

Nerstrand Elementary School Policy 703.1
Independent Charter School District #4055
Adopted: 9/10/2001

703.1 Suspected Misconduct and Dishonesty

I. Introduction

With all organizations come risks that may stem from wrongdoing, misconduct, dishonesty and fraud. Organizations should prepare to manage these risks and their potential impact in a professional manner.

The impact of misconduct and dishonesty may include:

- incurred financial loss
- damage to the school's or employee's reputation
- negative publicity
- loss of public trust
- the cost of an investigation or litigation
- loss of students, employees and/or sponsorship
- loss of funding
- damaged relationships with contractors and suppliers
- the lowering of school morale

Nerstrand Elementary School (Nerstrand School) strives to establish and maintain an ethical environment of fairness and honesty for all our constituencies. Maintaining such an environment requires the active assistance of all staff members daily.

Nerstrand School is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties by imposing disciplinary action against offenders (including dismissal), referring to law enforcement agencies when warranted and the recovery of assets.

II. Purpose

This document communicates school policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employees and others and a specific course of action in the case of suspected violations.

III. Definitions of Misconduct and Dishonesty

For purposes of this policy, misconduct and dishonesty may include but are not limited to:

- commission of fraud or other unlawful acts
- acts which violate Nerstrand School's Code of Conduct
- theft or other misappropriations of assets, including assets of the school, our customers, suppliers or others with whom a business relationship exists
- misstatements and/or other irregularities in school records, including the intentional misstatement of the results of operations.
- wrongdoing
- forgery or other alteration of documents
- any similar acts

IV. Policy and Responsibilities

Nerstrand School specifically prohibits the activities in Section III and any other illegal activities in the actions of its employees, managers, board members, volunteers and others responsible for carrying out the organization's activities. Any violation of this policy should be reported in the method(s) designated in the Reporting section (V) of this policy.

V. Reporting

It is the responsibility of employees, managers, board members, volunteers and others responsible for carrying out the organization's activities to immediately report suspected misconduct or dishonesty to the Nerstrand School Director or Board Chair. The Director, when informed of potential acts by subordinates will determine an appropriate procedure in which to proceed, utilizing resources at their disposal for consultation, i.e. Minnesota Association of Charter Schools (MACS), Minnesota School Board Association (MSBA), legal advisor, etc. Retaliation against any employee who reports such a violation is prohibited.

Any person(s) wishing to report a suspected violation, may do so anonymously by requesting their name be kept anonymous or by submitting their report in writing and withholding their name.

All relevant situations, including suspected but unproven allegations, should be referred immediately to those with supervisory and follow up responsibility. The important and sensitive nature of suspected violations dictate that no one person investigates or correct a situation on their own. The Director should deal with situations of this nature in partnership with other invested parties to ensure impartiality and due process.

VI. Additional Responsibilities of Supervisors

Employees with supervisory and review responsibilities have additional deterrence and detection duties. These additional duties include:

- Assess what can go wrong within the parameters of the supervisory area.
- Implement, monitor and review control procedures which will prevent acts of wrongdoing.
- Implement and maintain control procedures which will detect acts of wrongdoing promptly, should prevention efforts fail.

While authority to carry out these additional responsibilities may be delegated to subordinates, accountability for their effectiveness ultimately remains to those in supervision, Director and Board.

VII. Responsibility and Authority for Follow Up and Investigation

The Nerstrand School Director has primary responsibility for all investigations involving the school. The Director may request assistance from external parties in any investigation, including access to external auditor's periodic examinations and evaluations of internal controls.

Properly designated members of an investigative team will have:

- free and unrestricted access to all school records and premises, whether owned or rented
- the authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of investigative or related follow up procedures

All investigations of alleged wrongdoing will be conducted in accordance with applicable laws and school procedures.

VIII. Reported Incident Follow Up Procedures

Caution should be exercised in the follow up of suspected misconduct and dishonesty incidents to avoid acting on incorrect or unsupported accusations, alerting suspected individuals to an investigation in progress and making statements that could adversely impact the school, its employees, or other parties.

Accordingly, general procedures for follow up and investigation are as follows:

1. Sections IV and V of Nerstrand School policy 703.1 SUSPECTED MISCONDUCT AND DISHONESTY, requires employees and others to report all factual details of suspected misconduct or dishonesty.
2. The Nerstrand School Director has the responsibility for follow up and, if appropriate, investigation of all reported incidents.
3. All records related to the reported incident will be retained at the Nerstrand School site.
4. There shall be no communication with suspected individuals regarding the matter under investigation until appropriate.
5. At the appropriate time and circumstance the Director will notify the employee or their representative as to the disposition of the investigation.
6. The Director will also notify the Board Chair of all reported incidents to determine what additional action should be taken.
7. The Director may also obtain legal advice at any time in the course of an investigation or follow up activity on any matter related to the report, investigative steps, proposed disciplinary action or anticipated litigation.
8. The results or existence of an investigation or other follow up activities shall not be disclosed or discussed with anyone other than those persons having a legitimate need to know in order to perform their duties and responsibilities effectively.
9. All inquiries from an attorney or any other contacts from outside Nerstrand School, including those from law enforcement agencies or an employee under investigation, should be referred to the legal advisor.

All investigative or other follow up activities are performed without regard to the suspected individual's position, level or relationship with Nerstrand School.

IX. Questions or Clarification Related to the Policy

All questions or other clarifications of this policy and its related responsibilities may be addressed with the Nerstrand School Director or Board of Directors who are responsible for the administration, revision, interpretation and application of this policy.

