

Related Entries: (Not identified at this time)

Whistleblower's Protection

- (1) The purpose of this policy is to establish a procedure to provide employees with the protection contemplated by Florida's Public Whistleblower's Act, Sec. 112.3187, Fla. Stat. This policy applies to individuals that have complied with requirements of the Florida Public Whistleblower's Act.
- (2) This policy is not a vehicle for protesting a performance evaluation, making a complaint against a fellow employee, or otherwise disputing or disagreeing with management decisions. In such cases, employees must respect and use the established organizational lines of authority, communication and grievance processes.
- (3) It is the intent of this policy to protect an employee who engages in good faith reporting from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct, and to provide employees who believe they have been subject to reprisal or false allegations a fair process to seek relief from such acts. Any communication that proves to have been unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy.
- (4) The School Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Ethical conduct shall be understood to mean maintaining the highest standards of honesty, fair-dealing, truthfulness, and integrity in one's interactions with co-employees and others. The Code of Ethics and the Principles of Professional Conduct for the Education Profession in Florida shall be incorporated by reference in this policy (see F.A.C. 6A-10.080 and 6A-10.081 and Policy 3210).
- (5) The Board also expects employees to report to their supervisors any violation or suspected violation of any Federal, State or local law, regulation, or District policy or administrative procedure committed by any employee or agent of an agency or independent contractor doing business with the Board or which creates and presents a substantial or specific danger to the public's health, safety, or welfare. Additionally, employees are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor doing business with the Board.
- (6) For the purposes of this policy, the following words or terms shall have the meanings indicated:

- 45 (a) Employee - "Employee" means any person hired by the School Board after
46 completing the personnel procedures required by the School Board; or any
47 person who performs services for the School Board under the direction and
48 control of contracts with an Independent Contractor for wages or other
49 renumeration.
50
- 51 (b) Independent Contractor - "Independent Contractor" means any person other
52 than the School Board or its employees, who provides goods and/or services
53 to the School Board pursuant to a contractual agreement, including a provider
54 agreement, with the School Board.
55
- 56 (c) Adverse Personnel Action - "Adverse Personnel Action" means the discharge,
57 suspension, transfer, demotion, reprimand, warning, withholding of bonuses,
58 the reduction of salary or benefits, or any other adverse action taken against
59 an employee within the terms and conditions of employment as provided
60 herein.
61
- 62 (d) Protected Disclosure - "Protected Disclosure", according to the Florida's Public
63 Whistleblower's Act, is the good faith reporting of:
64
- 65 i. Any violation or suspected violation of any federal, state, or local law,
66 rule, or regulation, or School Board Policy or procedure, committed by
67 an employee(s), agent(s) or an independent contractor(s) of the Board
68 which creates and presents a substantial and specific danger to the
69 public's or students' health, safety, or welfare; or
70
 - 71 ii. Any act or suspected act of gross mismanagement, malfeasance,
72 misfeasance, gross waste of public funds, suspected or actual Medicaid
73 fraud or abuse, or gross neglect of duty committed by an employee,
74 agent or independent contractor of the Board.
75
- 76 (e) Gross Mismanagement - "Gross Mismanagement" means a continuous
77 pattern of managerial abuses, wrongful or arbitrary and capricious actions, or
78 fraudulent or criminal conduct which may have a substantial adverse economic
79 impact.
80
- 81 (f) Whistleblower - "Whistleblower" means a person or entity making a protected
82 disclosure. A whistleblower may be an employee, students, parents, vendors,
83 contractors, applicants for employment, or the general public who makes a
84 good faith report. The whistleblower's role is as a reporting party.
85 Whistleblowers are not investigators or finders of fact, nor do they determine
86 the appropriate corrective or remedial action that may be warranted.
87
- 88 (g) Hotline - "Hotline", for the purposes of this policy, shall mean the Whistleblower
89 Hotline Case Managers who have the primary responsibility to receive reports
90 of allegations from the whistleblower.
91

- 92 (7) Neither the School Board, Superintendent, Department Heads, nor Principals, nor
93 any employee shall take or recommend to the School Board to take adverse
94 personnel actions against an employee for disclosing information pursuant to the
95 provisions of this policy.
96
- 97 (8) Employees may not directly or indirectly use or attempt to use the official authority or
98 influence of his or her position or office to interfere with the right of a person to provide
99 information as provided in the definition of "protected disclosure", or intentionally
100 engage in acts of reprisal, retaliation, threats, coercion or similar acts against a
101 person as a result of the person providing, or attempting to provide, such information.
102
- 103 (9) Any person may file a complaint with the Hotline meeting the definition of "protected
104 disclosure" as provided herein.
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- 106 (a) The Hotline will have a dedicated telephone number and a website for the
107 reporting of complaints. The Hotline is available for any person (both identified
108 and anonymous) wishing to report a protected disclosure as defined herein. It
109 will be managed by an outside third-party vendor.
110
- 111 (b) Once a complaint is received by the Hotline, it will be directed to the
112 appropriate department, either the internal auditor, or human resources. Legal
113 services will also be involved in directing the complaints to the appropriate
114 departments and help determine legal sufficiency.
115
- 116 (c) Unless required by law, anonymous complaints or reports may be made;
117 however, such complaints or reports must provide sufficient corroborating
118 evidence to justify the commencement of an investigation. Anonymous
119 complaints will be reviewed to determine whether there is a sufficient, factual
120 basis to reasonably suspect that a violation as outlined in the definition of
121 "protected disclosures" may have occurred. As anonymous callers are not
122 identified they cannot be afforded whistleblower protection.
123
- 124 (10) Consistent with the foregoing, retaliation, discipline, or reprisal is prohibited against a
125 person who makes a report or files a complaint alleging a violation of Federal, State
126 or local law, regulation, or School Board Policy or administrative procedure, or
127 participates as a witness in an investigation, so long as the employee acted in good
128 faith.
129
- 130 (11) Specifically, the Board and all District personnel will not retaliate against, coerce,
131 discriminate against, intimidate, threaten, or interfere with any individual because
132 such person filed a complaint alleging that a violation has occurred, or because that
133 individual filed a charge, testified, assisted, or participated in any manner in an
134 investigation, proceeding, or hearing related to the alleged violation, or because that
135 individual exercised, aided, or encouraged any other person to exercise any right
136 granted or protected by this policy or Federal, State or local law.
137

- 138 (12) An employee whistleblower who believes that she or he has been retaliated against
139 or had adverse action taken against him or her shall file a written complaint with the
140 Superintendent and legal services within thirty (30) working days of the alleged
141 retaliation. If the complaint of retaliation involves the Superintendent, School Board
142 Attorney or Internal Auditor, it shall be given directly to the Chairman of the School
143 Board. Any complaint of retaliation against a School Board Member shall be given
144 to an external investigator for review.
145
- 146 (a) Any complaint of adverse personnel action or retaliation will be promptly
147 investigated and receipt of same shall be acknowledged within five (5)
148 business days. If the employee's allegations of adverse personnel action or
149 retaliation are substantiated, appropriate corrective measures shall be taken
150 by the Superintendent and/or School Board.
151
- 152 (b) An employee who takes adverse personnel action or retaliates against
153 someone who reported a concern in good faith is subject to discipline up to
154 and including termination of employment.
155
- 156 (13) Anyone making a report as provided in this policy must act in good faith and have
157 reasonable grounds for believing the information disclosed is a violation of law or an
158 act as defined herein by "protected disclosure". Thus, this policy does not immunize
159 an employee, volunteer or student from the consequences of his/her own actions,
160 which actions do not constitute reasonable and good faith disclosure of the type of
161 information described herein. Allegations that are not substantiated, yet are made in
162 good faith are not subject to corrective action. This includes any allegations made
163 against School Board Members, Superintendent, School Board Attorney and Internal
164 Auditor.
165
- 166 (a) Any employee or volunteer who knowingly or with reckless disregard for the
167 truth gives false information or knowingly makes a false report of wrongful
168 conduct or a subsequent false report of retaliation will be subject to disciplinary
169 action, up to and including termination. This includes any allegations made
170 against School Board Members, Superintendent, School Board Attorney and
171 Internal Auditor.
172
- 173 (14) Protected disclosures and investigatory records will be kept confidential to the extent
174 possible, consistent with the need to conduct an adequate investigation, to provide
175 accused individuals their rights and to comply with the Florida Public Records Act.
176
- 177 (15) On a monthly basis the Hotline will provide a report to the School Board regarding
178 the number of reports and complaints. A description of those matters that resulted in
179 findings of fraud, waste or abuse will be provided in accordance with applicable
180 statutory provisions of Fla. Stat. Chapter 119, Florida Statutes.
181

182 **STATUTORY AUTHORITY:** 1001.32, 1001.42, 1001.43, F.S.
183

184 Adopted: 10/06/2020