

Whistleblower Retaliation Complaint

Instructions: University employees or applicants for employment who believe they have been retaliated against for making a protected disclosure or refusing to follow an illegal order should use this form to file a complaint under the University of California's Whistleblower Protection Policy.

The completed form and any supporting documentation should be submitted via e-mail to Wendi Delmendo at wjdelmendo@ucdavis.edu or in hard copy, in a sealed envelope, to the following address:

Wendi Delmendo
Office of Compliance and Policy
University of California, Davis
One Shields Avenue
Davis, CA 95616

The UC Whistleblower Protection Policy is available at <http://policy.ucop.edu/doc/1100563/WhistleblowerProtection>. See page 3 of this form for key terms.

Complainant:

Name (Last, First, MI)

Job Title

Department

Telephone

E-mail address

☐ University employee

☐ Applicant for employment

Supervisor's Name

Supervisor's E-mail

Supervisor's Work Telephone

Accused Employee(s):

Name (Last, First, MI)

Job Title

Department

☐ **I was retaliated against because I made a Protected Disclosure.** Describe what was disclosed; identify the person(s) to whom each Protected Disclosure was made; specify the date or approximate date of each Protected Disclosure.

☐ **I was retaliated against for refusing to obey an Illegal Order.** Describe the Illegal Order, identify the University employee(s) who gave the Illegal Order; the date or approximate date on which the Illegal Order was given; what you did in response to the Illegal Order that constituted a refusal to obey; and the date or approximate date when the refusal occurred.

Adverse Personnel Action. Describe the Adverse Personnel Action(s), taken against you, including the University employee(s) responsible for each Adverse Personnel Action; and the date or approximate date on which each Adverse Personnel Action occurred.

Describe the basis for your belief that the adverse personnel action was taken because you made a protected disclosure or refused to follow an illegal order.

Grievance Rights

In addition to filing this complaint, you may also have the right to file a personnel grievance based on the facts you are alleging here. For more information about your grievance rights, contact [Employee and Labor Relations](#).

☐ I have already filed a personnel grievance.

Declaration (required per the California Whistleblower Protection Act)

I swear under penalty of perjury under the laws of the State of California that the facts set forth in the statement of the complaint, and in any supporting information submitted with the complaint, are true and correct to the best of my knowledge and belief. I agree to cooperate in any investigation of this matter and declare that I have read, understand, and will comply with the confidentiality requirements stated above.

Complainant's Signature

Date

County Where Signed

U.S. State Where Signed

Key Terms

- **Protected disclosure:** A good faith communication, including a communication based on, or when carrying out, job duties, that discloses or demonstrates an intention to disclose information that may evidence either (1) an Improper Governmental Activity or (2) a 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. A Protected Disclosure may be made internally to the Complainant's supervisor, to the LDO, or to any University official identified in the University's Whistleblower Policy for that purpose. A Protected Disclosure also includes a good faith communication to the California State Auditor's Office or the Office of the Attorney General alleging an Improper Governmental Activity and any evidence delivered to the either of those offices in support of such allegation.
- **Improper Governmental Activity:** Any activity undertaken by the University or by a University employee that is undertaken in the performance of the employee's duties, whether or not that activity 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 (including University property), fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property (including University property and facilities), or willful omission to perform duty, or (2) is economically wasteful or involves gross misconduct, gross incompetence, or gross inefficiency.
- **Illegal Order:** A directive to violate or assist in violating a federal, state, or local law, rule, or regulation or an 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.
- **Adverse Personnel Action:** A management action that affects the Complainant's existing terms and conditions of employment in a material and negative way, including, but not limited to, failure to hire, corrective action (including written warning, corrective salary decrease, demotion, suspension), and termination.