



# INLAND REGIONAL CENTER

*Enhancing Lives*

...valuing independence, inclusion and empowerment

P. O. Box 19037, San Bernardino, CA 92423

Telephone: (909) 890-3000

Fax: (909) 890-3001

## **1.2.4(u) Policy for the Reporting of Whistleblower Complaints by the Community (Refer to IRC Personnel Policy #IRCP 500 / 010 for Specifics Related to Workforce Members)**

### POLICY

Inland Regional Center's (IRC) Code of Ethics ("Code") requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. This Policy is established to ensure that IRC's Board members, officers, employees, consumers, families, service providers, agencies, community members, and regional center staff report good faith suspicions, concerns, or evidence of illegal, unethical or other inappropriate activity without fear of retaliation.

### APPLICABILITY

This policy and procedure applies to all Inland Regional Center Workforce Members as defined below and may be referenced by members of the Community who choose to file a Whistleblower complaint regarding any issues related to the Inland Regional Center.

### PURPOSE

In accordance with our Code of Ethics the Inland Regional Center consistently endeavors to operate in the most efficient manner possible. The organization strives to ensure that its operations are carried out in a fair and impartial means at all times. As a company, the Regional Center maintains an atmosphere of openness and truthfulness and it relies on its Workforce Members to help keep it that way. The purpose of this policy is to establish guidelines to ensure our Workforce Members that they all have the absolute right and obligation to report any acts of wrongdoing, or violations or suspected violations of law, policy, or practice without fear of retaliation in any way. Further, this policy assures all of IRC's Workforce Members, to include Board members, consumers, families, service providers, agencies, community members, and contract staff remain comfortable in reporting in good faith all suspicions, concerns, or evidence of illegal, unethical or other inappropriate activity again, without fear of retaliation.

### STANDARDS

1. Department of Developmental Services' Whistleblower Policy delineated:
  - a. An "improper regional center activity" means an activity by a regional center Workforce Member 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.
  - b. An "improper vendor/contractor activity" means an activity by a regional center Workforce Member in the provision of DDS 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.

2. Reporting Responsibility - It is the responsibility of all Workforce Members to comply with the IRC Code of Ethics and to report any wrongdoing, or violations or suspected violations in accordance with this policy.
3. Protection of Reporters - No Workforce Member who, in good faith, reports a violation in accordance with this Whistleblower policy shall suffer harassment, retaliation or any adverse employment consequence as a result of filing such report of a violation.
  - a. Any Workforce Member(s) who retaliate(s) against someone who has reported a violation in good faith is subject to discipline up to and including immediate termination of employment.
  - b. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within IRC prior to seeking resolution outside Inland Regional Center.
4. Reporting Procedures
  - a. The Executive Director of the Inland Regional Center maintains an open door policy. In accordance with this edict, all Workforce Members are encouraged to practice this as well, and to keep their doors open to anyone desiring to file a compliant or an allegation in accordance with this policy.
  - b. Workforce Members, including Directors, Officers, employees, as well as any consumers, families, service providers, agencies, community members, and/or contract staff are encouraged to approach any Director, Officer, or employee and share their questions, concerns, suggestions or complaints, or evidence of wrongdoing, so that their concerns can be properly addressed.
  - c. ***Complaints may be filed anonymously with the Regional Center staff or Board of Trustees by one of the following means:***
    - i. The Executive Director may be contacted at:

Carol Fitzgibbons  
Executive Director  
Inland Regional Center  
1365 S. Waterman Avenue  
San Bernardino, CA 92408  
Office - (909) 890-3400  
Fax: (909) 890-3495  
[cfitzgibbons@inlandrc.org](mailto:cfitzgibbons@inlandrc.org)
    - ii. The Director of Employee Relations and Administrative Services may be contacted at:

Dennis J. Plymale  
Director  
Inland Regional Center  
1365 S. Waterman Avenue  
San Bernardino, CA 92408  
Office – (909) 890-3350

Fax: - (909) 890-3352  
[Dplymale@inlandrc.org](mailto:Dplymale@inlandrc.org)

- iii. The IRC Board of Trustees President may be contacted at:  
[btrustees@inlandrc.org](mailto:btrustees@inlandrc.org)
  - iv. The IRC Managers “At Large” may be contacted at: [Managers@inlandrc.org](mailto:Managers@inlandrc.org)
- d. Complaints may also be filed directly with the Department of Developmental Services by one of the following means:
- i. DDS Community Operations Division -  
1600 9<sup>th</sup> Street, Room 320, MS 3-9  
Sacramento, CA 95814  
Office - (916) 654-1958  
Fax (916) 654-1987
  - ii. Community Services and Supports Division (for Early Start Program Services)  
1600 9<sup>th</sup> Street, Room 340, MS 3-24  
Sacramento, CA 95814  
Office - (916) 654-2716  
Fax (916) 654-3020

## 5. Process of Investigation

- a. A Whistleblower complaint from any source may be received by the persons listed above in paragraph #4 via telephone, fax, email, in person, and/or anonymously.
- b. All Whistleblower complaints will be promptly investigated by the appropriate authority.
  - i. At the conclusion of the investigation corrective action will be taken if warranted.
  - ii. While the individual receiving the complaint may not be the individual that ultimately investigates the matter, their name and identifying information shall also be noted in the investigative files.
- c. In all cases the recipient of the Whistleblower complaint shall endeavor to obtain and document the following information:
  - i. Complainant’s name
  - ii. Contact information
  - iii. Nature of complaint
  - iv. Who or what the complaint is regarding
  - v. Names of possible witnesses and/or victims
  - vi. The date and time complaint was received
- d. If the complaint is received anonymously it will nonetheless be investigated, just as all other complaints are.

e. Investigative Purpose

- i. The purpose of any investigation is to determine the facts of the incident, whatever they may be.
  - ii. Investigators shall complete all investigations with an open mind and without any pre-conceived notions as to the facts of the incident.
  - iii. The ultimate goal of any Whistleblower investigation is to uncover the truth.
- f. At the conclusion of a Whistleblower investigation, and if appropriate, the investigating person or other responsible party shall notify the complainant of any conclusions reached through the investigation and any action taken. This information will only be provided to the extent that it does not breach any confidentiality. Releasing confidential or personnel information may sometimes be inappropriate.

6. Confidentiality

- a. Whistleblower complaints may be submitted on a confidential basis by the complainant.
- b. While knowing the source of a complaint will greatly aid any investigation, a complaint may still be submitted anonymously.
  - i. IRC will do everything possible to maintain the confidentiality of a complaint making a Whistleblower complaint if the complaint requests confidentiality.
  - ii. In the rare circumstances where IRC is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of consumers and regional center contract compliance), IRC will attempt to inform the complainant of its need to disclose certain information prior to releasing identifying information.
  - iii. Additionally, the identity of the complainant may be revealed to appropriate law enforcement agencies conducting a criminal investigation.
  - iv. All mandatory abuse reporting requirements will remain in effect as an exception to confidentiality.

DEFINITIONS

1. Whistleblower Complaint – Any activity by a regional center Workforce Member 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.
2. Inland Regional Center Employee – Individuals classified as either full-time or part-time employees of the IRC.
3. Board / Committee Member – Either any formally elected members of the Board of Trustees as defined in “Article III – Trustees” the Inland Counties Regional Center (ICRC) By Laws, or any individual either appointed or elected to any sub-board or committee of the ICRC Board of Trustees. This includes but is not limited to members of the Finance Committee; the Master Trust Committee; the Another Way Committee; etc.
4. Contractor/Agent/Consultant – Any independent contractor; agent, or consultant doing any business with the IRC, whether paid or unpaid.
5. Workforce Members – All Regional Center full-time employees, part-time employees, temporary employees, Board members, Committee members, authorized consultants, contractors, and vendors.

## PROCEDURES FOR POLICY COMPLIANCE

1. Notification and Review of Whistleblower Policy
  - a. The IRC Executive Director, Directors, Board Members, and all Inland Regional Center employees are required to review this Whistleblower policy at a minimum of once each year.
  - b. Human Resources Department will document employee's receipt and review of this policy annually.
  - c. The Whistleblower policy will be posted on the website at [www.inlandrc.org](http://www.inlandrc.org).
  - d. Board members will receive copies and review policy annually.
  - e. Consumers, families, and vendors will receive annual notification on how to access the policy.
  
2. If You See Something, Say Something
  - a. All IRC Workforce Members are expected to represent and conduct themselves in an appropriate manner and in compliance with all laws, rules, and regulations at all times.
  - c. IRC Workforce Members are expected to zealously protect the welfare of all consumers and all other Workforce Members.
  - d. In any instance where a Workforce Member becomes aware of an incident that may constitute 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..." committed by another Workforce Member, they are expected to promptly report such issue to one of the parties identified above in paragraph #4.
  
3. At no time shall an IRC Workforce Member retaliate against anyone who has filed a Whistleblower complaint pursuant to this policy.

RELATED POLICIES - None.

### ATTACHMENTS

California Department of Developmental Services Website;  
[http://www.dds.ca.gov/Complaints/Complt\\_WB.cfm](http://www.dds.ca.gov/Complaints/Complt_WB.cfm) relating to the official DDS Whistleblower Policy Statement

### AUTHORITY / CITATIONS

California Department of Developmental Services Website;  
[http://www.dds.ca.gov/Complaints/Complt\\_WB.cfm](http://www.dds.ca.gov/Complaints/Complt_WB.cfm) relating to the official DDS Whistleblower Policy Statement

### APPROVALS AND MODIFICATIONS

This Policy was initially reviewed and approved by the Inland Counties Regional Center's Board of Trustees, and became effective on October 15, 2013.