

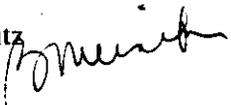
THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
400 Golden Shore
Long Beach, California 90802-4275

(310) 985-2800

Date: January 14, 1997

To: Presidents

From: Barry Munitz
Chancellor



Subject: Complaint Procedure for Allegations of Retaliation for Disclosure of Improper Governmental Activities

I am transmitting a copy of Executive Order No. 664 which establishes a complaint procedure for allegations of retaliation for disclosure of improper governmental activities.

In accordance with policy of The California State University, the campus President has the responsibility for implementing Executive Orders where applicable and for maintaining the campus repository and index for all Executive Orders.

BM:rp

Attachment

Distribution: Chancellor's Office Staff

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
400 Golden Shore
Long Beach, California 90802-4275
(310) 985-2800

Executive Order No.: 664

Title: Complaint Procedure for Allegations of Retaliation for Disclosure of Improper Governmental Activities

Effective Date: January 1, 1997

Supersedes: No Prior Executive Order

This Executive Order is established to fulfill the requirements of Section 8547.12 of the Government Code concerning the Reporting of Improper Governmental Activities Act. It prescribes guidelines for responding to complaints filed with the Office of the Chancellor by employees or applicants for employment who allege they have been retaliated against for having disclosed improper governmental activities. The purpose of this executive order is to provide a timely and effective procedure for the resolution of complaints of retaliation for disclosure of improper governmental activities by employees or applicants for employment.

The Vice Chancellor of Human Resources and Operations is the Chancellor's designee to receive written complaints made under this order and will be responsible for evaluating compliance with this order.

I. Campus Procedures

Section 8547.12 of the Government Code allows employees and applicants for employment to file a written complaint with their supervisor or manager in lieu of with the Chancellor's designee. Each campus president is responsible for developing and implementing a campus procedure, consistent with this executive order to respond to allegations by employees and applicants for employment of retaliation for the disclosure of improper governmental activities filed at the campus.

II. Definitions

- A. As used herein, "employee" refers to a permanent or tenured, probationary, temporary, or Management Personnel Plan employee who submits a complaint within the scope of this executive order.
- B. As used herein, "applicant for employment" refers to an individual who has completed the campus application form for a specific, available position for which he or she is minimally qualified and who submits a complaint within the scope of this executive order.
- C. *Respond and File*—The terms "respond" and "file" as used herein refer to personal delivery or deposit in the U.S. mail, certified with return receipt requested. If personal delivery is used, the calendar date of delivery shall establish the date of response or filing. If certified mail delivery is used, the postmark shall establish the date of response or filing.
- D. *Retaliation*—The term "retaliation" refers to the direct or indirect use by an employee of his or her official authority or influence for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any person for the purpose of interfering with that person's action of disclosing improper governmental activity done by any employee or official of the California State University.
- E. *Improper governmental activity*—The term "improper governmental activity" means any activity by a university department or employee that is undertaken in the performance of the employee's official

duties, whether or not that action is within the scope of his or her employment, and that (1) is in violation of any state or federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, or (2) is economically wasteful, or involves gross misconduct, incompetency, or inefficiency.

- F. *Complainant*—The term “complainant” means an employee or applicant for employment who files a complaint of retaliation under this executive order.

III. General Provisions

- A. All time limits refer to calendar days. If the last day of the described time limit falls on a weekend or campus holiday, the time limit shall be extended to the next campus working day.
- B. Time limits set forth in this executive order may be extended by mutual agreement in writing between the complainant and the Vice Chancellor of Human Resources and Operations. If the complainant, the Vice Chancellor, or material witnesses to the investigation are on approved leave of 7 days or more, the time limits shall be extended by the length of the leave.
- C. A complainant may withdraw a complaint at any time. Once the complaint is withdrawn, the complainant shall not file a subsequent complaint on the same alleged act of retaliation.
- D. Failure of the complainant to comply with the time limitations of this procedure shall render the complaint void and bar subsequent refile of the complaint.
- E. Complaints filed and responses and investigations thereto pursuant to this executive order shall be confidential.

IV. Complaint Process

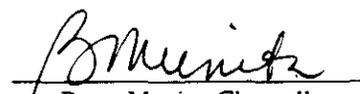
- A. An employee or applicant for employment may file a written complaint pursuant to this executive order within 12 months of the alleged act of retaliation.
- B. The complaint should be made on a form developed by the Vice Chancellor of Human Resources and Operations, and attached hereto as “Attachment 1.” However, any written complaint that conforms to the requirements of this executive order will be addressed.
- C. The written complaint must include all of the following information, or may be rejected as inadequate:
1. Be addressed or directed to the Vice Chancellor of Human Resources and Operations.
 2. The name and mailing address of the complainant, the complainant’s working title, or position applied for if the complainant was an applicant for employment.
 3. A detailed description of the specific actions that constituted the alleged improper governmental activity, including the name(s) and title(s) of the CSU employee(s) or official(s) allegedly engaged in the improper governmental activity.
 4. The name of the university official to whom the improper governmental activity was reported, and the date and manner of the disclosure. If the reporting was done in writing, a copy of the report should be enclosed with the complaint.
 5. A description of the specific actions taken that constituted the alleged retaliation, including the date or dates of such actions, and the names and titles of the university officials who allegedly took the retaliatory actions, and an explanation of the reasons why the complainant believes those actions were in retaliation for the reporting of improper governmental activity.

6. The complaint must be signed, dated, and contain a sworn statement that the contents of the written complaint are true, or are believed by the complainant to be true, under penalty of perjury.

V. Complaint Review

- A. The complaint will be acknowledged in writing by the Vice Chancellor of Human Resources and Operations within 7 days of receipt. The acknowledgment may include a request for additional information.
- B. The Vice Chancellor of Human Resources and Operations shall designate an investigator or investigators. The designated investigator(s) may be from the Chancellor's Office, the campus from which the complaint arose, or from another campus of The California State University, or may be an external consultant employed by the Vice Chancellor of Human Resources and Operations.
- C. The investigator(s) shall conduct an investigation. The investigation shall include a review of any supporting documentation supplied by the complainant, any response to the complaint supplied by the campus or employees alleged to have taken retaliatory action, the interviewing of witnesses, and any other action deemed appropriate by the investigator(s) in order to complete the investigation. The investigator(s), upon review of the complaint and supporting documentation, may also determine and advise the Vice Chancellor of Human Resources and Operations that the complaint failed to present specific and credible evidence to form an allegation of retaliation for disclosure of improper governmental activities.
- D. CSU employees are required to cooperate with the investigation and be completely honest in answering questions and providing information to the investigator(s).
- E. The complaint, any supporting documentation, any response by the campus, the conduct of the investigation, the report of the investigation, the summary, the complainant's response, and the letter of determination shall be treated as confidential matters.
- F. The investigator or investigators shall forward a written report to the Vice Chancellor for Human Resources and Operations within 45 days of commencing the investigation. The report shall include a *summary of the investigation and a conclusion whether or not retaliation for the reporting of improper governmental activities occurred.*
- G. The Vice Chancellor for Human Resources and Operations shall share a summary of the investigation *with the complainant. The complainant may file a written response to the summary with the Vice Chancellor within 14 days of receipt.*
- H. The Vice Chancellor of Human Resources and Operations shall respond with a letter of determination *within 14 days of the expiration of the time limits for the complainant to file a response as outlined in paragraph G. This letter of determination will act as the final CSU response to the complaint.*

Dated: December 16, 1996


Barry Munitz, Chancellor

Complaint of Retaliation for Reporting Improper Governmental Activities

Section 8547.12 of the Government Code forbids retaliation by any employee of the California State University against employees or applicants for employment for disclosing allegations of improper government activities. Allegations of such retaliation may be filed with the Vice Chancellor of Human Resources and Operations, Office of the Chancellor, 400 Golden Shore, Long Beach, CA 90802-4275.

Please provide all requested information. **Incomplete forms will not be reviewed.**

Name: _____

Home Address: _____

City _____ State _____ Zip Code _____

Campus & Address: _____

Check One: Employee _____

Title _____

Applicant for employment _____

Position applied for _____

Describe specifically and fully the alleged improper governmental activity: *(Use additional sheets of paper if necessary)*

List all persons allegedly involved in the improper governmental activity and their involvement:

Describe to whom the improper governmental activity was reported; the date reported; and whether the report was oral or in writing. (If in writing, attach a copy of the report).

**Executive Order No. 664
Attachment 1**

Describe the specific actions taken, by whom, and the dates of said actions that constitute the alleged retaliation.

List all persons involved in the alleged retaliation and describe the actions that constituted the retaliation:

Please attach any documentation in support of your charge. List all supporting documentation that is attached:

I hereby swear under penalty of perjury that the contents of this written complaint are true, or are believed to be true.

Signature: _____ Date: _____