

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: OPERATIONS
TITLE: WHISTLEBLOWER
ADOPTED: **DRAFT**
REVISED:

| 829 WHISTLEBLOWER | |
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| 1. Purpose | <p>The District is committed to facilitating open and honest communications relevant to its governance, finances, and compliance with all applicable laws and regulations.</p> <p>The District requires its School Board Directors, district employees, volunteers, consultants, vendors, contractors and other parties that maintain a relationship with the school district to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. District employees and representatives of the organization must practice honesty and integrity in fulfilling these responsibilities and comply with all applicable laws and regulations.</p> <p>The District’s administrative and management practices foster corporate accountability; therefore, the District encourages individuals to report questionable activity, waste, wrongdoing and/or fraudulent behavior when they reasonably believe that such activities or conduct have occurred or are occurring.</p> |
| 2. Authority 43 P.S. Sec. 1421 18 U.S.C. Sec. 1513 | <p>The Whistleblower Law provides protection of employee against being discharged or discriminated against by reason of their filing good faith reports with an employer of suspected waste or wrongdoing or cooperating in the investigation of such reports.</p> |
| 3. Definitions | <p>Whistleblower - a person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the employer or to an appropriate authority.</p> <p>Good faith report - a report of conduct defined in this policy as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.</p> <p>Waste – a school district’s conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from the Commonwealth of Pennsylvania or school district sources.</p> <p>Wrongdoing - a violation which is not of a merely technical or minimal nature of a</p> |

federal or state statute or regulation, or a school district policy designed to protect the interest of the public or the school district, including but not limited to the following:

1. Theft.
2. Financial reporting which is fraudulent, intentionally misleading, or grossly negligent in any manner.
3. Improper or undocumented financial transactions.
4. Forgery or alteration of documents.
5. Unauthorized alteration or manipulation of computer files.
6. Improper destruction of records.
7. Improper use of District assets, including but not limited to its funds, supplies, intellectual property and other assets.
8. Improper access or use of confidential information.
9. Authorizing or receiving compensation for goods not received or services not performed.
10. Violations of Board policy regarding conflicts of interest.
11. Any other improper occurrence regarding cash, financial procedures, or reporting.
12. Any abuse of or discrimination against a District employee, client, vendor or person connected with the District.
13. Intentional or grossly negligent failure to manage or supervise staff in the performance of their duties.
14. Any crime defined by the Pennsylvania Drug Device and Cosmetic Act and/or the Pennsylvania Crime Code, or any federal criminal statute.

15.

Employee Education

The District shall post notices and use other appropriate means to notify employees and keep them informed of protections and obligations under this act. The policy shall be posted in a prominent location within each school building and posted on the School District's website.

4. Guidelines
43 P.S. Sec. 1428

43 P.S. Sec. 1423

The school district will inform all employees of changes to the Whistleblower Policy.

Protection of Employees

Persons Not To Be Discharged -

No employee may be discharged, threatened or otherwise discriminated or retaliated against regarding the employee's compensation, terms, conditions, location or privileges or employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or to an appropriate authority an instance of wrongdoing or waste.

Discrimination Prohibited -

No employee may be discharged, threatened, or otherwise discriminated or retaliated against regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee is required by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority in a court action.

Disclosure Prohibition –

The Compliance Officer may not disclose the identity of a whistleblower without the whistleblower's consent unless disclosure is unavoidable in the investigation of the alleged violation.

Acting in Good Faith

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of Board policies. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Reporting

All employees shall be alert for any indication of fraud, financial impropriety or irregularity within their area of responsibility.

An employee who suspects fraud, impropriety, or irregularity shall immediately

5. Delegation of Responsibility

Policy 317, 417, 517

report his/her suspicions to Lighthouse, the District's third party reporting service. Reports can be placed anonymously by contacting Lighthouse:

• Website: www.lighthouse-services.com/esasd

• Anonymous Reporting App: Keyword: esasd

• Toll-Free Telephone:

○ English speaking USA and Canada: 833-926-2371

○ Spanish speaking USA and Canada: 800-216-1288

• E-mail: reports@lighthouse-services.com (must include company name with report)

• Fax: (215) 689-3885 (must include company name with report)

Investigation

In order to maintain a professional environment that discourages and prohibits punitive action against whistleblowers, the Board appoints the Director of Administrative Services as the District Compliance Officer.

The District Compliance Officer can be reached, in writing, at the Administration Office, East Stroudsburg Area School District, 50 Vine Street, East Stroudsburg, Pennsylvania 18301; by emailing fraud@esasd.net; or reports can be placed anonymously by calling the ESASD Fraud Hotline -- (570) 424-7837.

~~If the complaint is against the Director of Administrative Services, the complaint should be directed to the Director of Human Resources.~~

The Compliance Officer shall receive complaints filed **with Lighthouse, the District's third party administrator** from individuals who allege that this policy has been violated. The Compliance Officer shall investigate these complaints and, within fifteen (15) days of receipt of the complaint, issue a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint. A copy of the findings may be provided to the complainant.

If the District Compliance Officer is involved in the complaint, the Director of Human Resources is authorized to initiate investigation of the complaint and coordinate the investigative efforts with individuals and agencies s/he deems appropriate.

If the investigation results in finding that the complaint is factual and constitutes a violation of this policy, the Board shall take prompt, corrective action to prevent reoccurrence of such action and to correct its effect on the complainant and others, if applicable.

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| | <p>Disciplinary action shall be consistent with Board policies, district guidelines, applicable collective bargaining agreements, and state and federal laws.</p> <p>References:</p> <p>Whistleblower Law – 43 P.S. Sec. 1421 et seq. Whistleblower Protection – 18 U.S.C. Sec. 1513 Board Policy – 317, 417, 517</p> |
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