

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

PERSONNEL

GENERAL PERSONNEL POLICIES

EMPLOYEE GRIEVANCES

EMPLOYEE WHISTLEBLOWER PROTECTIONS

527.1

Protected Reports and Participation. This policy and various applicable laws provide protection to any employee who, acting reasonably and in good faith, makes a protected report of or participates in an internal investigation, official external investigation, or any legal proceeding involving allegations of any of the following in connection with any of the District's programs or operations:

1. Fraud or any gross mismanagement, waste, or abuse of District-controlled funds or other District resources;
2. A violation of the federal False Claims Act;
3. Unlawful harassment or discrimination;
4. A violation of a state or federal law or regulation, including but not limited to any alleged violation of an established safety or health standard (or any variance therefrom) or the environmental laws relating to asbestos in schools;
5. A situation which poses a recognized hazard that is likely to cause death or serious physical harm to any person;
6. A failure to pay wages as required under law; or
7. A violation of Board policies or rules.

Retaliation and Discrimination Prohibited. No official, employee, or agent of the District may retaliate or discriminate against any employee because the employee has made a protected report or participated in a protected investigation or proceeding. Prohibited retaliation and discrimination include but are not limited to discharging, demoting, denying benefits to, threatening, coercing, or taking any other adverse employment action against an employee because of the employee's protected activity. However, except as otherwise limited by state or federal law, this policy is not intended to prohibit or limit the District from taking any adverse employment action (1) for conduct that is not undertaken reasonably and in good faith; or (2) that is based on non-protected reasons and that would have occurred even in the absence of the employee's protected report or protected participation.

Intra-District Reporting Required. Except in situations where an employee is exercising a legal right to make a confidential report to an external agency or to participate in an official investigation or legal proceeding that is not disclosed to his or her employer, the District requires all employees to report to the District any allegations of the above-listed improprieties any time the employee (1) in good faith concludes that he or she knows of or reasonably suspects such an impropriety, or (2) makes a protected report under this policy to an external entity.

The District's expectation is that such intra-District reports will be clearly and directly communicated to the employee's supervisor, another responsible administrator, the District Administrator, or School Board. Therefore, it is strongly recommended that the employee make such a report in writing and/or that the employee ensures that he or she receives written confirmation from a District official that the report was made. In directing employees to make the intra-District reports referenced in this paragraph, the District shall in no way prevent or interfere with an employee making a protected report to any external entity.

Protected Reports. A protected report includes any report, complaint, or request for an official internal or external investigation that is made (1) to the employee's immediate supervisor, an administrator who is responsible for the program or operational area in question, the District Administrator, or the Board; (2) using established District complaint procedures; (3) to a state or federal regulatory agency (e.g., the U.S. Department of Education or another federal agency's Office of Inspector General in any matter involving federal programs or federal funds, the Wisconsin Department of Public Instruction, etc.); (4) to a state or federal law enforcement agency (including the Wisconsin Attorney General); (5) a

member of Congress in any matter involving federal programs or federal funds; or (6) to any court or grand jury. A protected report may involve or relate to the conduct of any person, including District employees, Board members, volunteers, consultants, vendors, contractors, or other parties maintaining any business or programmatic relationship with the District.

Assistance of Legal Counsel. With notice to the Board, either the District Administrator or the Board President may engage the assistance of District legal counsel in connection with addressing any report, investigation, or legal proceeding related to a report or other allegation of any of the improprieties addressed under this policy.

Other Protections. The failure to expressly list in this policy any activity that is similarly protected from retaliation or discrimination under any state or federal law or under another Board policy is not intended to diminish such separately-established protection.

Legal References:

Wisconsin Statutes

Section 101.055 [Public employee safety and health; including employee protections]

Federal Law

2 C.F.R. §200.300 [federal Uniform Guidance regulation referencing statutory requirements for whistleblower protections]

31 U.S.C. §3729 [federal False Claims Act]

41 U.S.C. §4712 [federal whistleblower protections; initially effective through July 2017]

First Reading: August 14, 2017

Second Reading: September 11, 2017