

February 18, 2010

**UNIVERSITY OF CALIFORNIA HASTINGS COLLEGE OF THE LAW
INFORMATION REGARDING PROTECTION FROM RETALIATION FOR
WHISTLEBLOWERS
(WHISTLEBLOWER PROTECTION)**

UC Hastings College of the Law is committed to protecting employees and applicants for employment from interference with making a protected disclosure or retaliation for having made a protected disclosure or for having refused an illegal order as defined below. Based on the California Whistleblower Protection Act (Government Code Sections 8547-8547.12), a College employee may not: (1) retaliate against an employee or applicant for employment who has made a protected disclosure or who has refused to obey an illegal order, nor (2) directly or indirectly use or attempt to use the official authority or influence of his or her position or office for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit, the Executive Director of Human Resources, or the State of California Bureau of State Audits. A retaliation complaint may be filed with the employee's direct supervisor or other appropriate administrator or supervisor within the operating unit or directly with the Executive Director of Human Resources. A retaliation complaint must be filed within 12 months of the alleged act or threat of interference or retaliation. A written complaint filed with a supervisor shall be referred by the supervisor to the Executive Director of Human Resources.

This applies to complaints of retaliation or interference filed by employees or applicants for employment who have made or attempted to make a protected disclosure ("whistleblowers") or refused to obey an illegal order, as defined below. Retaliation complaint resolution shall incorporate the following definitions:

- **Improper Governmental Activity**

Any activity undertaken by the College or by an 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 College property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of College property and facilities, or willful omission to perform duty, or (2) is economically wasteful, or involves gross misconduct, gross incompetence, or gross inefficiency.

- **Protected Disclosure**

Any good faith communication that discloses or demonstrates an intention to disclose information that may evidence either (1) an improper governmental activity or (2) any condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

- **Illegal Order**

Any directive to violate or assist in violating an applicable federal, state, or local law, rule, or regulation or any order to work or cause others to work in conditions outside of their line of duty that would unreasonably threaten the health or safety of employees or the public.

- **Retaliation Complaint**

Any written complaint by an employee or an applicant for employment which alleges retaliation for having made a protected disclosure or for having refused an illegal order or interference with an attempt to make a protected disclosure, together with a sworn statement, made under penalty of perjury, that the contents of the complaint are true or are believed by the complainant to be true.