

WHISTLEBLOWER PROTECTION POLICY

In keeping with the policy of maintaining the highest standards of conduct and ethics, the Jackson Public School District will investigate any suspected fraud, waste, or abuse of Jackson Public School District's resources or property by staff, board members, consultants, or volunteers.

The Jackson Public School District is committed to maintaining the highest standards of conduct and ethical behavior and promotes a working environment that values respect, fairness, and integrity. All staff, board members, and volunteers shall act with honesty, integrity, and openness in all their dealings as representatives for the organization and comply with all applicable laws and regulations. Failure to follow these standards will result in disciplinary action including possible termination of employment, dismissal from one's board or volunteer duties, and possible civil or criminal prosecution if warranted.

Employees, board members, consultants, and volunteers are encouraged to report suspected fraudulent or dishonest conduct (i.e., to act as a "whistleblower"), according to the procedures set forth below.

DEFINITIONS

Abuse: acting in an arbitrary and capricious manner that adversely affects the accomplishment of a function of any governmental entity.

Baseless Allegations: allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to disciplinary action by the Jackson Public School District, and/or legal claims by individuals accused of such conduct.

Employee: means any individual employed or holding office in any department of the JPSD.

Fraudulent or Dishonest Conduct: is a deliberate act or failure to act to obtain an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Forgery or alteration of documents.
- Unauthorized alteration or manipulation of computer files.
- Fraudulent financial reporting.
- Pursuit of a benefit or advantage in violation of the Jackson Public School District's Conflict of Interest Policy
- Misappropriation or misuse of the Jackson Public School District's resources, such as funds, supplies or other assets.
- Authorizing or receiving compensation for goods not received or services not performed; and
- Authorizing or receiving compensation for hours not worked.

Good faith report: a report of conduct defined in this policy as fraud, waste or abuse which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.

Improper governmental action: means any action by an employee which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment:

- a. Which is in violation of any federal or state law or regulation, is an abuse of authority, results in substantial abuse, misuse, destruction, waster, or loss of public funds or public resources; or

- b. Which is of substantial and specific danger to the public health or safety; or
- c. Which is discrimination based on race or gender.

“Improper governmental action” does not include personnel actions for which other remedies exist, including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local personnel policies, reprimands, claims of discriminatory treatment, or any personnel action which may be taken under federal or state law.

Misuse: means an illegal or unauthorized use.

Waste: means an unnecessary or unreasonable expenditure or use.

Whistleblower: means an employee who in good faith reports an alleged improper governmental action to OGC, initiating an investigation.

REPORTING IMPROPER GOVERNMENTAL ACTIVITIES

A. Reporting Improper Governmental Activities

Any person may report information alleging improper governmental activity under procedures established by the Jackson Public School District’s Board of Trustees (“Board”) in this policy.

B. Where to Report Improper Governmental Activities

1. JPSD employees shall provide information to their immediate Supervisor or the information shall be provided directly to the Office of the General Counsel (“OGC”) in writing;
2. Applicants for JPSD employment shall submit information directly to the OGC;
3. All others shall submit information directly to the OGC using the online form available on the OGC website;
4. If the OGC or the Superintendent are the subject of the information, the Supervisor receiving the information shall submit it directly to the President of the Board.

C. Procedure for Investigating Reports of Improper Governmental Activities

Reports alleging improper governmental activity will be investigated, if warranted, and reported according to procedures established by the OGC, the Superintendent and the Board.

To assure the reporting of any activity that threatens the efficient administration of the Jackson Public School District, reports that disclose improper governmental activities shall be kept confidential.

RIGHTS AND RESPONSIBILITIES

Supervisors are required to report suspected fraudulent or dishonest conduct to the OGC of the Jackson Public School District.

Reasonable care should be taken in dealing with suspected misconduct to avoid:

- Baseless allegations.
- Premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation; and
- Violations of a person's rights under the law

Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Supervisors, while appropriately concerned about "getting to the bottom" of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. Accordingly, a supervisor who becomes aware of suspected misconduct:

- Should not contact the person suspected to further investigate the matter or demand restitution.
- Should not discuss the case with attorneys, the media, or anyone other than the Superintendent/Designee of the Jackson Public School District.
- Should not report the case to an authorized law enforcement officer without first discussion of the case with the OGC.

INVESTIGATION OF COMPLAINTS BY THE OGC

All relevant matters, including suspected but unproved matters, will be reviewed, and analyzed, with documentation of the receipt, retention, investigation, and treatment of the complaint. Appropriate corrective action will be taken, if necessary, and findings will be communicated back to the reporting person and his or her supervisor by the Superintendent. Investigations may warrant investigation by an independent person such as auditors and/or attorneys.

The identity of the whistleblower shall be kept confidential unless the District determines that the information has been provided other than in good faith.

PROTECTION OF EMPLOYEES

Jackson Public School District will use its best efforts to protect whistleblowers against retaliation. Whistleblowing complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that whistleblower complaints will only be shared with those who need to know so that the Jackson Public School District can conduct an effective investigation, determine what actions to take based on the results of any such investigation, and in appropriate cases, with law enforcement personnel. (Should disciplinary or legal action be taken against a person or persons because of a whistleblower complaint, such persons may also have the right to know the identity of the whistleblower.)

Employees, consultants, and volunteers of the Jackson Public School District may not retaliate against a whistleblower for informing management about an activity which that person believes to be fraudulent or dishonest with the intent or effect of adversely affecting the terms or conditions of the whistleblower's employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or fees. Whistleblowers who believe that they have been retaliated against may file a

written complaint with the Superintendent/Designee of the Jackson Public School District. Any complaint of retaliation will be promptly investigated, and appropriate corrective measures are taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

An employee making, or suspected of making, a good faith report shall not be subjected to workplace reprisal or retaliatory action as a result of making such report or being suspected of making such a report. For purposes hereof, “reprisal or retaliatory action” means, but is not limited to:

- a. Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;
- b. Demotion;
- c. Reduction in pay;
- d. Denial of promotion;
- e. Suspension;
- f. Dismissal; and
- g. An adverse change in job duties.

Any employee who has filed a valid whistleblower complaint may not recover the damages and other remedies provided under Miss. Code Ann. § 25-9-175 unless the dismissal or adverse action taken against him or her was the direct result of providing information to the District.

Nothing in this policy prohibits the District from making any decision exercising its authority to terminate, suspend or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

The District is not precluded from taking any action in accordance with established personnel policies against an employee who knowingly and intentionally provides false information to the District.

SOURCE: Jackson Public School District, Jackson, Mississippi

LEGAL REF: Miss. Code. Ann. §§ 25-9-171 - 25-9-177;

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