

WHISTLEBLOWER

The Muhlenberg School District is committed to facilitating open and honest communications relevant to its governance, finances, and compliance with all applicable laws and regulations.

Muhlenberg School District requires its School Board Directors and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the organization must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations. The Board finds that employees who in good faith report to the employer or cooperate in investigations of suspected waste or wrongdoing should not be subject to discrimination or other adverse employment consequences.

WHISTLEBLOWER

I. Authority

The Whistleblower Law provides protection of employees against being discharged or discriminated against by reason of their filing good faith reports with an employer of suspected waste or wrongdoing or cooperating in the investigation of such reports.

II. Definitions

- A. Good Faith Report – A report of conduct defined in this policy as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.
- B. Waste – An employer’s conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from Commonwealth or political subdivision sources.
- C. Whistleblower – A person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person’s superiors, to an agent of the employer or to an appropriate authority.
- D. Wrongdoing – A violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the employer, including but not limited to:
 - 1. Theft;
 - 2. Financial reporting which is fraudulent, intentionally misleading or negligent in any manner;
 - 3. Improper or undocumented financial transactions;
 - 4. Forgery or alteration of documents;
 - 5. Unauthorized alteration or manipulation of computer files;
 - 6. Improper destruction of records;
 - 7. Improper use of Muhlenberg School District assets, including but not limited to its funds, supplies, intellectual property and other assets;
 - 8. Improper access and or use of confidential information;
 - 9. Authorizing or receiving compensation for goods not received or services not performed;
 - 10. Violations of Muhlenberg School District’s conflict-of-interest policy;
 - 11. Any other improper occurrence regarding cash, financial procedures, or reporting;

12. Any abuse of or discrimination against a Muhlenberg School District employee, client, vendor or person connected with Muhlenberg School District.

III. Employee Education

- A. All current employees will receive a copy of the Whistleblower Policy and will be required to sign a statement indicating that they have read and understand this policy (Attachment A).
- B. All new employees will be required to sign a statement indicating that they have read and understand this policy as part of their orientation.

IV. Protection of Employees

- A. Persons Not to be Discharged – No employee may be discharged, threatened or otherwise discriminated or retaliated against regarding the employee’s compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or to an appropriate authority an instance of wrongdoing or waste.
- B. Discrimination Prohibited – No employee may be discharged, threatened or otherwise discriminated or retaliated against regarding the employee’s compensation, terms, conditions, location or privileges of employment because the employee is required by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

V. Acting in Good Faith

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of Muhlenberg School District’s policies. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

VI. Delegation of Responsibility

- A. In order to maintain an educational environment that discourages and prohibits punitive action against whistleblowers, the Board directs the Superintendent to assign a district level neutral third party as a compliance officer. The whistleblower may request an alternative compliance officer if he/she feels the compliance officer is not neutral.
- B. The compliance officer shall receive written complaints from employees who allege that this policy has been violated. The compliance officer shall investigate these complaints and within fifteen (15) business days of receipt of the complaint issue a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. A copy of the findings shall be provided to the complainant.

- C. If the investigation results in finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to prevent reoccurrence of such action and to correct its affect on the complainant and others, if applicable.
- D. Disciplinary action shall be consistent with Board policies and District procedures, applicable collective bargaining agreements, and state and federal laws.

VII. Appeal Procedure

- A. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, he/she may submit a written appeal to the Superintendent within thirty (30) days.
- B. The Superintendent will review the investigation and the investigative report and may also conduct a reasonable investigation.
- C. The Superintendent shall issue a written response to the appeal within fifteen (15) business days. Copies of the response shall be provided to complainant.
- D. If the complainant is still not in agreement with the final disposition of the complaint by the School District, the employee who alleges the violation may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within 180 days after occurrence of the alleged violation.

Reference:

PA Statues, Chapter 25, Whistleblower Law 43PS 1422-1428

MUHLENBERG SCHOOL DISTRICT

Whistleblower Statement

I have read the district's policy No. 4.35, "Whistleblower". I fully understand the obligation to practice honesty and integrity in my work responsibilities as well as the protection from discrimination and adverse employment consequence that I, as an employee, have in reporting any alleged wrongdoing in the school district.

Name

Date