

Lower Merion School District

Policy No. 332/432/532/832
Section: EMPLOYEES/OPERATIONS
Title: REPORTING OF WASTE AND WRONGDOING (WHISTLEBLOWER)
Date Adopted: 10/15/18
Reviewed: 10/9/20

**P332/432/532/832 REPORTING OF WASTE AND WRONGDOING
(WHISTLEBLOWER)**

Purpose

The Lower Merion School District is committed to facilitating open and honest communications relevant to its governance, finances, operations, and compliance with all applicable laws and regulations.

The Board requires employees to conduct their duties and responsibilities in accordance with high standards of business and personal ethics. Employees and other representatives of the District must practice honesty and integrity in fulfilling their responsibilities and complying with all applicable laws and regulations.

The Board directs that employees who in good faith report or cooperate in investigations of suspected waste or wrongdoing should not be subject to discrimination, retaliation, or other adverse employment consequences.

Authority

The Whistleblower Law, 43 P.S. Sec. 1421 et seq., provides for the protection of employees against being discharged, threatened or otherwise discriminated or retaliated against with respect to the employee's compensation or other terms and conditions of employment because the employee has made a good faith report of wrongdoing or waste to their employer.

Definitions

Good faith report — a report of wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true

Waste — conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources.

Whistleblower — a person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the employer or to an appropriate authority, as defined by law.

Wrongdoing — a violation which is not of a merely technical or minimal nature of a federal or state statute or regulation, of a political subdivision ordinance or regulation, or of a code of conduct or

ethics designed to protect the interest of the public or the employer, including but not limited to the following:

- Theft.
- Financial reporting which is fraudulent, intentionally misleading, or grossly negligent in any manner.
- Improper or undocumented financial transactions.
- Forgery or alteration of documents.
- Unauthorized alteration or manipulation of computer files.
- Improper destruction of records.
- Improper use of District assets, including but not limited to its funds, supplies, intellectual property and other assets.
- Improper access or use of confidential information.
- Authorizing or receiving compensation for goods not received or services not performed.
- Violations of the District's conflict-of-interest Policy.
- Violations of the Pennsylvania's Code for Professional Practice and Conduct for Educators.
- Any other improper occurrence regarding cash, financial procedures, or reporting.
- Any abuse of or discrimination against a District employee, client, vendor or person connected with the District.
- Intentional or grossly negligent failure to manage or supervise staff in the performance of their duties.
- Any crime defined by the Pennsylvania Drug Device and Cosmetic Act and/or the Pennsylvania Crime Code, or any federal criminal statute.

Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits punitive action against whistleblowers, the Board directs the Superintendent to designate a District-wide administrator as the Compliance Officer for purposes of this Policy.

The Superintendent shall develop an Administrative Regulation implementing this Policy which shall, at a minimum, address the following topics:

1. Provisions for informing existing and new employees of this Policy;
2. Explanation of the protections afforded employees who make good faith reports in accordance with this Policy;
3. A procedure for making good faith reports as contemplated in this Policy;
4. A procedure for investigating reports received in accordance with this Policy;
5. A procedure for appealing the findings or outcome of an investigation that has taken place in accordance with this Policy; and
6. Disciplinary procedures that apply in the event of finding of waste or other wrongdoing.

References:

Whistleblower Law — 43 P.S. Sec. 1421 et seq.