Whistleblower Policy

The Boerne Education Foundation will investigate any possible fraudulent or dishonest use or misuse of resources or property by trustees, board members, staff or any related party. Anyone found to have engaged in a fraudulent or dishonest conduct is subject to disciplinary action by the Boerne Education Foundation including, but not limited to, dismissal, expulsion and civil or criminal prosecution. All members of the Boerne Education Foundation community are encouraged to report possible fraudulent or dishonest conduct (i.e., a whistleblower). An employee should report his or her concerns to a supervisor or manager. If for any reason an employee finds it difficult to report his or her concern to a manager or supervisor, the employee can report it directly to the President of the Board. Managers or supervisors are required to report suspected fraudulent or dishonest conduct to the President of the Board.

Fraudulent or Dishonest Conduct is a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

* forgery or alteration of documents, unauthorized alteration or manipulation of computer files;
* fraudulent financial reporting;
* pursuit of a benefit or advantage in violation of the Boerne Education Foundation’s conflict of interest policy;
* misappropriation or misuse of Boerne Education Foundation resources, such as funds, supplies, or other assets;
* authorizing or receiving compensation for goods not received or services not performed; or
* authorizing or receiving compensation for hours not worked.

A Whistleblower is an employee who informs a manager, supervisor or the President of the Board about an activity which that person believes to be fraudulent or dishonest.

Rights and Responsibilities

Managers or Supervisors Managers or supervisors are required to report suspected fraudulent or dishonest conduct to the President of the Board. In addition, managers or supervisors are responsible for maintaining a system of management controls which detect and deter fraudulent or dishonest conduct. Failure by a manager or supervisor to establish management controls or report misconduct within the scope of this policy may result in adverse personnel action against the manager or supervisor, up to and including dismissal. The President of the Board is available to assist management in establishing management systems and recognizing improper conduct. Reasonable care should be taken in dealing with suspected misconduct to avoid:

* Baseless Allegations. Baseless Allegations are allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to internal disciplinary action and/or legal claims by individuals accused of such conduct;
* premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation; and,
* violations of a person's rights under law

Accordingly, a manager or supervisor faced with a suspected misconduct:

* should not contact the person suspected to further investigate the matter or demand restitution;
* should not discuss the case with anyone other than the President of the Board of the Boerne Education Foundation’s legal counsel, the Executive Director (if appropriate), or a duly authorized law enforcement officer;
* should direct all inquiries from any attorney retained by the suspected individual to the Boerne Education Foundation’s legal counsel; and,
* should direct all inquiries from the media to the Boerne Education Foundation's Executive Director’s Office, or in the event the Boerne Education Foundation’s Executive Director’s Office not being available, to the Boerne Education Foundation‘s legal counsel.

Whistleblower Protection

The Boerne Education Foundation will protect Whistleblowers. The Boerne Education Foundation will use best efforts to protect Whistleblowers against retaliation. The Boerne Education Foundation cannot guarantee confidentiality ad there are no "unofficial" or "off the record" reports. The Boerne Education Foundation will attempt to keep the Whistleblower's identity confidential, unless:

* the person agrees to be identified;
* identification is necessary to allow the Boerne Education Foundation or law enforcement officials to investigate or respond effectively to the report;
* identification is required by law; or
* the person accused of fraud is entitled to the information as a matter of legal right in disciplinary proceedings.

The Boerne Education Foundation and its employee(s), agents and Board Members may not retaliate against a Whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages). Whistleblowers who believe that they have been retaliated against may file a written complaint with the President of the Board. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including dismissal, against the retaliating person. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

Procedures

The President of the Board shall conduct or direct the investigations of all suspected fraudulent or dishonest conduct in consultation with such Boerne Education Foundation officials as may be necessary or appropriate at the discretion of the President. Cases involving possible violations of criminal law will be investigated in cooperation with the Boerne Education Foundation’s legal counsel. If the President of the Board determines that fraudulent or dishonest conduct occurred, the appropriate Boerne Education Foundation official will initiate disciplinary action in a manner consistent with applicable Boerne Education Foundation policy. If it is determined that fraud has not occurred, the President of the Board will explain to the person who reported the concern the reason for its determination and advise the person of any other available reporting channels. This Policy is intended to complement and supplement existing policies and legal requirements. No statement in this Policy is intended to authorize, or to prohibit disciplinary and/or legal action against, a Boerne Education Foundation employee who knowing discloses information recognized or designated as confidential under law. Where provisions exist elsewhere under law or Boerne Education Foundation policy governing information disclosure rights and obligations, and /or retaliation relative to such disclosures, those shall apply in lieu of those contained in this Policy.

Contacts

Questions related to the interpretation of this policy should be directed to:

President of the Boerne Education Foundation

235 Johns Road, Boerne, TX 78006

830-357-2008

Or the Boerne Education Foundation staff at 830-357-2008 can provide a direct telephone number for the President of the Board upon request.