

SECTION: **POLICY STATEMENT - WHISTLEBLOWER**

SUBJECT:

PURPOSE: To encourage employees and others to make good faith reports of any suspected malpractice or unlawful activity within the Otter Student Union so that actions can be managed effectively.

EFFECTIVE DATE: September 26th, 2018

HISTORICAL:

WHISTLEBLOWER

I. BACKGROUND

II. POLICY

The Otter Student Union has a responsibility to establish procedures for employees in accordance to the California State University's Executive Order No. 929. The organization is committed to compliance with the laws, rules, and regulations that govern California State University Monterey Bay and encourage its employees and other persons to report unlawful conduct. The Whistleblower will not be responsible for investigating, determining fault, and/or corrective measures for the reported activity. This policy aims to ensure that the Otter Student Union investigates and deals with disclosures fairly, promptly, and properly.

What to report as said by California State University's Personnel:

- Violations of state or federal law, including theft, fraud, or conflict of interest;
- Noncompliance with an executive order or Rule of Court; Noncompliance with the State Administrative Manual or the State Contracting Manual;
- Misuse or waste of state resources including property or employee time;
- Gross misconduct, incompetence, or inefficiency.

Definitions:

For Purposes of this policy:

Whistleblower. Any person or persons of an organization who discloses information about any unlawful or illicit activity within the organization.

Good Faith. Good faith is evident when the complaint is made without malice or consideration of personal gain and the individual has reasonable basis to believe that the complaint or concern is true. Good faith is lacking when the disclosure is known to be malice or false.

III. PROCEDURE

A. General Guidance

- i. This policy presumes that all persons will act in Good Faith and will not make false accusations when reporting any unlawful conduct. Any individual that reports false information may be subject to discipline determined by the Administration and Finance Committee.
- B. Commitment of the Administration and Finance Committee with Respect to Concerns or Complaints
 - i. At the discretion of the Committee, responsibilities of the Committee created by these procedures may be delegated to any member of the Committee or to a subcommittee of the Committee.
- C. Procedure for Allegation
 - i. Any person may submit a complaint, concern, or information regarding Otter Student Union matter to the Administration and Finance Committee of the Board of Directors. All submissions regarding Otter Student Union matter may be made **on an anonymous basis**. All complaints will be forwarded to the Chairman of the Administration and Finance committee via email.
 - ii. The person or persons submitting a complaint should fully disclose as much information as possible to assist with an effective investigation. This serves importance for anonymous reports as well due to not being able to contact the reporting person if any additional information is needed. All information of the Whistleblower, if disclosed, will be maintained in confidence to the extent possible within the needs of the law and/or any investigation.
 - iii. All submissions will be reviewed under the Administration and Finance Committees and oversight by such other persons as the Administration and Finance Committee determines appropriate. The review may include discussion on the complaint or concern with the reporting person, and any other investigation deemed appropriate including other persons, management, and/or the Otter Student Union's independent advisors. Prompt and appropriate actions will be taken when and as warranted determined by the judgement of the Administration and Finance Committee.
 - iv. Under privacy regulations, no further information will be disclosed to the Whistleblower regarding any allegations or actions being taken towards the accused.

IV. UNLAWFUL RETALIATION OR DISCRIMINATION

- A. Any complaint regarding matters of the Otter Student Union will not allow for the discharging, demotion, suspension, threatening, harassing or any matter of discrimination against any persons in compliance with the terms and conditions of employment based upon any lawful action with respect to good faith reporting of any complaint regarding the Otter Student Union.