

WHISTLE BLOWER POLICY

Who does the Whistleblower Policy protect?

This policy was 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.

What does “no retaliation” mean?

This means that no one who in good faith reports a violation of the law shall suffer harassment, retaliation or adverse consequence. A SCLARC 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 Whistle Blower Policy is intended to encourage and enable those whom SCLARC serves, their families, service providers, agencies, community members, and SCLARC staff to report serious concerns within SCLARC prior to seeking resolution outside of the agency.

Why does the policy exist?

The Joint Legislative Audit Committee in conjunction with the California Department of Developmental Services (DDS) requests that regional centers make sure all vendors be made aware of their rights when filing complaints.

Can I use this policy to support my dispute for vendor services?

The 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).

In addition, the Whistleblower Policy shall not be used for disputes regarding rates or audits. Those disputes shall be resolved through the appeals procedures established by the **Lanterman Act** or in regulations.

What qualifies as a valid complaint?

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.

What is the process for investigation of a complaint?

A Regional Center or Vendor/Contractor Whistleblower complaint may be received by SCLARC's executive staff listed below, via phone, fax, e-mail, letter, or in person. The recipient of the complaint should obtain sufficient information from the complainant to refer the complainant to the appropriate person or division for review and resolution. The person who receives the complaint should also be noted in the referral to the appropriate person or division.

If the complaint is verbal, the recipient of the complaint should document the information provided by the complaint, 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.

All reports will be promptly investigated and appropriate corrective action will be 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.

Will my complaint be kept confidential?

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

Who will be notified of complaints?

SCLARC will notify employees, board members, those whom SCLARC serves, their families, and vendor communities of both SCLARC's and the State's Whistleblower policy within 30 days of SCLARC's effective date and annually thereafter by the following manner:

- Employees will receive an initial email with attachments of the policies. Subsequently, employees will be reminded of the policy existence at the time they sign their annual performance evaluation policy review statement.
- Board Members will receive copies of the policies in their Board Packets. Clients and families will receive a hard copy by mail in their annual Services Cost Statement.
- The vendor community will receive copies in their invoices.

How Do I File A Complaint?

The Department of Developmental Services (DDS) has a variety of complaint and appeal processes available to vendors/contractors, agencies, facilities, families and those whom SCLARC serves. Each of these complaint and appeal processes can be found on the [Department of Developmental Services website](#) and have separate and distinct procedures for resolution. This process directive relates only to the Regional Center of Vendor/Contractor Whistleblower complaints as described above.

Like the Department of Developmental Services, SCLARC believes our community is best served by the open exchange of information and opinions. We are committed to providing mechanisms for the resolution of problems and complaints when they arise.

There are a number of formal processes that have been established for handling appeals and complaints. In order to fulfill our obligation to investigate your complaint fully, SCLARC will need the following information:

- A clear and concise statement of the improper activity and any evidence you have to support the allegation. If you do not provide a name or other information (witnesses or documents) that clearly identifies the person you are alleging has acted improperly, and the regional center or vendor/contractor where that person works, SCLARC may not have sufficient information to investigate.
- Copies of documents. (Copies are suggested because original documents cannot be returned.)

Although complaints may be filed anonymously, if insufficient information is provided and SCLARC cannot contact you, we may not be able to investigate your allegations.

Complaints may be filed with SCLARC staff by contacting:

Dexter Henderson

Executive Director

Email: DexterH@sclarc.org

Karmell Walker

Human Resources Director

Email: KarmellW@sclarc.org

Shantel Garcia

Fair Hearings / Governmental Affairs Manager

Email: ShantelG@sclarc.org

Complaints may also be filed with DDS by contacting:

Community Operations Division

Phone: (916) 651-6309

Fax: (916) 654-3641

1600 9th Street, Room 340, MS 3-9

Sacramento, CA 95814

Community Services and Supports Division (for Early Start Program Services)

Phone: (916) 651-6309

Fax: (916) 654-3641

1600 9th Street, Room 340, MS 3-9

Sacramento, CA 95814