

## **P 4865 WHISTLEBLOWER PROTECTION**

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### **Personnel Services Staff Welfare**

The District is committed to provision of a quality education in a transparent and supportive environment. Employees who engage in certain discussions of District operations; disclosure of alleged prohibited activities or testimony before a court, administrative, or legislative body will not be subject to disciplinary action as provided in this Policy 4865. The protection of this policy extends to dismissal, demotion, transfer, reassignment, suspension, reprimand, warrant of such disciplinary action, withholding of work irrespective of whether such action affects the employees' compensation.

The following categories of employment activity are protected under this policy.

#### **Discussion of District Operations**

Employees are protected in discussing the operations of the District with any member of the legislature, state auditor, attorney general, a prosecuting or circuit attorney, a law enforcement agency, news media, the public or any state official or body charged with investigating any alleged misconduct described in this policy. Such protection will not restrict or preclude the administration from disciplining an employee who knew the information discussed was false; the information was closed or confidential under law, or when the discussions relate to the employee's own violations, mismanagement, a gross waste of funds, abuse of authority, or endangerment of public health or safety.

#### **Disclosure of Prohibited Activity**

Employees are protected in making disclosures of any prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes demonstrates:

- Violation of any law, rule or regulation.
- Mismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources, attention of technical findings, or communication of scientific opinion, breaches of professional ethical census, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law.

Similarly, no employee will be required to give notice to a supervisor prior to disclosing any activity set out in this subsection.

Employees are protected in their testimony before a court, administrative body, or legislative body regarding an alleged prohibited activity or disclosure of related information.

#### **Limitations on Protected Activity**

The employee protections set out in this policy will not prohibit:

- A supervisor from requiring employees to inform the supervisor concerning legislative requests for information; the substance of testimony made or the substance of testimony to be made to legislators on behalf of the District.
- A supervisor may preclude an employee from leaving their assigned work area during normal work hours or without complying with the applicable rules, regulations and policies. However, this limitation will not apply when an employee is requested by a legislator/legislative committee to appear before such legislative committees.
- A supervisor from disciplining an employee who represents his/her personal opinions as the opinion of the District.
- A supervisor from disciplining an employee who discloses or discusses information the employee knew was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, a gross waste of funds, abuse of authority or the endangerment of public health or safety.

### **Referral to the State Auditor**

Where an employee alleges that they were disciplined for disclosure or discussion of information related to the receipt or expenditures of public funds, the employee may request the state auditor to investigate the alleged misconduct and whether unlawful disciplinary action was taken as provided in this policy.

### **Policy Posting**

The District will post a summary of this policy in locations in all District facilities where it would reasonably be expected to come to attention of all District employees. In addition, this policy will be posted on the District's website.

### **§ 105.055 RSMo - Form 4560**

**Board Approved November 8, 2018**