

# SAN JOSE/EVERGREEN COMMUNITY COLLEGE DISTRICT WHISTLEBLOWER COMPLAINT

Please Print:

COMPLAINANT (Name): \_\_\_\_\_  
Last First Middle Initial

Position title (If district employee): \_\_\_\_\_

Designation: \_\_\_\_\_ Student \_\_\_\_\_ Management \_\_\_\_\_ Faculty \_\_\_\_\_ Classified \_\_\_\_\_ Job Applicant  
\_\_\_\_\_ Other (Please Specify) \_\_\_\_\_

Work Location: \_\_\_\_\_ District Office \_\_\_\_\_ Evergreen Valley College \_\_\_\_\_ San Jose City College \_\_\_\_\_ Workforce Institute

COMPLAINT IS FILED AGAINST: \_\_\_\_\_  
Last Name First Name Middle Name Position Title

Address (if known): \_\_\_\_\_

E-mail Address (if known): \_\_\_\_\_

Identify date(s), person(s), college, specific location, activity or program in which alleged intentional or negligent violation of state or federal law, local ordinances or District policy occurred:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BASIS OF VIOLATION: (Please check only those that apply)

\_\_\_\_\_ Intentional violation of state law, please specify: \_\_\_\_\_

\_\_\_\_\_ Negligent violation of state law, please specify: \_\_\_\_\_

\_\_\_\_\_ Intentional violation of federal law, please specify: \_\_\_\_\_

\_\_\_\_\_ Negligent violation of federal law, please specify: \_\_\_\_\_

\_\_\_\_\_ Intentional violation of local ordinance, please specify: \_\_\_\_\_

\_\_\_\_\_ Negligent violation of local ordinance, please specify: \_\_\_\_\_

\_\_\_\_\_ Intentional violation of District policy\*, please specify: \_\_\_\_\_

\_\_\_\_\_ Negligent violation of District policy\*, please specify: \_\_\_\_\_

\_\_\_\_\_ Retaliation\*\*, please specify: \_\_\_\_\_

\*Please note that this form may **not** be used to report complaints against the District that already have alternative procedures and complaint forms, such as discrimination and harassment complaints under AP 3435.

Provide a written statement outlining the allegations in detail. \*\* If applicable, explain why you believe you were retaliated against for your filing, pursuit or assistance with a whistleblower complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the specific action you are requesting to resolve the matter? \_\_\_\_\_

\_\_\_\_\_

Have you previously had any prior communications with anyone else at the District regarding this matter? If so, please state name(s) and date(s) of any prior communications.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that this information is correct to the best of my knowledge.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Complainant

**ATTACH ADDITIONAL PAGES AS NEEDED**

**INSTRUCTIONS TO COMPLAINANT:**

Please complete the information listed below. Your contact information and the phone numbers and addresses of your witnesses will be kept **confidential** and **will not be released to the respondent.**

Name of complainant: \_\_\_\_\_

Contact Information:

Address: \_\_\_\_\_

Street

City

Zip Code

Telephone: ( ) \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

If there is anyone who could provide more information regarding this complaint, please list names, addresses, and phone number. Please use additional pages as necessary to provide contact information of other witnesses.

Name: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_ *Email:* \_\_\_\_\_

Name: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_ *Email:* \_\_\_\_\_

Name: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_ *Email:* \_\_\_\_\_

Name: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_ *Email:* \_\_\_\_\_

Please see Administrative Procedure 7700 for more information and for filing instructions regarding this form. Whistleblower complaints may also be filed with the, Office of Human Resources, San Jose/Evergreen Community College District 40 South Market Street, San Jose, CA 95113.

## **WHISTLEBLOWERS ARE PROTECTED**

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

### **Who is protected?**

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. [California Labor Code Section 1106]

### **What is a whistleblower?**

A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a local, state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.

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.

**What protections are afforded to whistleblowers?**

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

Under California Labor Code Section 1102.5, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

**How to report improper acts outside of the District**

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the California Community Colleges Chancellor's Office or the District's Board of Trustees. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is (916)653-1403. You may also call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.