



**POLICY TITLE:** Whistleblower Policy

**DATE REVISED:**

1. Approved by the Board of Directors on December 1, 2010
2. DDS Review Letter – August 1, 2011
3. Approved by the Board of Directors on September 28, 2011 – *Pending DDS Approval.*

**PURPOSE:**

Lanterman Regional Center requires members of the Board, officers, directors, all employees, contractors and service providers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Center, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. This policy is established to ensure that individuals can report suspicions, concerns, or evidence of illegal, unethical, improper activity without fear of retaliation.

**POLICY:**

**1. Reporting Responsibility**

If a FDLRC member of the Board, officer, director or employee, or if a FDLRC service provider or a member of a service provider Board, officer, director, or employee has knowledge of or a concern of an actual or suspected improper regional center activity and improper vendor/contractor activity in violation of applicable law or FDLRC policy, it is their responsibility to report such improper regional center activity and improper vendor/contractor activity in accordance with this Whistleblower Policy. An improper regional center activity, and an improper vendor/contractor activity is defined below:

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.

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 complaints 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.

## **2. No Retaliation**

No person who reports an improper regional center activity or improper vendor/contractor activity shall suffer harassment, retaliation or adverse employment consequence. An FDLRC employee who retaliates against someone who has reported a violation is subject to discipline up to and including immediate termination of employment. This Whistleblower Policy is intended to encourage and enable individuals to raise concerns to FDLRC, to permit FDLRC to investigate and, if the conduct is substantiated, to take appropriate corrective action.

## **3. Filing a Complaint**

Improper activity or suspected improper activity may be reported to the following contacts at Frank D. Lanterman Regional Center at any time as follows:

- Executive Director, Frank D. Lanterman Regional Center, 3303 Wilshire Blvd. Suite 700, Los Angeles, CA 90010 (213) 252-4900, or
- Director of Human Resources, Frank D. Lanterman Regional Center, 3303 Wilshire Blvd., Suite 700, Los Angeles, CA 90010 (213) 252-4924.

Improper activity or suspected improper activity may be reported to the President of the Board at any time by contacting the Center's Board Liaison who is also the Executive Unit Manager as follows:

- c/o Board Liaison - Executive Unit Manager, Frank D. Lanterman Regional Center, 3303 Wilshire Blvd., Suite 700, Los Angeles, CA 90010 (213) 252-4902.

Improper activity or suspected improper activity may be reported directly to the California Department of Developmental Services by following the complaint process outlined at [www.dds.ca.gov/complaint](http://www.dds.ca.gov/complaint).

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 as documents will be retained by FDLRC.

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.

#### **4. Compliance Officer**

The Center's Compliance Officer is responsible for coordinating the investigation and resolution of all reported complaints and shall advise the Executive Director and/or the Executive Committee of the Board of Directors. The Compliance Officer has direct access to the Executive Committee of the Board of Directors and is required to report to the Executive Committee and the Board of Directors at least annually on compliance activity. FDLRC's Compliance Officer is the Director of Human Resources.

#### **5. Anonymity and Confidentiality**

FDLRC 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 the Center is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of clients and regional center contract compliance), the Center 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.

Improper Activity or suspected improper activity may be submitted on an anonymous basis by the complainant. While knowing the source of the complaint will greatly aid any investigation, a complaint may be submitted anonymously. Reports of improper activity or suspected improper activity will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

#### **6. Process of Complaint Investigation**

A Regional Center or Vendor/Contractor Whistleblower complaint may be received by anyone listed in section #3 above via telephone, fax, e-mail, letter, or in person. The recipient of the complaint shall obtain sufficient information from the complainant. 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 noted in section #3. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation. The complaint officer will notify the complainant of the conclusions or the investigation 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.

## **7. Notification**

FDLRC Board Members, employees, service providers, clients and families shall be notified annually, via posting on the FDLRC website, and through other means, of this Whistleblower Policy as well as the State Department of Developmental Services Whistleblower Complaint Process. FDLRC Board Members and employees shall be required to acknowledge receipt of this Policy in writing annually and such acknowledgement shall be maintained in the Center's Board and personnel files.

Employees with questions about this policy should contact the Director of Human Resources.