

PENN MANOR SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED: August 19, 2013

REVISED:

828-AR-1. WHISTLE BLOWING/NO RETALIATION

Employees are required to immediately report to the Superintendent any suspicion of fraud, financial improprieties or irregularities, and instances of wrongful conduct.

Wrongful conduct will be defined to include:

1. Mismanagement of district resources.
2. Theft of district money, property or resources.
3. Fraud and financial improprieties and irregularities.
4. Violations of applicable federal or state laws and regulations, Board policy and/or district administrative regulations or procedures.
5. Abuse of authority for personal gain or other nondistrict purpose.

The district will not tolerate any form of reprisal, retaliation or discrimination against any employee or applicant for employment because s/he:

1. Opposed any practice that s/he reasonably believed to be unlawful according to federal or state laws or regulations or inconsistent with Board policy prohibiting employment discrimination on the basis of sex, race, color, sexual orientation, national origin, age, ancestry, genetic information, religion, marital status, handicap or disability.
2. Filed a charge or testified, assisted or participated in any manner in an investigation, proceeding or hearing under federal or state laws or regulations prohibiting employment discrimination on the basis of sex, race, color, national origin, age, religion, marital status, handicap or disability, or because s/he reported a suspected violation of such laws in accordance with Board policy and/or administrative regulations.
3. Reported, or was about to report, a suspected violation of any federal or state laws or regulations to a public body, unless the employee knew that the report was false.
4. Was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

Any employee or applicant for employment who believes that s/he has suffered reprisal, retaliation or discrimination in violation of Board policy and administrative regulations will report the incident to the Personnel Director.

The district guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report.

The district considers violations of applicable Board policy and administrative regulations governing whistle blowing and no retaliation by an employee to be a major offense that will result in disciplinary action against the offender, regardless of the offender's position within the district.

Filing A Complaint

An employee who feels s/he has been subject to an adverse employment action based on his/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 will appoint a designee to promptly review the complaint to determine whether:

1. Complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken.
2. Responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee.
3. Complainant has in fact suffered an adverse employment action after having made the disclosure.
4. Complainant alleges that adverse employment action occurred as a result of the disclosure.

If the designee determines that all of the above factors are present, the Board will appoint a Review Officer or Review Panel to investigate the claim and make a recommendation for action to the Board. At the time of appointment, the designee will inform the complainant and respondent in writing of the:

1. Intent to proceed with an investigation.
2. Specific allegations to be investigated.
3. Appointment of the Review Officer or Review Panel.
4. Opportunity of each party to support or respond, in writing, to the allegation.

Once the Review Officer or Review panel has conducted a review and considers the investigation to be complete, the Officer or Panel will notify the Board and its designee regarding completion of the review.

From the date of notice, the Review Officer or Review Panel has thirty (30) days to submit to the Board and designee a written report of the findings and any recommendations deemed appropriate.

The Board will direct the designee, in conferral with the appropriate administrator, to issue a letter describing the findings to both the complainant and the respondent.

The finding of the Review Officer or Review Panel is binding.

A copy of applicable Board policy and administrative regulations will be annually distributed to all district employees with fiscal accounting and/or money handling responsibilities.