

## **DISCLOSURE OF WRONGFUL CONDUCT**

All district officials and employees of the district are expected to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board, Superintendent or designee.

For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- willful violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

### Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Board, Superintendent or designee. If the alleged wrongful conduct includes the Superintendent, the report may be directed to the Board President. Each of these Board-designated officers, upon receiving a report of alleged wrongful conduct, shall take appropriate steps to verify the validity of the report.

The Superintendent or designee shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board, Superintendent or designee shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

### Complaints of Reprisal

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Board President. The Board President, or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;

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- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make a recommendation to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has 45 days to report his or her findings and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator shall issue a letter of findings to both the complainant and the respondent.

The decision of the review officer or panel is final but may be appealed to the Board, who may accept, reverse or modify decisions.

Nothing in this policy is intended to interfere with the normal course of business or legitimate employment decisions.

The Superintendent shall establish any regulations necessary to implement this policy.

This policy and any regulations shall be given to new employees, published in employee handbooks, posted in employee/building information areas, and given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

The Board President, Superintendent, or designee and others involved in implementing this policy shall meet with the Board periodically or biennially to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Cross Reference:                   #1312 – Citizen Complaints  
  #1312G – Guidelines for the Processing of Citizen Complaints  
  #4111 – Student and Employee Harassment

Adopted:                           November 11, 2009  
Amended:  
Last review date: