

# DISCLOSURE OF WRONGFUL OR UNLAWFUL CONDUCT (WHISTLEBLOWER POLICY)

Policy 522.6

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The Board of Education expects that its members and all employees will fulfill the public's trust and conduct themselves in a lawful, ethical and honest manner, consistent with all applicable laws, rules and regulations and all policies of the District.

The Board of Education designates the District Administrator as the District's Compliance Officer to receive and investigate complaints. The District shall not dismiss, retaliate or take any other adverse personnel action against a district employee because the employee, in good faith, discloses to the District: (1) information regarding a violation of a law, rule, policy or regulation, which violation creates and presents a substantial and specific danger to the public health or safety; or (2) information concerning conduct which the employee reasonably believes to be true and reasonably believes to constitute wrongful or unlawful conduct by a district employee. For purposes of this policy, the term "wrongful or unlawful conduct" shall be defined to include, but not be limited to the following:

- a) Theft or misuse of district money, property, or resources;
- b) Misuse of authority for personal gain or other non-district purpose;
- c) Fraud;
- d) Violations of applicable federal, state or local law, rule or regulation;
- e) Violations of District policy, regulation or procedure; and/or
- f) Any potential wrongful or unlawful conduct, including a potential violation of a law, rule, policy or regulation.

Prior to disclosing information to a governmental body pursuant to this policy, the employee shall have first made a good faith effort to give to the District's Compliance Officer the information to be disclosed and shall provide the District's Compliance Officer with a reasonable period of time to conduct an investigation and to take appropriate action, unless there is an imminent and serious danger to the public health and safety.

In order to encourage the reporting of "wrongful or unlawful conduct" as defined herein, any individual who wishes to remain anonymous may send an anonymous report to the District's Compliance Officer.

Upon obtaining information pursuant to this policy, the District's Compliance Officer shall take immediate steps to conduct an investigation into the alleged

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violation and to report his/her findings and conclusions directly to the Board of Education.

Any district employee who believes that he/she has been subjected to an adverse employment action based upon his or her disclosure of alleged or actual wrongful or unlawful conduct may contest such action by filing a written complaint of reprisal with the Board of Education. The Board of Education, or its designee, will review the complaint to determine:

- a) Whether the complainant gave prior notice before making disclosure;
- b) Whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- c) Whether complainant has in fact suffered an adverse employment action after having made the disclosure;
- d) Whether such disclosure constituted the primary or motivating factor for such adverse employment action.

The Board of Education, or its designee, shall conduct a full and fair investigation of the complaint. If the Board has delegated the investigation to a designee, such designee shall make proposed findings of fact and a recommendation directly to the Board of Education as to what relief, if any, he or she deems appropriate if he/she finds that complainant has been retaliated against for disclosing information pursuant to this policy.

All complaints filed pursuant to this policy will remain confidential to the extent possible and subject to applicable laws and relevant provision of collective bargaining agreements.

Given the nature of the type of information shared pursuant to this policy and the serious ramifications that may result from a complaint, the District recognizes that false accusations of wrongful or unlawful conduct can have serious effects on innocent people.

## Legal References:

## Cross References:

**Adoption Date:** 6/24/2019