

Individuals are encouraged to report suspected incidents of unlawful activities by district employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, reported such activities and/or assist the district in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in Board Policy 7700, and addressing complaints of retaliation for making such reports.

Filing a Report of Suspected Unlawful Activities

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the district's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a district employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another district official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the district. When the alleged unlawful activity involves the superintendent/president, the report should be made to the president of the Board of Trustees. When the alleged unlawful activity involves the Board of Trustees or one of its members, the report should be made to the superintendent/president who will confer with the president of the board and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make

every attempt to get the reporter to confirm by his or her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he or she must immediately forward the written report to the Director of Risk Management or Director of Human Resources. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The high-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation and that the assistance of legal counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the district's no-retaliation policy. Each individual shall be (1) admonished to maintain strict confidentiality, (2) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination, and (3) advised that if he or she experiences retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt and appropriate corrective action shall be taken.

How to Report Suspicion of Fraud

The MiraCosta Community College District supports a culture of honesty wherein employees are provided with information to assist them in identifying possible signs of fraud and encourages them to report their suspicions without fear of reprisal.

Suspicion of fraud and occupational fraud should be reported on the district's internal fraud hotline at (800) 860-0597 or to the Director of Risk Management, at (760) 795-6866.

Protection from Retaliation

Any employee who believes he or she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report or who otherwise is aware of retaliatory conduct is required to advise the Director of Risk Management or the Director of Human Resources. If the allegations of retaliation or the underlying allegations of unlawful conduct involve the superintendent/president, the supervisor shall report to the highest-level administrator and/or trustee who are not implicated in the reports of unlawful activity and retaliation.

Other Remedies and Appropriate Agencies

In addition to the internal complaint process set forth above, any employee who has information concerning alleged unlawful conduct may contact the appropriate government agency. Any one of the following outside agencies may also be contacted:

- A. The State Auditor's Whistle-Blower Hotline at (800) 952-5665.
- B. Investigations, Bureau of State Audits, 555 Capitol Mall #300, Sacramento, CA 95814.
- C. State of California Department of Insurance Fraud Division, (619) 645-2485, 1495 Pacific Highway., Suite 300, San Diego, CA 92101
- D. WeTip Corporate Ethics Hotline, (800) 873-7283, P.O. Box 1296, Rancho Cucamonga, CA 91729-1296.
- E. www.wetip.com