



**TRI-COUNTIES REGIONAL CENTER
TCADD BOARD POLICY**

Policy Title: Whistleblower Policy
Policy Number: B0007
Date Approved: 06/06/09; Revised 11/04/11

BOARD COMMITTEE RESPONSIBLE FOR THIS POLICY:

Audit Committee

PURPOSE:

Tri-Counties Association for the Developmentally Disabled, Inc., d.b.a. Tri-Counties Regional Center (“TCRC”) Code of Ethics (“Code”) requires directors, officers, employees, and vendors/contractors of TCRC to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. This policy is established to ensure that TCRC’s board members, officers, employees, vendors/contractors and other key individuals can report good faith suspicions, concerns, or evidence of illegal, unethical or other inappropriate activity without fear of retaliation.

DEFINITIONS:

Regional center or vendor/contractor Whistleblower complaints are defined as the reporting of an "improper regional center or vendor/contractor activity". An “improper regional center activity” is defined as 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 State 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. It is understood that not all complaints filed may rise to the level of a whistleblower violation and such issues may be resolved without the need of actions described in this policy.

POLICY:

1. Reporting Responsibility

It is the responsibility of all directors, officers, employees and vendors/contractors to comply with the Code and to report any wrongdoing, or violations or suspected violations in accordance with this Whistleblower Policy.

2. No Retaliation

No director, officer, employee, vendor/contractor or any other individual who reports a violation of the Code shall suffer harassment, retaliation or adverse employment/contractual or any other service consequence. A TCRC employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including immediate termination of employment.

Any officer, employee, vendor/contractor or any other individual who experiences any form of retaliation for filing a whistleblower claim should contact the TCRC Director of Human Resources. Retaliation claims will be thoroughly investigated by the Human Resources Director, including legal consultation as necessary, and appropriate action will be taken.

3. Reporting Violations

TCRC has an open door policy and suggests that board members, directors, officers, employees, vendors/contractors and other individuals share their questions, concerns, suggestions or complaints, or evidence of wrongdoing, with someone within TCRC who can address them properly. For employees, in most cases, an employee's supervisor is in the best position to address an area of concern. However, if an employee is not comfortable speaking with his/her supervisor or the employee is not satisfied with his/her supervisor's response, he/she is encouraged to speak with someone in the Human Resources Department or anyone in management who he/she is comfortable in approaching. Supervisors and managers are required to report suspected violations of the Code to TCRC's Human Resources Director who will facilitate a referral as necessary to TCRC's Ethics Committee or Ethics Council. For suspected fraud, or when a person is uncomfortable with reporting to the aforementioned people, or following TCRC's open door policy, all employees, including managers and supervisors, should contact the TCRC's Ethics Committee or Ethics Council directly.

The Department of Developmental Services (DDS) has a variety of complaint and appeal processes available to vendors/contractors, agencies, facilities, parents, and consumers. These include Consumer Rights Complaints; Early Start Complaints, Due Process Requests, and Mediation Conference Requests; Lanterman Act Fair Hearing Requests; Title 17 Complaints; Citizen Complaints and Comments (see [Appeals, Complaints & Comments](#) for a complete list). Each of these complaint and appeal processes has separate and distinct procedures for resolution. This policy relates only to the Regional Center or Vendor/Contractor Whistleblower complaints as described herein. The DDS Whistleblower policy is accessible via TCRC's website at tri-counties.org and DDS' website at dds.ca.gov.

4. How to File a Whistleblower Complaint

A clear and concise statement of the improper activity and any evidence must be submitted to support the allegation.

If name(s) or other information (witnesses or documents) are not provided that clearly identifies the person who allegedly has acted improperly, and the regional center or vendor/contractor where that

person works, there may not be sufficient information to investigate. Copies of documents, rather than originals, should be submitted, as they cannot be returned.

Although complaints may be filed anonymously, if insufficient information is provided and there is no means to contact the complainant, the allegations may not be able to be thoroughly investigated.

A complaint may be filed by contacting:

TCRC Director of Human Resources

520 East Montecito Street, Santa Barbara, CA 93103

805-558-7217

FAX 805-884-7224

Complaints may also be reported to the TCADD Board of Directors through the Ethics Committee as described below. The Ethics Committee is comprised of at least one TCRC Board of Directors representative who is available for contact regarding any whistleblower complaint at:

TCADD Board Representative

520 East Montecito Street, Santa Barbara, CA 93103

E-mail: tcadd_president@tri-counties.org

Complaints will be periodically reviewed by the full Board.

5. Ethics Committee & Ethics Council

TCRC has established an Ethics Committee (for external stakeholders) and an Ethics Council (for employees) to encourage, support and facilitate ethical conduct and decision-making amongst organizations and individuals working on behalf of people with developmental disabilities. The Director of Human Resources is responsible for investigating and/or resolving all reported complaints and allegations concerning reported wrongdoing and/or violations of the Code and shall advise the Executive Director, the Audit Committee, the Ethics Committee, the Ethics Council and/or the President of the TCADD Board of Directors as necessary. It is understood that not all complaints filed may rise to the level of a whistle blower violation and such issues may be resolved without the need of additional review. The Ethics Committee may be accessed through the TCADD Board Vendor Advisory Committee or contact information will be provided by TCRC's Executive Assistant at (805) 884-7215. Information on how to contact the Ethics Council will be provided by the TCRC Human Resources Director at (805) 884-7217.

6. Accounting and Auditing Matters

The Audit Committee of the TCADD Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Ethics

Committee or Ethics Council shall immediately notify the Audit Committee of any such complaint and work with the committee until the matter is resolved.

7. Confidentiality

TCRC will do everything possible to maintain the confidentiality of a complainant making a whistleblower complaint if the complainant requests confidentiality. However, under circumstances where TCRC is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of persons served), TCRC 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.

8. Handling of Reported Violations

All reports will be promptly investigated and appropriate corrective action will be taken as warranted by the investigation. The originator of a whistleblower claim will be sent a confirmation message referencing the date the claim was received under the condition that a whistleblower claim is substantiated. A final communication to the originator will be sent indicating that as a result of the investigation, steps have or will be taken to either remediate the situation or ensure that similar situations do not occur in the future. The message will also contain contact information for any further communication.

9. Whistleblower Records

The Director of Human Resources will maintain the records of all whistleblower complaints and correspondence for future audits.

10. Notification

TCRC shall notify all employees, board members, persons served, families, and the vendor community of both the regional center's and the State's Whistleblower policy within 30 days of the effective date of the regional center's policy and annually thereafter.

REVISION HISTORY

06/06/09: First approved

11/05/10: Revision per new contract language between ARCA and DDS

11/04/11: TCRC Revision per DDS Memo of 9/30/11