

Frequently Asked Questions

1. Can anyone who has been retaliated against file a complaint under this procedure?

To be accepted for review in the whistleblower retaliation complaint process, your claim must meet all three of the standards as set forth in Section IV. of UCLA Procedure 620.1. Not all claims of “retaliation” qualify as “whistleblower retaliation.” If your claim does not qualify, you may still be eligible to file a complaint or grievance under a different process. You should promptly check with your employment representative about other options, as strict filing deadlines apply.

2. I reported suspected wrongdoing – can I file a whistleblower retaliation complaint to protect myself from some future act of retaliation?

No. An action alleged to be retaliatory must have already taken place in order for the University to be able to investigate whether that action was in violation of the University’s Whistleblower Protection Policy.

3. I’ve learned my department plans to terminate me – if I file a whistleblower retaliation complaint, can my termination be put on hold?

The UCLA Locally Designated Official who administers the University’s whistleblower policies cannot intervene to prevent a department from taking a planned Adverse Personnel Action. Only at the conclusion of the complaint process, if your allegation of whistleblower retaliation is substantiated, can a remedy be made available to you. You may discuss with department management or your employment representative any options to postpone a planned termination until after the resolution of a pending complaint.

4. I did not report suspected wrongdoing, but my supervisor mistakenly suspects that I did and is now retaliating against me – what is my complaint option?

You should promptly check with your employment representative about what complaint option may be available to you under an applicable personnel policy or collective bargaining agreement grievance process. Strict filing deadlines apply. Only a claim of retaliation wherein you personally engaged in protected activity qualifies for review under the whistleblower retaliation complaint process.

5. I’ve been placed on “investigatory leave” or “paid administrative leave” – can I file a whistleblower retaliation complaint?

Paid leave during a workplace investigation is not considered punitive or an accusation of wrongdoing. Typically, placing you on paid leave does not qualify as an Adverse Personnel Action, unless you can show that such leave harms you in a material and negative way. If, at the conclusion of your leave, formal disciplinary action is taken against you, then at that time you may have a claim that is eligible for review in the whistleblower retaliation complaint process.

6. I’ve received a “Notice of Intent to Dismiss” letter – am I eligible to file a whistleblower retaliation complaint over the intended dismissal?

A notice that the department intends to dismiss you is a preliminary step, to give you an opportunity to respond and explain to the department why you should not be dismissed. You should avail yourself of that opportunity. If the department ends up deciding not to dismiss you, then your complaint may be dismissed for lack of an Adverse Personnel Action.

7. I’ve been formally notified that my UCLA employment will end on a future date, but currently I’m still an employee – can I now file a whistleblower retaliation complaint?

Yes. The deadline to file your complaint is twelve months from when you were formally notified or otherwise became aware of the department’s decision to take the Adverse Personnel Action.

8. My co-worker was retaliated against for being a whistleblower – what can I do?

You may advise your co-worker of the complaint process set forth in UCLA Procedure 620.1. You cannot file a whistleblower retaliation complaint on your co-worker's behalf.

9. Several of my co-workers are whistleblowers, and now all of us, including me, are being retaliated against – can I file a whistleblower retaliation complaint?

You are only eligible to file a whistleblower retaliation complaint if you personally meet all three standards set forth in Section IV. of UCLA Procedure 620.1. If you do not meet these standards, you may still be eligible to file a grievance under an applicable personnel policy or collective bargaining agreement process. You should promptly contact your employment representative, as strict filing deadlines apply.

10. Can someone file a whistleblower retaliation complaint anonymously?

No. The Respondent who is alleged in a complaint to have engaged in retaliation is entitled under the Whistleblower Protection Policy to know who made the complaint. As a practical matter, the factfinder conducting the investigation needs to know the specific retaliatory action in dispute, who was targeted by that action, and needs to conduct an interview with the complainant.

11. Can I submit a whistleblower retaliation complaint to the LDO and also submit a separate grievance under another process (e.g. personnel policy or collective bargaining agreement) when both the complaint and grievance are over the same Adverse Personnel Action?

Yes. Be advised that grievance processes typically come with much shorter filing deadlines than the twelve (12) month deadline for submitting a whistleblower retaliation complaint. Contact your employment representative for more information about any grievance options.

12. Can the University provide someone to act as my representative during the complaint process?

If you file a whistleblower retaliation complaint, the University cannot provide you with a representative or assist you in finding one. If you are a member of a union, you may want to see if a union representative can serve in this capacity.

13. I've found someone who is willing to act as my representative – what would that person's role be in the complaint process?

The representative can facilitate the preparation and submission of documents and other evidence relevant to your complaint. At the discretion of the factfinder, the representative may be present during your interview with the factfinder. The representative's role in such an interview would be limited to being an observer and to offering you counsel, as warranted. During your interview, the representative is not permitted to ask you questions for the purposes of eliciting testimony, to testify on your behalf, or to otherwise participate in the interview itself; nor is it the representative's role to object to questions asked by the factfinder or otherwise seek to limit the scope of the interview.

14. Is there a way to resolve my claim of retaliation informally?

When you submit a whistleblower retaliation complaint to the LDO, you are beginning a formal process. The LDO's role is to oversee that process in a neutral and impartial manner. The LDO cannot negotiate on your behalf or act as a mediator to help resolve the Adverse Employment Action.

If you prefer to resolve the matter informally, you may wish to contact your employment representative or the Office of Ombuds Services. Be advised that any such informal discussions do not affect the twelve (12) month deadline for submitting a formal whistleblower retaliation complaint to the LDO.