

## WHISTLEBLOWER PROTECTION/ANTI-RETALIATION

Tulsa Public Schools Board members and employees are expected to observe high standards of business and personal ethics and comply with all applicable laws, District regulations and policies in the conduct of their duties and responsibilities.

**REPORTING PROCEDURES:** Pursuant to Tulsa Public Schools Policy 2110, *Reporting Child Abuse*, and to Oklahoma law, any District employee who suspects that a child under the age of eighteen (18) years is a victim of abuse or neglect must promptly report directly to the Department of Human Services.

Any other complaint that deals with immediate issues of public safety or criminal activity should be reported to the Tulsa Public Schools Campus Police Department.

The Whistleblower Protection/Anti-Retaliation Policy adheres to Tulsa Public Schools' open door culture and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if a complainant is not comfortable speaking with a supervisor or is not satisfied with the supervisor's response, the complainant is encouraged to submit the complaint in writing to the Chief of Staff or the Chief of Staff's designee. Such complaints may be submitted either directly or anonymously.

Chief of Staff  
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**RETALIATION:** Employees will not be disciplined, demoted, terminated, or be retaliated against for asking questions or voicing concerns about inappropriate or improper conduct. While the District has separate policies that cover harassment and employment discrimination (see 4901, 4901-R and 4902), this Whistleblower Protection/Anti-Retaliation Policy applies to these situations to encourage the reporting of such wrongful actions against the District's interest.

Employees and other interested persons are encouraged to report any such improprieties without fear of retaliation or intimidation, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages. No punishment for reporting issues will be allowed, even if the claims are unfounded. A reasonable belief or suspicion that unlawful or improper workplace behavior has occurred is enough to create a protected status for the whistleblower. Moreover, an employee who retaliates against someone who has reported a concern in good faith is subject to discipline up to and including termination of employment. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Chief of Staff. Any complaint of allegations of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated.

**CONFIDENTIALITY:** To assure the reporting of any activity that threatens the efficient administration of District, reports that disclose improper governmental activities shall be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law.<sup>1</sup> Generally this means that whistleblower concerns will only be shared with those who have a need to know in order to conduct an effective investigation. This protection from retaliation does not prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

An employee whose conduct may be the subject of the complaint of retaliation, reprisal, interference, threats, coercion or intimidation shall be given all due process rights in any disciplinary action that may result, pursuant to existing and applicable School District personnel policies and collective bargaining agreements and relevant procedures established by the Board policy, state and federal laws.

Whistleblowers must be cautious to avoid baseless allegations, which are allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to disciplinary action by the District, and/or legal claims by individuals accused of such conduct.

### **Reporting Responsibility**

Each employee of the District has an obligation to report, in accordance with the Whistleblower Policy, (a) questionable or improper accounting, financial, or auditing matters, and (b) violations and suspected violations of the District's policies or any unlawful or improper workplace conduct.

### **Reporting Concerns**

**Employees** should first discuss their concerns with their Department Head. In addition, if the individual is uncomfortable speaking with the Department Head or the Department Head is a subject of the complaint; the individual should report his/her Concern directly to the Department Head's supervisor. In addition if the individual is uncomfortable speaking with the Department Head's supervisor or the Department Head's supervisor is a subject of concern; the individual should report his/her concern directly to the Chief of Staff or the Chief of Staff's designee.

If the concern was reported orally to the Department Head, the reporting individual, with the assistance of the Department Head, shall put the concern in writing. The Department Head is required to promptly report the concern to his or her immediate supervisor, who has specific responsibility to preliminarily investigate all concerns. If the concern, for any reason, is not promptly forwarded to the Chief of Staff or the Chief of Staff's designee, the reporting individual should directly report the Chief of Staff or the Chief of Staff's designee.

Concerns may also be submitted anonymously. Such anonymous Concerns should be in writing and sent directly to the Chief of Staff or the Chief of Staff's designee.

**Supervisors and Department Heads** should submit concerns in writing directly to the Chief of Staff or the Chief of Staff's designee.

Supervisors and Department Heads are required to report suspected violations of ethics, board policy, regulation or law to the Chief of Staff or the Chief of Staff's designee, who have specific and exclusive responsibility to investigate all reported violations. The Chief of Staff's office will notify the complainant and acknowledge receipt of the reported violation or suspected violation within 10 business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation. If the complainant has provided a means of communicating after the initial complaint, he or she will be notified, to the extent legal and ethical, of the results of the investigation.

### **Handling of Reported Violations**

The Chief of Staff's office shall address all reported concerns. The Chief of Staff's office shall immediately notify the Board of Education, the Superintendent and Executive Staff of any such report within five business days, if possible. All reports will be promptly investigated by the Chief of Staff or the Chief of Staff's designee, or any other appropriate Committee of the Board of Education and appropriate corrective action will be recommended to the Superintendent, if warranted by the investigation. In addition, action taken must include conclusion and/or follow-up with the Board of Education for the resolution of the concern.

The Chief of Staff or the Chief of Staff's designee has the authority to consult with and utilize outside legal counsel, accountants, private investigators, any other resource, or refer to another appropriate Committee of the Board of Education, as deemed necessary to conduct a full and complete investigation of the allegation(s). Should the investigation reveal a violation of Federal criminal law involving fraud, bribery, or gratuity violation affecting a Federal award of funds, the District must disclose such information, in a timely manner, in writing to the Oklahoma State Department of Education or United States Department of Education, as appropriate.

### **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 the District's 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.

*<sup>1</sup>Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such persons may also have a right to know the identity of the whistleblower.*

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Cross Reference: Policy 4412 Whistleblower Protection/Anti-Retaliation  
Whistleblower Protection/Anti-Retaliation Complaint Form