

## Sunman-Dearborn Community School Corporation Administrative Guidelines

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### **3211 - WHISTLEBLOWER PROTECTION**

The School Board encourages all employees, acting in good faith, to report possible suspected or actual violations of State and Federal laws or Board policies and administrative guidelines. These guidelines shall be used to ensure that the Board's policy on whistleblowers protection (Policy 3211) is implemented properly and in compliance with State laws. The Board will verify that employees are protected from interference with reporting violations and from retaliation for having reported violation or for refusing an illegal order.

To that end, it is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates State or Federal law or Board policy or administrative guidelines, to report such conduct to his/her immediate supervisor. Board members and employees are prohibited from retaliating against an individual who has reported a violation and/or refused an illegal order and shall not use or attempt to use their position to prevent an employee from reporting a possible violation or refusing an illegal order.

### **Reporting Violations by the Corporation**

- A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guidelines, that the Board has authority to correct and the employee reasonably believes that such violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive, then the employee may report the possible violation to:
  1. the Superintendent;  
  
If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.
  2. Director of Human Services.
  3. the appropriate law enforcement or governmental agency responsible for enforcing such violations, only after the employee first provides notice to one of the above-referenced Corporation employees or officials.
- B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other Corporation official, a written report providing sufficient detail to identify and describe the possible violation.
- C. All efforts must be taken to either correct the violation or refer such violation to the appropriate law enforcement or governmental agency

within twenty-four (24) hours of either receiving oral notification or a written report of the possible violation.

1. The supervisor or other Corporation official shall notify the employee in writing of any effort of the Corporation to correct the alleged violation or hazard or the absence of the alleged violation or hazard.
  2. Written notification shall be provided to the employee within twenty-four (24) hours of receiving notification or by close of business on the next regular school day, whichever is later.
- D. If the Corporation does not correct the violation or make a reasonable effort to correct the violation (including, but not limited to referring such violation to the appropriate law enforcement or governmental agency) within twenty-four (24) hours after either receiving oral notification or a written report of the possible violation, whichever is earlier, the employee may file a written report providing sufficient detail to identify and describe the possible violation with:
1. the prosecuting authority of the county or municipal corporation where the violation occurred;
  2. a peace officer;
  3. the Inspector General (if the violation is within the Inspector General's jurisdiction); or
  4. any other appropriate public official or agency having regulatory authority over the Corporation, and the activities in which the Corporation is engaged.
- E. An employee may directly notify, either orally or in writing, any appropriate public official that has regulatory authority of the Corporation, and the activities in which the Corporation is engaged, of any possible violation of the following that is also a criminal offense:
1. Air Pollution Control;
  2. Solid and Hazardous Wastes;
  3. Safe Drinking Water; or
  4. Water Pollution Control.

### **Reporting Violations by Other Employees**

- A. If an employee becomes aware in the course of his/her employment of a possible violation by a fellow employee of any State or Federal law or Board policy or administrative guideline, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of harm to persons or hazard to public health or safety, a felony, or an improper solicitation for contribution, the employee shall orally notify his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, then the employee may report the possible violation to:
1. the Superintendent;
- If the reported conduct relates to the Superintendent, the report may be filed directly with the Board President.
2. Director of Human Services
- B. After providing oral notification of the possible violation, the employee shall subsequently file with that supervisor or other Corporation official, a written report providing sufficient detail to identify and describe the possible violation.

### **Reporting of Other Violations**

- A. If an employee becomes aware in the course of his/her employment of a possible violation of any State or Federal law or Board policy or administrative guideline, that does not involve a criminal offense or improper solicitation and is not likely to cause an imminent risk of harm to persons or hazard to public health or safety, the employee shall orally notify his/her immediate supervisor or other Corporation official (as set forth above). The employee shall subsequently file a written report within two (2) days.
- B. The immediate supervisor or other Corporation official will acknowledge receipt of the written report within five (5) days. Such reports will be investigated within fifteen (15) days, and appropriate action will be taken, if warranted at the conclusion of the investigation.

### **Duty to Determine Accuracy of Possible Violations**

- A. An employee shall make a reasonable and good faith effort to determine the accuracy of any possible violations.
- B. If an employee fails to make a reasonable and good faith effort, s/he may be subject to disciplinary action, including suspension or termination, for reporting information without a reasonable basis to do so.
- C. An employee will also be subject to disciplinary action if s/he purposely, knowingly, or recklessly gives false information or makes a false report of a violation.

## Prohibition Against Retaliation

- A. No employee shall be disciplined or retaliated against for reporting a possible violation by the Corporation or a fellow employee or as a result of making any inquiry or taking any other action necessary to ensure the accuracy of any information related to possible violations, as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. If an employee feels they have been retaliated against they can report the alleged incident on Report of Retaliation for Filing Complaint (Form 3211 F1). The allegation of retaliation will be promptly and impartially investigated. The complainant will be given written documentation with the results of the investigation.
- B. For purposes of this policy and guideline, improper disciplinary or retaliatory action includes, but is not limited to:
1. terminating or suspending the employee;
  2. withholding from the employee salary increases or employment benefits to which the employee is otherwise entitled;
  3. transferring or reassigning the employee;
  4. denying the employee a promotion that s/he would have otherwise received; or
  5. reducing the employee in pay or position.

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