

**Board of Trustees
Douglas County School District**

ALL PERSONNEL

NEVADA WHISTLEBLOWER ACT

Douglas County School District (DCSD) Board of Trustees recognizes that the public policy of this State is that local government officers and employees are encouraged to disclose, to the extent not expressly prohibited by law, improper governmental action, and it is the intent of the Board to protect the rights of a local governmental officer or employee who makes such a disclosure. (NRS 281.621).

Definitions.

1. "Improper governmental action" means any action taken by a State officer or employee or local governmental officer or employee in the performance of the officer's or employee's official duties, whether or not the action is within the scope of employment of the officer or employee, which is:
 - a. In violation of any State law or regulation;
 - b. If the officer or employee is a District officer or employee, in violation of an ordinance of the local government;
 - c. An abuse of authority;
 - d. Of substantial and specific danger to the public health or safety; or
 - e. A gross waste of public money.

Such improper governmental action shall include, but not be limited to the provisions of NRS 390.350 through 390.430, which provide for specific rights and responsibilities of school district personnel with regard to the disclosure of irregularities in assessment administration and assessment security relative to all state and district-mandated examinations.

2. "Local governmental employee" means any person who performs public duties under the direction and control of a DCSD officer for compensation paid by or through a local government.
3. "Local governmental officer" means a person elected or appointed to a

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position with a local government that involves the exercise of a DCSD power, trust or duty, including:

- a. Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of local governmental policy;
 - b. The expenditure of money of a local government; and
 - c. The enforcement of laws and regulations of the State or a local government.
4. "Reprisal or retaliatory action" includes:
- a. The denial of adequate personnel to perform duties;
 - b. Frequent replacement of members of the staff;
 - c. Frequent and undesirable changes in the location of an office;
 - d. The refusal to assign meaningful work;
 - e. The issuance of letters of reprimand or evaluations of poor performance;
 - f. A demotion;
 - g. A reduction in pay;
 - h. The denial of a promotion;
 - i. A suspension;
 - j. A dismissal;
 - k. A transfer;
 - l. Frequent changes in working hours or workdays;
 - m. If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the employer, of a complaint concerning the employee; or
 - n. Knowingly placing false information, including, without limitation, a false complaint, in the personnel file of the employee,

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If such action is taken, in whole or in part, because the state officer or employee or local governmental officer or employee disclosed information concerning improper governmental action.

5. "State employee" means any person who performs public duties under the direction and control of a state officer for compensation paid by or through the State.
6. "State officer" means a person elected or appointed to a position within the State which involves the exercise of a state power, trust or duty, including:
 - a. Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of state policy;
 - b. The expenditure of state money; and
 - c. The enforcement of laws and regulations of the State.

Policy.

1. A local government officer or employee shall not directly or indirectly use or attempt to use the official authority or influence of the officer or employee to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another state officer or employee or another local governmental officer or employee, as applicable, in an effort to interfere with or prevent the disclosure of information concerning improper governmental action, including, without limitation, by intimidating, threatening, coercing, commanding, influencing or attempting to intimidate, threaten, coerce, command, or influence the other officer or employee to take reprisal or retaliatory action. (NRS 281.631).
2. A local governmental officer or employee shall not fail to use the official authority or influence of the officer or employee to remedy any reprisal or retaliatory action of which the officer or employee becomes aware. (NRS 281.631).
3. For purposes herein, the use of "official authority or influence" includes taking, directing others to take, recommending, processing, or approving

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any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation, or other disciplinary action. (NRS 281.631).

4. All local governmental officers and employees are encouraged to disclose, to the extent not expressly prohibited by law, improper governmental action taken by another local governmental officer or employee, through a form provided by the Board, to the Board's legal counsel. (NRS 281.635).
5. All local governmental officers and employees who disclose such improper governmental action shall be protected against reprisal and retaliation. (NRS 281.635).
6. If any local governmental officer or employee who has disclosed any improper governmental action and believes that there was reprisal or retaliatory action taken against them for disclosing such information, may file a written appeal through a form provided by the Board, and the Board shall hear the appeal to determine whether a violation occurred, or whether a reprisal or retaliatory action has been taken against the appellant. (NRS 281.641).
7. The provisions herein shall not be used to harass a local government officer or employee. (NRS 281.651).
8. Nothing herein shall preclude the Board from administering disciplinary procedures against a local governmental officer or employee who discloses untruthful information concerning improper governmental action. (NRS 281.651).
9. Not later than 30 days after commencing employment and annually thereafter, District Administration shall obtain written information that each local governmental officer and employee received a written summary or viewed a video recording that clearly explains the provisions of the Nevada Whistleblower Act, to include any action that may be taken should that Act be violated. (NRS 281.661).

Date Adopted: 11/14/23