



Personnel – Certified / Non-Certified

Retaliation and Whistle Blowing

Employees are encouraged to report suspected illegal activity to appropriate District administrators or to the Board of Education. The Board of Education will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.
- Any employee or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent of Schools or his/her designee. The Board of Education guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee's behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a public body, or because an employee is requested by a public body as defined in C.G.S. 31-51m, to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will exercise reasonable efforts to:

- Investigate any complaints of retaliation or interference made by whistle blowers;
- Take immediate steps to stop any alleged retaliation; and
- Discipline any person associated with the District found to have retaliated against or interfered with a whistle blower.

The Board of Education considers violations of this policy to be a major offense that will result in disciplinary action against the offender, regardless of the offender's position within the District.

The Board shall make this policy available to its staff by posting it on its website with its other District policies.

Legal Reference:

Connecticut General Statutes

31-51m Protection of employee who discloses employer's illegal activities or unethical practices. Civil action.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)

Age Discrimination in Employment Act, 29 U.S.C. §623 (d)

Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)

Fair Labor Standards Act, 29 U.S.C. §215(a)(3)

Occupational Safety and Health Act, 29 U.S.C. §6660(c)

Family and Medical Leave Act, 29 U.S.C. §2615

National Labor Relations Act, 29 U.S.C. §158(a)

CBOCS West, Inc. v Humphries 128S.Ct 1951, 76 U.S.L.W. 4322(2008)

Gomez-Perez v. Potter 128S.Ct. 1931, 76 U.S.L.W. 4488(2008)