

# POLICY

SOMERSET COUNTY  
BOARD OF EDUCATION

<b>Date Submitted:</b> March 19, 2013	<b>Number:</b> <b>700-58</b>
<b>Date Reviewed:</b> February 19, 2013 March 19, 2013	
<b>Subject:</b> Whistle Blower Policy	<b>Date Approved:</b> March 19, 2013 <b>Date Effective:</b> March 19, 2013

## 1. PURPOSE

The Board is committed to creating a climate of trust and openness in which employees are able to report suspected misconduct with full confidence that the matter will be appropriately considered and addressed; and with no fear of retaliation or reprisal. The Purpose of this policy is to set forth the parameters for employees to report such suspected misconduct.

## 2. SAFE GUARDS – WHAT SHOULD BE REPORTED?

Any act, policy or practice that you reasonably believe to be a violation of state or federal laws, rules, or regulations by another Somerset County Public School employee. Examples include but are not limited to:

- A. Harassment or Victimization - Harassment or victimization for reporting concerns under this policy will not be tolerated.
- B. Theft or suspected misuse of school property/equipment.
- C. Employees are expected to report any concerns they may have regarding another employee or system procedure or practice in such areas as:
  - incorrect financial reporting;
  - falsifying or otherwise manipulating district financial records or statements;
  - use of district position for personal gain;
  - unlawful activity;
  - activities that are not in line with Somerset County Public Schools policy, including the Ethics Code of Conduct; and
  - activities, which otherwise amount to serious improper conduct and may endanger the health or safety of others;
  - conflicts of interest on the part of those with decision-making authority;
  - violations of local, state, or federal laws or ordinances occurring on SCPS property or effecting to employees qualifications and conditions for employment.
  - bribery of kickbacks involving and district employee or contract
  - violation of federal, state, or local laws or ordinances occurring on SCPS property or effecting to employees qualifications and conditions for employment

**3. ANONYMOUS ALLEGATIONS**

This policy is established in order to encourage employees to put their names to allegations because appropriate follow-up questions and investigations may not be possible unless the source of the information is identified. Concerns expressed anonymously will be explored appropriately, but consideration will be given to:

- The seriousness of the issue raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

**4. DESCRIPTION OF PROTECTION AGAINST REPRISAL**

- A. Somerset County Public Schools is committed to high standards of ethical, moral and legal conduct and in so doing believes that protecting whistleblowers is an essential component of an ethical and open work environment. In addition, effective whistleblower protection helps to foster a work environment in which all employees are held accountable, thereby improving performance and empowering employees.
- B. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of Somerset County Public Schools Board of Education and provides the Superintendent or his/her designee with a reasonable opportunity to investigate and correct the alleged unlawful activity.
- C. Any employee that attempts to punish, discipline, or retaliate against another employee because the employee reported suspected or actual misconduct may be subject to discipline. Employees who are aware of but fail to report misconduct of the type discussed in this policy may also be subject to discipline.
- D. Any employee, who believes that he/she has been punished, disciplined or otherwise retaliated against for reporting misconduct under this policy, may file a written complaint with the Board Chair. The Board Chair may direct the Superintendent or an independent third party to investigate any such complaint.

**5. BAD FAITH ALLEGATIONS**

This policy does NOT protect employees who file a report in bad faith or for malicious purposes from disciplinary actions. Employees and others are obligated under the Whistleblower Policy to act in good faith when making reports of suspected improper activity. Unsubstantiated claims that are made with malicious intent will be viewed and handled as a serious disciplinary offense.

6. **THE INVESTIGATION – HOW REPORTS ARE MADE AND WHERE ARE REPORTS FILED?**

The report can be made in writing or verbally, anonymously if preferred, include factual information with specific details that you have knowledge about. Whistleblower reporting forms are available in the office of the facility you work at, or from the Office of Human Resources. The completed form should be submitted to the principal, the immediate supervisor. (See **Administrative Procedures for report form**). All written reports by the principal or the immediate supervisors, after determining whether further investigation is warranted shall be forwarded to the Office of Human Resources. Whenever possible the employee who originated the report shall be advised of the results of the investigation. If the complaint involves individuals listed in the process for procedures for reporting complaints then they may forward the complaint to the suspected employees supervisory manager.

If an investigation uncovers criminal conduct, law enforcement officials shall be promptly notified. If the complaint involves individuals listed in the process for procedure for reporting complaints than they may forward the complaint to the suspected employees supervisor/manager.

7. **CONFIDENTIALITY**

Every effort will be made to treat the complainant's identity with appropriate regard for confidentiality. Reports of concern and information gained from the investigation(s) shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

8. The Board of Education shall be notified within one week of all reported complaints.

*All reports will be taken seriously and addressed promptly. The investigation will be conducted in a discreet and professional manner. Upon the conclusion of the investigation, corrective action will be taken if warranted.*

**Reference:** Annotated Code of Maryland  
6-408