*). Each of these complaint and appeal processes has separate and distinct procedures for resolution. The process described in this Policy relates only to Westside Regional Center or Service Provider/Contractor Whistleblower complaints as described above.

Any complaint should include a clear and concise statement of the improper activity and include any available evidence to support the allegation. It should be **factual** and not speculative.

If those who submit the complaint do not provide a name or other information (witnesses or documents) that clearly identifies the person whom the complaint alleges has acted improperly, and the regional center or service provider/contractor where that person works, the regional center and its Board may not have sufficient information to investigate. Copies of documents, rather than originals, should be submitted, because such materials cannot be returned.

Although complaints may be filed anonymously, if insufficient information is provided and the Regional Center or its Board have no means to contact the individual or group lodging the complaint, investigation of the allegation may not be possible.

This Whistleblower Policy shall not be used to resolve disputes concerning the nature, scope, or amount of services and supports that should be included in an individual program plan (IPP) or individualized family service plan (IFSP), for which there is an appeal procedure established in the Lanterman Act and or the Early Intervention Services Act, or disputes regarding rates or audit appeals for which there is an appeal procedure established in regulations. Those disputes shall be resolved through the appeals procedure established by the Lanterman Act, the Early Intervention Services Act or in applicable established regulations.

1. **Complaints may be filed with WRC staff by contacting:**
   Executive Director – Westside Regional Center
   5901 Green Valley Circle, Ste. 320, Culver City, CA 90230-6953
   (310) 258-4000 or JaneB@WestsideRC.org
   Executive Assistant (310) 258-4201 or PeggyB@WestsideRC.org
   Director of Community Services (310) 258-4042 or AndyP@WestsideRC.org

2. **Complaints may also be filed with DDS by contacting:**
   Community Services Division
   1215 O Street
   MS 8-20
   Sacramento, CA 95814
   (916) 651-6309, fax (916) 654-3641

3. **Complaints may also be filed with the Board of Directors**
   A complaint may also be filed with the President of the WRC Board of Directors by contacting wrc-bod@westsiderc.org.

2. NO RETALIATION

No individual or agency who or which reports a violation of the law or regulation or other inappropriate action or condition, in good faith, shall suffer harassment, retaliation or adverse consequence. A WRC staff member who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including immediate termination of employment. This Whistleblower Policy is intended to encourage and enable individuals served and their families, service providers, agencies, community members, and WRC staff to report serious concerns within WRC prior to seeking resolution outside of the agency. Accordingly, no Service Provider/Contractor, individual served or family member will be retaliated against in any way for filing a Whistleblower Complaint in good faith.

3. PROCESS OF INVESTIGATION

A Regional Center or Service Provider/Contractor Whistleblower complaint may be received by anyone listed above via phone, fax, e-mail, letter, or in person. The recipient of the complaint shall obtain sufficient information from the complainant to refer the complaint to the appropriate person or division for review and resolution. If the complaint is verbal, the recipient of the complaint shall document the information provided by the complainant, including 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. The name of the person who received the complaint shall also be noted in the referral to the appropriate person or division.

All reports will be promptly investigated and appropriate corrective action will be taken if warranted by a whistleblower complaint investigation. The recipient of the complaint will notify the person complaining of its conclusions and any action taken if the complaint is not anonymous. This information will be provided to the extent that it does not breach any confidentiality right of an individual served, their family or of an employee. This investigation process also applies to complaints of retaliation.

4. **ACTING IN GOOD FAITH**

Anyone filing a Whistleblower complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing that the information disclosed supports a finding of violation of the law or regulation or other inappropriate behavior or condition. Any allegations that prove to be unsubstantiated and which are found to have been made maliciously or to be knowingly false will be viewed as a serious offense.

5. **CONFIDENTIALITY**

WRC will make best efforts to maintain the confidentiality of a complainant making a whistleblower complaint if the complainant requests confidentiality. However, there may be circumstances in which WRC is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of individuals served and regional center contract compliance). In those circumstances, WRC 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. All mandatory abuse reporting requirements will remain in effect as an exception to confidentiality.

6. **NOTIFICATION OF WHISTLEBLOWER POLICY**

WRC will post the Whistleblower Policies on its website and notify employees, board members, individuals served and their families, and the service provider community of both WRC's and the State's Whistleblower Policies within 30 days of the effective date of any change in those policies and annually thereafter in the following ways:

1. Employees will receive an initial e-mail with attachments of the policies. Subsequently,

employees will be reminded of the existence of the policies at the time they sign their annual performance evaluation policy review statement.

2. Board Members will receive copies of the policies in their Board Packets.
3. Individuals served and their families will receive notification of how they can access the policies in their annual Services Cost Statement.
4. The service provider community will receive an annual notification in the payment process of how they can access the policies.