

1 **5125 PERSONNEL**

2 Whistleblowing and Retaliation

3 This Whistleblower Policy is intended to encourage and enable employees and others to raise serious  
4 concerns internally so that the District can address and correct inappropriate conduct and actions. In  
5 accordance with Policy 5223, when district employees know or have reasonable cause to believe that  
6 serious instances of wrongful conduct have occurred, they are required to report such wrongful conduct.

7 For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- 8 • fraud;
- 9 • theft of district money, property, or resources;
- 10 • misuse of authority for personal gain or other non-district purpose;
- 11 • violations of applicable federal and state laws and regulations;
- 12 • mismanagement of resources, and/or
- 13 • serious violations of district policy, regulation, and/or procedure.

14 Reports of wrongful conduct can be made via the Uniform Complaint Procedure (Board Policy 5215) or  
15 through the District’s anonymous reporting system.

16 The Board of Trustees will not tolerate any form of reprisal, retaliation or discrimination against:

- 17 • Any employee, or applicant for employment, because he/she opposed any practice that he/she  
18 reasonably believed to be made unlawful by federal or state laws prohibiting employment  
19 discrimination on the basis of any protected class as defined under federal and/or Montana state  
20 law.
- 21 • Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or  
22 participated, in any manner, in an investigation, proceeding or hearing under federal or state laws  
23 prohibiting employment discrimination on the basis of any protected class as defined under  
24 federal and/or Montana state law or because he/she reported a suspected violation of such laws  
25 according to this policy; or,
- 26 • Any employee, or applicant for employment, was about to report, a suspected violation of any  
27 federal, state or local law or regulation to a public body (unless the employee knew that the report  
28 was false) or because he/she was requested by a public body to participate in an investigation,  
29 hearing or inquiry held by that public body or a court.

30 An employee, or applicant for employment, who believes that he/she has suffered reprisal, retaliation or  
31 discrimination in violation of this policy shall report the incident(s) as per the Uniform Complaint  
32 Procedure (Board Policy 5215) or through the District’s anonymous reporting system. The Board of  
33 Trustees guarantees that no employee, or applicant for employment who makes such a good faith report  
34 will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are  
35 forbidden from preventing or interfering with whistle blowers who make good faith disclosures of  
36 misconduct.

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

10 False charges shall also be regarded as a serious offense and will result in disciplinary action or other  
11 appropriate sanctions.

12 The District will exercise reasonable efforts to:

- 13 • investigate any complaints of retaliation or interference made by whistleblowers;
- 14 • take immediate steps to stop any alleged retaliation; and
- 15 • discipline any person associated with the District found to have retaliated against or interfered  
16 with a whistleblower.

17 The Board of Trustees considers violations of this policy to be a major offense that will result in disciplinary  
18 action, up to and including termination of employment, against the offender, regardless of the offender's  
19 position within the District.

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

22 Legal References:

- 23 Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)
- 24 Age Discrimination in Employment Act, 29 U.S.C. §623 (d)
- 25 Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)
- 26 Fair Labor Standards Act, 29 U.S.C. §215(a)(3)
- 27 Occupational Safety and Health Act, 29 U.S.C. §6660(c)
- 28 Family and Medical Leave Act, 29 U.S.C. §2615
- 29 National Labor Relations Act, 29 U.S.C. §158(a)

30 Cross Reference:

- 31 Board Policy 5240 Resolution of Staff Complaints/Problem Solving
- 32 Board Policy 5215 Uniform Complaint Procedure
- 33 Board Policy 5223 Personal Conduct
- 34 Board Policy 5226 Hazing, Harassment, Intimidation, Bullying

35 Policy History:

- 36 Adopted on: November 28, 2016
- 37 Reviewed on: February 5, 2018