

Policy Code: 1761/7281 Whistleblower Rights and Protection

Executive Summary:

The Board is committed to facilitating open and honest communication relevant to its governance, finances, and compliance with all applicable laws and regulations. The Chapel Hill-Carrboro City Schools require its Board and employees to observe high standards of business and personal ethics in the conduct of their duties and honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

This document outlines policy and procedures related to reporting suspected improper activities and protecting employees of the Chapel Hill-Carrboro City Schools and the Chapel Hill-Carrboro community who report such improper activities from retaliation.

Whistleblower Rights and Protection:

Employees and other community members must be free to notify the school district and Board of improper activities in school operations. Such reports must be reviewed fairly and appropriately, and any person who raises concerns about school system operations shall not be subjected to retaliation.

Definitions

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.

Improper Activities: Decisions and actions that result or could lead to substantial abuse, misuse, destruction, or loss of funds or resources. This includes a violation which is not of merely technical or minimal nature of federal or state statute or regulation, of political subdivision ordinance or regulation, or of a code of conduct or ethics designed to protect the interest of the public or the employee.

Retaliation: any form of reprisal or discrimination against any individual who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

The policy supplements the North Carolina Whistleblower statute, which requires school employees to notify a supervisor or other appropriate person of fraud, misappropriation of state resources, substantial danger to the public, and gross mismanagement. The North Carolina Whistleblower statute prohibits retaliation against employees who report such concerns in the belief that they are accurate.

Employee Education

- All employees will receive a copy of the Whistleblower Policy.
- All employees will be required to electronically sign a statement indicating that they have read and understand this policy as part of their orientation.
- The Chapel Hill-Carrboro City Schools will inform all employees of changes to the Whistleblower Policy and identification of the Compliance Officer.

Protections

Persons Not To Be Discharged, Discriminated Against, or Retaliated Against

- 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 or 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.
- No employee may be discharged, threatened, or otherwise discriminated against 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 or in a court of action.

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. Appropriate disciplinary action may be taken against an employee who makes a report knowing or with reason to believe that the report is inaccurate.

I. Reporting Improper Activities

The superintendent shall designate an employee as compliance officer responsible for administering this policy. The compliance officer's name and contact information shall be published in a conspicuous place on the district website and in any employee or student handbook. A standardized form will be provided to report the information to the compliance officer.

The compliance officer shall receive and review reports made under this policy.

The compliance officer's duties shall include:

1. Reviewing all reports;
2. Overseeing an investigation of all reports;
3. Providing a written response to any person who makes a report; and
4. Providing a summary of reports, including the investigation results and any corrective action, to the superintendent and Board during closed session.

Any person who makes a report under this policy may appeal the response of the compliance officer or other school employees under the appropriate grievance or complaint policy. The findings of the compliance officer may be appealed to the Board.

II. Protection from Retaliation

State law prohibits interference with or retaliation against a member of the Chapel Hill-Carrboro community who reports suspected improper activities unless the person making the report knows or has reason to believe that the report is false or inaccurate.

- No Chapel Hill-Carrboro City Schools employee exercising direct or indirect supervisory authority may discharge, threaten, harass or otherwise discriminate against another Chapel Hill-Carrboro City Schools employee regarding his/her compensation, terms, conditions, location, or privileges of employment because that employee, or a person acting on behalf of the employee, reports or is about to report any suspected improper activities.
- No Chapel Hill-Carrboro City Schools employee exercising direct or indirect supervisory authority may discharge, threaten, harass or otherwise discriminate against another Chapel Hill-

Carrboro City Schools employee regarding his/her compensation, terms, conditions, location, or privileges of employment because that employee has refused to carry out a directive which in fact constitutes a violation of State or federal law, rule, or regulation or poses a substantial and specific danger to the public health and safety.

- No Chapel Hill-Carrboro City Schools employee may threaten, harass or otherwise discriminate against a student, or take intentional adverse academic action against a student, because that student, or a person acting on behalf of the student, reports or is about to report any suspected improper activities.

The protections of this section extend to any member of the Chapel Hill-Carrboro community who reports any suspected improper activities to the State Auditor as authorized by North Carolina law. The protections of this section do not extend immunity for any complicity in the suspected improper activities that are the subject of the report or an ensuing investigation.

III. Reporting Acts of Retaliation

If any person believes that retaliation or interference related to a report of suspected improper activities was threatened, attempted or has occurred, that person may file a complaint in accordance with the grievance procedure applicable to the employee's position/classification.

IV. Annual Summary

The compliance officer will report to the Board on an annual basis, the number of complaints and the results allowable by law.

Legal References: [N.C. General Statutes, secs. 115C-36; 115C-47 126-5\(c5\); 126-84 through 126-89;](#)

Cross Reference: Policy 1700 (Removal of Barriers); policy 1720/4015/7225 (Policy Against Discrimination, Harassment, and Bullying); policy 1740/4010 (Grievance Procedure for Parents and Students); policy 1742/5060 (Responding to Complaints); policy 1760/7280 (Prohibition Against Retaliation); policy 1750/7220 (Grievance Procedure for Employees); policy 2120 (Code of Ethics for Board Members); policy 7300 (Staff Responsibility and Ethics); policy 8000 (Fiscal Goals); policy 8300 (Fiscal Management Standards); policy 8600 (Expenditure of Funds).

Adopted: 11/19/2020

Chapel Hill-Carrboro Schools
