

## **WHISTLEBLOWER PROTECTION**

### **1. Statement of Policy**

The School Board requires its members and employees to be careful stewards of public funds and the resources of the MSD of Wayne Township entrusted to them, and to comply with Indiana and federal law, Board policies, and administrative guidelines in the performance of their duties for the District. The Board therefore requires its members, employees, and independent contractors providing services to the District (“reporters”) to report possible violations of these Board expectations in writing in accord with this Policy. For purposes of this Policy, an e-mail shall be considered as a written report.

### **2. Reporting Requirement**

It is the responsibility of the reporter who is aware of conduct on the part of a Board member or employee that may reasonably be considered:

- a. a violation of a federal law or regulation;
- b. a violation of state law or rule;
- c. a violation of an ordinance of a political subdivision;
- d. the misuse of public resources; or
- e. a violation of Board policy, or administrative guidelines;

to submit a written report within thirty (30) calendar days of when the reporter becomes aware of the alleged misconduct (see D475-R for form). The reporter need not be certain the individual’s conduct is a violation of a rule in order to report it.

If the reported conduct relates to the Superintendent, the written report shall be filed directly with the Board President who shall receive the report and distribute it to each member upon receipt.

### **3. Following Receipt of Reports**

After a report is made pursuant to this Policy, if the report is not written, the immediate supervisor will direct the employee to make a written report. If the employee requests assistance, the immediate supervisor shall assist the employee in making the written report, or refer the employee to a person who can assist the employee.

#### **4. Failure to Report**

An employee who is aware of:

- f. a violation of a federal law or regulation;
- g. a violation of state law or rule;
- h. a violation of an ordinance of a political subdivision;
- i. the misuse of public resources; or
- j. a violation of Board policy, or administrative guidelines;

becomes complicit in the misuse or violation of this Policy if they:

- k. benefit in any material way from the violation or not reporting the violation; or
- l. do not make a report pursuant to this Policy within a reasonable time after the violation is apparent to the employee.

Employees are subject to disciplinary action, up to and including termination, if they are complicit in a violation of this Policy.

#### **5. Protection of Whistleblowers**

Any employee making a written report pursuant to this Policy shall be protected from discipline, retaliation, or discrimination for making the report as long as the employee made a reasonable and good faith effort to determine the accuracy of the information reported.

A person who makes a report covered by this Policy in the manner prescribed in this Policy shall not be subject to disciplinary action, unless the Board finds by a preponderance of the credible evidence that the employee purposely, knowingly, or recklessly made a false report under this Policy.

The ultimate outcome of the inquiry into the reporter's "whistleblower report" shall not determine whether the employee acted purposefully, knowingly, or recklessly. "Disciplinary action" includes any action up to and including termination.

##### **Administrative Guidelines**

The Superintendent may develop administrative guidelines necessary for implementation of this Policy, including the development of forms upon which such reports may be made.

MSD of Wayne Township, Marion County, Indiana

Adopted: March 21, 2011

Reviewed: April 10, 2017

Revised: March 9, 2020