

### **Whistleblower Protections: Prohibition Against Retaliation**

#### **Protections: Employees**

The Bismarck 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 they:

1. In good faith, made or intends to make a report that the school board, school employee, or an entity/person with whom the school 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 Bismarck School District-related investigation, hearing, or inquiry; or
3. Refused to carry out a directive that the employee believes is a violation of 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 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 they filed a complaint in good faith under FCA against the District and/or any of its employees, contractors, or agents.

#### **Protections: Students and Community Members**

The District will not tolerate any form of reprisal, retaliation, or discrimination against a student and/or community member because they, 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 they participate in a district-related investigation, hearing, or inquiry.

#### **Complaint or Grievance Procedure**

Anyone covered by the above protections who reasonably believes that 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. 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 complaint or 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. If the complaint or grievance concerns the entire school board, it should be filed with the Burleigh County School Superintendent for investigation.

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.<sup>1</sup> 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 their 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 complaint or grievance (e.g., ND Department of Labor or ND Department of Public Instruction), the appropriate federal agency<sup>2</sup>, and/or, if applicable, law enforcement.

If necessary, the Superintendent or the Board President/Vice 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.

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<sup>1</sup> FCA action may be brought 6 years from the date of the violation, or 3 years from the date the U.S. official responsible for acting knew or should have known the violation, but no later than 10 years from the date the violation occurred.

<sup>2</sup> State and federal agencies may have reporting deadlines in place after which the grievance may be denied.

**Notice of Policy**

Each employee, contractor, volunteer, school board member, and student may find a copy of this policy online in the District's policy manual.

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**Complementary Documents**

- AAC-AR1, Discrimination and Harassment Grievance Procedure
- AAC-AR2, Title IX Sexual Harassment Grievance Procedure
- DE, Staff Code of Conduct
- HEBC, Fraud Prevention and Investigation
- KACA, Patron Complaints
- KACB, Complaints About Personnel
- KACB-E1, Personnel Complaint Form
- KACB-E2, Investigation Confidentiality Agreement

End of Bismarck Public School District Policy ACF

Adopted: 7/1/2025

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