



Office of Human Resources and Equal Opportunity
12345 El Monte Road, Los Altos Hills, CA 94022

TO: All Employees
FROM: Myisha Washington, *Myisha Washington*
Interim Vice Chancellor Human Resources and Equal Opportunity
RE: **NOTICE TO EMPLOYEES:** Whistleblower Protection
DATE: May 7, 2021

The following is a notice to all employees of the Foothill-De Anza Community College District under the **Reporting by Community College Employees of Improper Governmental Activities Act (Education Code 87160, et seq.) and Labor Code Sections 1102.5-1106**. This notice also applies under federal Employee Whistleblower Protection (41 U.S.C. 4712).

The District is committed to operating in compliance with applicable laws and regulations concerning Whistleblower protection and will not tolerate retaliation against individuals who report compliance concerns in good faith.

If any employee of the Foothill-De Anza Community College District (FHDA) reasonably believes that a policy, practice, or activity of FHDA is in violation of law, a complaint may be filed by that employee with his/her immediate supervisor. Alternatively, a complaint may be filed with a member of the Board of Trustees, Chancellor, College President, Vice Chancellor of Business Services or Vice Chancellor of Human Resources, hereinafter, known as Official Agents. Such complaints may also be filed with the Chancellor of the California Community College system or with the California State Auditor's office. Certain federal agencies may also receive complaints involving federal compliance concerns. We encourage employees to bring issues to the attention of their supervisor or an Official Agent to allow the District a reasonable opportunity to resolve concerns internally whenever possible. For complete information, please see Board Policy [BP 3600](#) and/or Administrative Procedure [AP 3600](#).

Protected Disclosures and Filing a Report

Employees are protected against retaliation (e.g., discharge, demotion, and discrimination) for disclosing information that the employee reasonably believes is evidence of any of the following:

- A gross mismanagement of a contract or grant;
- A gross waste of funds;

- An abuse of authority relating to a contract or grant;
- A substantial and specific danger to employee or public health or safety;
- A violation of law, rule, or regulation related to a contract or grant.
- A violation or noncompliance with a local, state or federal rule or regulation.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.

Employees are only protected when they disclose these types of information to the following persons or entities:

- State and District
 - [California State Auditor](#)
 - [California Community Colleges Chancellor's Office \(CCCCO\)](#)
 - A management official or other employee of the District who has the responsibility to investigate, discover, or address misconduct. (How to make a complaint to the District is described in the District's Whistleblower policy.)
- Federal (this list is not exhaustive)
 - A member of Congress or a representative of a committee of Congress;
 - An Inspector General;
 - The Government Accountability Office;
 - A federal employee responsible for contract or grant oversight or management at the relevant federal agency;
 - An authorized official of the Department of Justice or other law enforcement agency;
 - A court or grand jury.
- Whistleblower Hotline
 - **Whistleblower hotline: (800) 952-5225**

Neither Foothill College, De Anza College, nor the Foothill-De Anza Community College District will retaliate against an employee, who, in good faith, has made, or threatens to make, a legally protected disclosure to a supervisor or a public body regarding some unlawful activity, policy or practice of the college or district, or of another individual or entity with whom FHDA has a business relationship, on the basis of a reasonable belief that the practice is in violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation. An employee is protected by law from retaliation for reporting or threatening to report an alleged unlawful activity,

policy, or practice to his/her immediate supervisor, an Official Agent, the State Auditor's Office or other recognized recipients of such reports.

Reporting Retaliation or Discrimination

Whistleblowers may file complaints with a District Official, the State Auditor's Office, the CCCCCO, or with federal agencies if they believe they were discriminated against for their disclosure of information. Complaints of this nature must be submitted within three years of the date of the alleged discrimination. The following websites provide procedures for submitting complaints:

- State
 - California State Auditor: <https://www.auditor.ca.gov/hotline/protections>
 - California Community College Chancellor's Office: <https://www.cccco.edu/>

- Federal (this may not be an exhaustive list)
 - Department of Education: <http://www2.ed.gov/about/offices/list/oig/hotline.html>
 - Department of Health and Human Services: <http://www.hhs.gov/>
 - National Institutes of Health: <http://nih.gov>
 - Department of Justice: <http://www.justice.gov/>
 - NASA: <http://oig.nasa.gov/hotline.html>
 - National Science Foundation: <http://www.nsf.gov/oig/>

Available Training

The District also provides training on a voluntary basis. If you would like to learn more about Whistleblower Protection, you may complete training available online via the Vision Resource Center available through My Portal "Employee Training" tile. Once in the VRC, simply search for the course called "*Integrity in the Workplace*" (59 minutes). Part-time faculty will be paid for completion of this voluntary training.

Please feel free to contact the District Office of Human Resources at 650.949.7958 if you have questions or would like additional information.