

KPBSD Policy Manual

WHISTLEBLOWER PROTECTIONS

Employee Protections

1. When a District employee has good faith and a reasonable belief that the District has violated any federal, state or local law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses such information, it is unlawful for the District to:
 - a. Discharge, demote, transfer, reassign or take disciplinary action against the employee or threaten any of the previous actions described solely because of the report;
 - b. Withhold work or suspend an employee;
 - c. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
 - d. Direct an employee or to discourage an employee to not disclose or to give notice to the employer prior to making any disclosure.
2. Any employee who retaliates against another employee who reports a concern in good faith will be subject to appropriate discipline.
3. Employees who participate in good faith in a court action, investigation, hearing, or other inquiry by a public body on a matter of public concern shall not be subject to retaliation or adverse employment action as a result of such participation.
4. Employees are encouraged to report matters of “public concern.” “Public concern” includes a violation of state, or local law (including School Board policy), a substantial waste of funds, gross mismanagement, clear abuse of authority, dangers to public health or safety, and other matters of public concern as defined by the Alaska Whistleblower Act, or by any other applicable local, state, or federal law.
5. Reports of public concern may be made to a variety of municipal, state and federal agencies or to school district personnel at a supervisory level or to the School Board. Written reports are encouraged to assure a clear understanding of the issues raised, but reports may be made orally. All

reports should contain as much specific information as possible to allow for proper assessment of the nature, extent, and urgency of the concern.

6. Prior to reporting on a matter of public concern to an agency other than the District, the employee is strongly encouraged, but is not required to, file a report concerning the matter with his or her supervisor, the Superintendent, Human Resources, or the School Board.
7. For reports made to the District, the District will maintain confidentiality of the person making the report when reasonably possible, but the identity of the reporter may have to be disclosed to conduct an investigation, comply with law, or to provide accused individuals their rights of defense.
8. The right of protection against retaliation applies to the making of a report on a matter of public concern, or to participation in an investigation or enforcement process. The District may take appropriate disciplinary action against any employee, including the reporting employee, for misconduct related to the matter of public concern, for reports made in bad faith, or for misconduct during the investigation or enforcement process. Disciplinary action for such misconduct is not retaliation.
9. An employee who reports to the District or other public body on a matter of public concern is entitled to the protections of the Alaska Whistleblower Act, subject to the limitations as provided in that Act. Employees may also be entitled to protections under other local, state or federal laws, depending upon the circumstances and the concern reported. This policy is intended to provide notice to employees of existing law and neither expands nor restricts protections provided by the Alaska Whistleblowers Act, or other applicable laws.
10. This policy does not authorize any District employee to disclose exempt public records or information required to be confidential under the law, or to represent the employee's personal opinion as the opinion of the District.
11. Nothing in this policy precludes disciplinary action against an employee if the information disclosed by the employee is known to be or reasonably should be known to be false or if the employee discloses the information with reckless disregard for its truth or falsity, or if the information disclosed relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

Contractors and other Members of the Public

The District encourages all individuals to report matters of public concern to the District or any other public agency. The District may not retaliate against any individual who makes a report in good faith on a matter of public concern.

Receipt of Reports

All reports of a matter of public concern shall be promptly forwarded to the Superintendent. The Superintendent shall designate the person(s) or agency responsible for investigating and coordinating corrective action.

Legal Reference:

ALASKA STATUTES

AS 39.90.100-39.90.150

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adoption Date: