

# **SAN DIEGO REGIONAL CENTER COMMUNITY & STAFF WHISTLEBLOWER POLICY**

## **Purpose:**

As employees and representatives of San Diego Regional Center (SDRC), we must practice honesty and integrity in fulfilling our responsibilities to comply with all applicable work laws and regulations. This policy is established to ensure that clients, families, service providers, agencies, community members, and regional center staff can in good faith report suspicions, concerns, or evidence of illegal, unethical or other inappropriate activity without fear of retaliation.

## **Policy:**

### **Definition of Regional Center or Vendor/Contractor Whistleblower Complaints:**

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” 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 in 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 the Department of Developmental Services (DDS) funded services, that is in 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.

## **1. Filing Complaints**

SDRC has a variety of complaint and appeal processes available to clients, families, service providers, agencies, community members, and SDRC staff. These include Client Rights Complaints; Early Start Complaints, Due Process Requests, and Mediation Conference Requests; Lanterman Act Fair Hearing Requests; Title 17 Complaints; Citizen Complaints, and Comments (for list see <http://www.dds.ca.gov/Complaints/Home.cfm>). Each of these complaint and appeal processes has separate and distinct procedures for resolution. This process relates only to the Regional Center or Vendor/Contractor Whistleblower complaints as described above.

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, for which there is an appeal procedure established in the Lanterman 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 or in regulations.

### **Complaints may be filed with SDRC staff by contacting:**

1. Executive Director - San Diego Regional Center at  
*4355 Ruffin Road, San Diego, CA 92123, (858) 576-2933, fax (858) 576-2873*
2. Community Services Director - San Diego Regional Center at  
*4355 Ruffin Road, San Diego, CA 92123, (858) 576-2967, fax (858) 576-2827*
3. Human Resources Director - San Diego Regional Center at  
*4355 Ruffin Road, San Diego, CA 92123, (858) 503-4441, fax (858) 503-4445*

### **Complaints may also be filed with DDS by contacting:**

1. Community Operations Division (916) 654-1958, fax (916) 654-1987  
1600 9<sup>th</sup> Street, Room 320, MS3-9, Sacramento, CA 95814
2. Community Services and Supports Division (for Early Start Program Services)  
(916) 654-2716, fax (916) 654-3020  
1600 9<sup>th</sup> St., Room 340, MS 3-24, Sacramento, CA 95814

### **2. Filing a Complaint with the Board of Directors**

A complaint may also be filed with the President of the SDRC Board of Directors by contacting: SDRC's Board Liaison at 4355 Ruffin Road, San Diego, CA 92123, (858) 576-2933, fax (858) 576-2873

### **3. No Retaliation**

No individual who in good faith reports a violation of the law shall suffer harassment, retaliation or adverse consequence. An SDRC 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 clients, families, service providers, agencies, community members, and SDRC staff to report serious concerns within SDRC prior to seeking resolution outside of the agency.

### **4. Process of Investigation**

A Regional Center or Vendor/Contractor Whistleblower complaint may be received by anyone listed in sections #1 and #2 above via phone, fax, letter, or in person. The recipient of the complaint shall obtain sufficient information from the complainant to refer the complainant 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 the 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. This investigation process also applies to complaints of retaliation.

## **5. Confidentiality**

SDRC will do everything possible to maintain the confidentiality of a complainant making a whistleblower complaint if the complainant requests confidentiality. However, in the rare circumstances where SDRC is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of clients and regional center contract compliance), SDRC 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**

SDRC will post the Whistleblower Policies on its website and notify employees, board members, clients, families, and vendor community of both the SDRC and the DDS Whistleblower Policy within 30 days of this policy's effective date and annually thereafter by the following manner:

1. Employees will receive an e-mail with attachments of the policies within 30 days of the policy's effective date and annually thereafter. New employees will be provided with the SDRC and DDS Whistleblower policies at the time of hire.
2. Board Members will receive copies of the policies in their Board Packets.
3. Clients and families will receive in their annual Services Cost Statement notification of how they can access the policies.
4. The vendor community will receive an annual notification in their invoices of how they can access the policies.

Adopted by the Board of Directors of the San Diego-Imperial Counties Developmental Services, Inc. on September 13, 2011