

Whistleblower Protection

As a government body, the District has a duty to demonstrate effective stewardship of the resources entrusted to it by the public. The Board believes that a key element of effective stewardship is creating an environment where District employees are encouraged and expected to report any misuse of District resources, violations of applicable laws and regulations, and the failure of any District employee to comply with Board policies concerning ethical conduct.

The Board is committed to creating a climate of trust and openness in which District employees may report suspected misconduct with full confidence that the matter will be appropriately considered and addressed and with no fear of retaliation or reprisal. The purpose of this policy is to further these goals.

Reportable Conduct

Every District employee has a duty to report misconduct or suspected misconduct that has the potential to negatively impact District resources, endanger others, or violate applicable laws. Examples of such misconduct include:

- Inappropriate use of District assets or funds;
- Falsifying or otherwise manipulating District financial records or statements;
- Falsifying or misusing expense reports or company credit cards;
- Use of a District position for personal gain;
- Actions by a District employee or contractor that endanger the health or safety of others;
- Bribery or kickbacks involving any District employee or contractor;
- Theft of District funds or property;
- Conflicts of interest on the part of those with decision-making authority;
- Violations of local, state, or federal laws;

While the above list is not exhaustive, it is intended to provide some guidance as to the types of the issues that should be reported and that are covered by this policy. This policy is not intended to apply to routine personnel matters, which are more appropriately addressed by the Department of Human Resources and/or the applicable grievance process.

Avenues for Reporting Misconduct

District employees are encouraged to promptly report suspected or actual misconduct to their immediate supervisor. If the misconduct involves the employee's immediate

supervisor or the employee is uncomfortable reporting the matter to his or her immediate supervisor, the employee may report the misconduct through other channels, such as:

- A higher level supervisor
- The Chief Financial Officer
- The Chief Legal Counsel
- The Chief Executive Officer
- The Director of Internal Audit
- The Board of Education Chair
- The District's fraud hotline
- The Auditor of State
- A law enforcement official (e.g., a Cleveland Police Officer or a Cuyahoga County Sheriff)
- A prosecuting attorney for the jurisdiction where the misconduct occurred
- A public agency with regulatory authority over the District (e.g., the Ohio Department of Education)

Reports to District personnel shall be treated as confidential to the extent possible. If an employee chooses to remain completely anonymous, he or she may file a report with the District's fraud hotline, which shall be administered by an independent third party that reports to the Director of Internal Audit. The third party administrator shall be selected by the Board based upon the recommendations of the Director of Internal Audit.

Investigations

Every claim of known or suspected misconduct shall be promptly investigated by the District and a written report shall be prepared which documents any actions taken and decisions reached. The written reports shall be forwarded to the Director of Internal Audit, who shall determine whether further investigation is warranted. The Director of Internal audit shall coordinate the investigation of all reports received through the fraud hotline.

The Director of Internal Audit shall provide the Chief Executive Officer and the Board of Education Chair with a quarterly summary of reports and investigations. Whenever possible, the employee who originated the report shall be advised of the results of the investigation. If an investigation uncovers criminal conduct, law enforcement officials shall be promptly notified.

Protection Against Reprisal

Employees who report suspected or actual misconduct after making a reasonable and good faith effort to determine the accuracy of the information reported shall not be punished, disciplined, or otherwise retaliated against as a result of their report.

Any employee that attempts to punish, discipline, or retaliate against another employee because the employee reported suspected or actual misconduct may be subject to

discipline. Supervisory employees who are aware of but fail to report misconduct of the type discussed in this policy may also be subject to discipline.

This policy does not protect employees who file a report in bad faith or for malicious purposes from disciplinary action.

An employee who believes that he or she has been punished, disciplined, or otherwise retaliated against for reporting misconduct under this policy may file a written complaint with the Board Chair. The Board Chair may direct the Internal Auditor or an independent third party to investigate any such complaint.

This policy is intended to supplement Ohio Revised Code Section 4113.52. Any rights granted to employees under that statute shall not be limited by this policy.

Communication of Policy

This policy shall be communicated to all new employees and to all existing employees on at least an annual basis, and shall be published in any District employee handbooks. The District shall prominently post information regarding the fraud hotline on the District website and in other places visible to employees.

[Adoption Date: January 26, 2010]

Legal References:
O.R.C. Section 4113.52