



Approved: March 18, 20205

WHISTLEBLOWER POLICY

I. Purpose

The purpose of this policy is to outline the conduct protected by the Whistleblower Law in Minnesota (Minn. Stat. 181.932), and to identify the procedures for reporting suspected violations of law.

II. Policy Statement

It is the policy of Birch Grove Community School to fully comply with state and federal law regarding protection for individuals who report a violation or suspected violation of any federal or state law, or rule adopted pursuant to law.

III. Protections for Employees Making Good Faith Reports

Prohibited actions. Birch Grove Community School shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

1. The employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal or state law or rule adopted pursuant to law to the BGCS School Board, the Director, or to any governmental body or law enforcement official;
2. The employee is requested by BGCS School Board, Director to participate in an investigation, hearing, inquiry;
3. The employee refuses an order from BGCS, the Director, or the employee's supervisor, to perform an action that the employee has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason.

IV. Retaliation Prohibited

No director, officer or employee who takes action as described above shall suffer harassment, retaliation or adverse employment consequences. An employee who retaliates against an individual who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within Birch Grove Community School.

V. Reporting Violations

The Director has an open door policy and encourages employees to 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 an employee is not comfortable speaking with a supervisor or is not satisfied with their supervisor's response, the employee is encouraged to speak with a member of the BGCS School Board. Supervisors and managers are required to report suspected violations of this policy to the school director who has the responsibility to investigate all reported violations. For suspected fraud, or when an employee is not comfortable with this open door policy, individuals should contact the school director directly. If the concerns involve the director, the report should be submitted directly to the school board chair.

VI. Individual Responsible for Investigation

BGCS is responsible for investigating and resolving all reported complaints and allegations concerning violations of this policy and shall advise the Director and/or the Board Chair if the complaint/allegation concerns the Director.

VII. Accounting and Auditing Matters

The finance committee of the Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Director shall immediately notify the finance committee of any such complaint and work with the committee until the matter is resolved.

VIII. Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of any federal or state law, or rule adopted pursuant to law, must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a legal violation. Any allegations that prove not to be substantiated and which prove to have been maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

IX. Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously to the BGCS School Board Chair. Reports of violations or suspected violations will be kept confidential to the extent permitted by law and consistent with the need to conduct an adequate investigation.

X. Handling Of Reported Violations

All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Note: The applicability and enforceability of this policy 445 is limited to, and qualified by, Minnesota or Federal law that, at the time any such circumstance within the scope of the policy arise, may be contrary to some aspect or all of the policy.