# WHISTLEBLOWER PROTECTIONS

*Code* **DIG** *Adopted*

The district is committed to maintaining an environment that fosters high standards of professional ethics. This includes preventing fraud, waste, and abuse in its programs and operations by practicing honesty and integrity in fulfilling employment responsibilities. To maintain this environment, staff members are responsible for preventing and detecting mismanagement of federal funds.

**Definitions**

*Report* refers to a written or oral allegations of waste or wrongdoing. A report concerns or relates to the actions of any district staff member, board member, consultant, contractor, vendor, volunteer, or any other person or persons maintaining a business, systematic, or regular relationship with the district.

*Wrongdoing* refers to an action that results in substantial abuse, misuse, destruction, or loss of substantial public funding or resources. Wrongdoing may also be intentional violations of state and federal law or the district's code of ethics that are more than merely technical or of a minimal nature. The determination of whether a violation is more than merely technical or of a minimal nature shall be based on independently variable facts.

**Reporting**

It is the responsibility of each staff member to report allegations or incidents of mismanagement of federal funds immediately.

If a staff member has knowledge of or is concerned about wrongdoing, the staff member will submit an internal report documenting this concern to the Director of Human Resources. Reports of wrongdoing must be made within 180 days after the staff member first learned of the alleged wrongdoing. The report may be written or oral and must contain the date of disclosure, the name of the staff member making the report, the nature of the wrongdoing, and the dates on which the alleged wrongdoing occurred.

In addition to or in lieu of submitting an internal report of wrongdoing, staff members also have the right to report concerns to the appropriate federal oversight agencies.

Any staff member filing a report must do so in good faith and have reasonable cause to believe that wrongdoing has occurred.

Upon receiving a report of wrongdoing, the district will conduct a reasonable investigation to assess the merits of the allegations contained in the report.

**Protections**

A staff member who, in good faith, properly reports suspected or actual wrongdoing or participates in an investigation of wrongdoing in accordance with this policy will have "whistleblower protection" against retaliation in the nature of adverse action affecting the staff member's employment, compensation, appointment, promotion, transfer, assignment, reassignment, or evaluation of performance of any staff member.

Any staff member who retaliates against a staff member who, in good faith, reported wrongdoing or participated in an investigation of wrongdoing may be subject to disciplinary action, up to and including termination of employment.

**False Reports**

If the district determines, after reasonable investigation, that a staff member's report was made in bad faith or the staff member knowingly submitted false information, the staff member may be subject to disciplinary action, up to and including termination or employment.

**Confidentiality**

The district will make reasonable efforts to maintain the confidentiality of the reporting staff member's identity to the extent possible, unless doing so interferes with the investigation of wrongdoing or with taking proper corrective action.

Adopted/Issued

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Legal References:

A. United States Code of Laws, as amended:
   1. Whistleblower Protection Act, 5 U.S.C.A. Section 2302.
   2. False Claims Act, 31 U.S.C.A. Sections 3729-3733.

B. S.C. Code of Laws, 1976, as amended:
   1. Section 8-27-10, *et seq.*- Employment protection for reports of violations of state and federal law or regulation.
   2. Section 41-15-510 – Anti-discrimination for employees filing complaints regarding occupational safety.
   3. Section 59-25-430 – Teacher dismissal; evident unfitness for teaching.
   4. Section 59-25-440 – Teacher dismissal; reasonable efforts to correct.

C. Code of Federal Regulations:
   1. Whistleblower Protections, 2 C.F.R. § 200.217.