

Nerstrand Elementary School Policy #424
Independent Charter School District #4055

Adopted: 3-13-23

Revised:

#424 WHISTLEBLOWER POLICY

I. PURPOSE

The purpose of this policy is to outline the conduct protected by the whistleblower law in Minnesota (Minn. Stat. §181.932), and to identify the procedures for reporting suspected violations of law.

II. POLICY STATEMENT

It is the policy of Nerstrand Elementary School (NES) to fully comply with state and federal law regarding protection for individuals who report a violation or suspected violation of any federal or state law, or rule adopted pursuant to law.

III. PROTECTIONS FOR EMPLOYEES MAKING GOOD FAITH REPORTS

Prohibited actions: NES shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

1. The employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal or state law or rule adopted pursuant to law to the NES Board or Executive Director, or to any governmental body or law enforcement official;
2. The employee is requested by NES Board, or Executive Director to participate in an investigation, hearing, inquiry;
3. The employee refuses an order from the NES Board or Executive Director, or the employee's supervisor, to perform an action that the employee has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason;
4. The employee, in good faith, reports a situation in which the quality of health care services provided by a healthcare facility, organization, or health care provider violates a standard established by federal or state law or a professionally recognized national clinical or ethical standard and potentially places the public at risk of harm; or
5. The employee communicates the findings of a scientific or technical study that the employee, in good faith, believes to be truthful and accurate, including reports to a

governmental body or law enforcement official. The disclosures protected under this policy do not authorize the disclosure of data otherwise protected by law.

IV. RETALIATION PROHIBITED

No director, officer or employee who takes action as described above shall suffer harassment, retaliation or adverse employment consequences. An employee who retaliates against an individual who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within NES.

V. REPORTING VIOLATIONS

The Executive Director and Board Chair have an open door policy and encourage employees to share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if an employee is not comfortable speaking with a supervisor or is not satisfied with your supervisor's response, the employee is encouraged to speak with anyone in management. Supervisors and managers are required to report suspected violations of this policy to NES, who has the responsibility to investigate all reported violations. For suspected fraud, or when an employee is not comfortable with this open door policy, individuals should contact NES's Compliance Officer directly.

VI. INDIVIDUAL RESPONSIBLE FOR INVESTIGATION

NES is responsible for investigating and resolving all reported complaints and allegations concerning violations of this policy and shall advise the Executive Director and/or the Board's Chair.

VII. ACCOUNTING AND AUDITING MATTERS

The finance committee of the Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Executive Director shall immediately notify the finance committee of any such complaint and work with the committee until the matter is resolved.

VIII. ACTING IN GOOD FAITH

Anyone filing a complaint concerning a violation or suspected violation of any federal or state law, or rule adopted pursuant to law, must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a legal violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

IX. CONFIDENTIALITY

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously to the Executive Director or Board Chair. Reports of violations or suspected violations will be kept confidential to the extent permitted by law and consistent with the need to conduct an adequate investigation.

X. HANDLING OF REPORTED VIOLATIONS

All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation. NES will document the investigation and its outcome and retain such documentation for at least seven (7) years

Legal Reference:

Minn. Stat. §§181.932 (Disclosure of Information by Employees)

18 U.S.C. § 1513(e) (SaNESnes Oxley Act)

Ford v. Minn. Pub. Sch., 857 N.W.2d 725 (Minn. Ct. App. 2014) (6 year statute of limitations applicable to whistleblower claim)