ACF - WHISTLEBLOWER PROTECTIONS POLICY: PROHIBITION AGAINST RETALIATION

Protections: Employees
The Hope-Page School District prohibits and will not tolerate any form of reprisal, retaliation, or discrimination (including, but not limited to: discharge, discipline, threats, or penalizing compensation, work conditions, location, or privileges of employment) against any employee because s/he:

1. In good faith, made or intends to make a report that the School Board, school employee, or an entity/person with whom the District has a business relationship has violated federal, state, or local law/administrative rules or school district policy through practice, policy, act, or omission;

2. Participates in a Hope-Page-related investigation, hearing, or inquiry; or

3. Refused to carry out a directive that the employee believes is a violation of local, state, or federal law, rule, or regulation or poses a substantial or specific danger to public health and safety provided the employee has an objective basis for that belief and informs the employer that the directive is being refused for that reason.

Protections: False Claims Act (FCA)
The District shall comply with the federal FCA and prohibits any District employee, contractor, or other District agent from knowingly submitting or causing the submission of a false or fraudulent claim to the federal government in the District's name. The District will not tolerate any form of reprisal, retaliation, or discrimination (including, but not limited to: discharge, discipline, threats, or penalizing compensation, work conditions, location, or privileges of employment) against any employee, contractor, District agent, student, or community member because s/he filed a complaint in good faith under the FCA against the District and/or any of its employees, contractors, or agents.

Protections: Students & Community Members
The District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because s/he, in good faith, filed a complaint against the District (or a District employee, contractor, or agent) under District policy or when authorized by law. Furthermore, the District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because s/he participates in a District-related investigation, hearing, or inquiry.

Grievance Procedure
Anyone covered by the above protections who reasonably believes this policy has been violated by a District employee, contractor, or other authorized District agent may file a complaint or grievance in accordance with the District's applicable complaint or grievance policy (including, but not limited to: complaints about personnel and patron complaints). In the absence of policy, or if policy is not applicable given the nature of the complaint or grievance, the individual should report to the lowest possible level of administrative authority. If the complaint cannot be satisfactorily resolved at that level, the complaint shall be directed to the Superintendent or designee who shall investigate. Board members shall refer individual complaints or grievances to the Superintendent or designee, whereupon established procedures will be followed. If a grievance under this policy concerns the Superintendent, Business Manager, or a school board member, the complainant should report to the Board President or Board Vice President (if the report concerns the Board President) who shall investigate.

Complaints or grievances not otherwise covered by deadlines in the applicable district policy must be reported within 180 calendar days unless state or federal law specifies otherwise.[1] Failure to timely present the complaint or grievance shall be deemed a waiver of the complaint or grievance. Investigations of complaints or grievances filed under this policy shall be completed within 60 days unless the investigator documents in writing reasonable cause for extending this investigation deadline. Upon completion of the investigation, the investigator shall issue his/her findings to the complainant in a written report.

Complainants may also report complaints or grievances under this policy to the state agency with jurisdiction over the subject of the grievance (e.g., ND Department of Labor or ND Department of Public Instruction), the appropriate federal agency[2], and/or, if applicable, law enforcement.

If necessary, the Superintendent or the Board President may take reasonable steps to protect the complainant from retaliation during and/or after the investigation. Reports of suspected employee impropriety under this policy shall be treated as confidential to the extent permitted by state law on administrative investigations of school personnel. All

individuals involved in an investigation shall be advised to keep information about the investigation confidential and should be advised of the protections contained in this policy.

Policy Violation Consequences
Any employee, District contractor, District agent, or student who is found to have engaged in any of the prohibitions contained in this policy may be subject to disciplinary action including, but not limited to, dismissal or expulsion in accordance with applicable policy and law.

Prohibition of False Claims
The District may take appropriate disciplinary action against a District employee, contractor, and/or other District agent and/or may take legal action against anyone who knowingly files a false claim of reprisal, retaliation, or discrimination under this policy.

Notice of Policy
Each employee, contractor, volunteer, school board member, and student will receive a copy of this policy and will sign a statement verifying his/her receipt and understanding of this policy.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DE, Staff Code of Conduct
- KACA, Patron Complaints
- KACB, Complaints about Personnel
- KACB-E1, Patron Complaint Form - Personnel Complaint
- KACB-E2, Investigation Confidentiality Agreement
- KACB-E3, Responding to Personnel Complaints
- KACB-E4, Investigation Report on File
- AAC-BR1, Discrimination and Harassment Grievance Procedure
- AAC-BR2, Title IX Sexual Harassment Grievance Procedure
- HEBC, Fraud Prevention and Investigation

End of Hope-Page School District Policy ACF.....**Adopted: 12/2024**