

IDEA PUBLIC SCHOOLS BOARD POLICY MANUAL
POLICY GROUP 4 – PERSONNEL
TEXAS STATUTORY WHISTLEBLOWER PROTECTIONS
CODE OF CONDUCT AND GENERAL WHISTLEBLOWER
PROTECTIONS

STATUTORY WHISTLEBLOWER ACT PROTECTIONS, CHAPTER 554 TEX. GOVT. CODE

Sec. 1. DEFINITIONS

“Employee” means an employee or appointed officer who is paid to perform services for IDEA Public Schools. This definition does not include independent contractors.

“Law” means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance.

“Personnel action” means an action that affects an employee’s compensation, promotion, demotion, transfer, work assignment, or performance evaluation.

A “good faith” belief that a violation of law occurred means that:

1. An employee believed the conduct reported was a violation of law; and
2. The employee’s belief was reasonable in light of the employee’s experience and training.

A “good faith” belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to
 - a. Regulate under or enforce the law alleged to be violated in the report; or
 - b. Investigate or prosecute a violation of criminal law; and
2. The employee’s belief was reasonable in light of the employee’s experience and training.

Sec. 2. STATUTORY WHISTLEBLOWER COMPLAINTS

An employee who alleges a violation of statutory whistleblower protection may take legal action against IDEA Public Schools as described in Chapter 554 of the Texas Government Code. Before taking such action, an employee must initiate a grievance under Board Policy (Employee Complaints and Grievances).

The employee must invoke the Board’s grievance process no later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence. IDEA Public Schools may shorten the timelines outlined in the Board’s grievance policy in order to allow the Board to make a final decision concerning the grievance within 60 days of initiation of the complaint.

If the Board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

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1. Exhaust the grievance process under the Board’s grievance policy, in which case the employee must file legal action not later than the 30th day after the date those procedures are exhausted to obtain relief under Chapter 554 of the Texas Government Code; or
2. Terminate the grievance process and file legal action within the timelines set by sections 554.005 and 554.006 of the Texas Government Code.

Gov’t Code 554.005, .006.

Sec. 3. WHISTLEBLOWER PROTECTIONS

Neither the Board nor its agents shall suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by IDEA Public Schools or another IDEA Public Schools employee to an appropriate law enforcement authority. *Gov’t Code 554.002.*

Sec. 4. NOTICE OF RIGHTS

IDEA Public Schools shall inform employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. *Gov’t Code 554.009.*

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Sec. 5. GENERAL

The IDEA Public Schools Code of Conduct (hereinafter referred to as the Code) requires directors, other volunteers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the organization must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

The objectives of the the IDEA General Whistleblower Policy (non-statutory) are to establish policies and procedures for:

- The submission of concerns regarding questionable accounting or audit matters by employees, directors, officers, and other stakeholders of the organization, on a confidential and anonymous basis.
- The receipt, retention, and treatment of complaints received by the organization regarding accounting, internal controls, or auditing matters.
- The protection of directors, volunteers and employees reporting concerns from retaliatory actions.

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Sec. 6. REPORTING RESPONSIBILITY

Each officer, director, employee or volunteer of IDEA has an obligation to report in accordance with this Whistleblower Policy (a) questionable or improper accounting, procurement or auditing matters, and (b) violations and suspected violations of IDEA's Code, policies or applicable law (hereinafter collectively referred to as Concerns).

Sec. 7. AUTHORITY OF AUDIT COMMITTEE

All reported Concerns will be forwarded to the Audit Committee in accordance with the procedures set forth herein. The Audit Committee shall be responsible for investigating, and making appropriate recommendations to the Board of Directors, with respect to all reported Concerns.

Sec. 8. NO RETALIATION

This Whistleblower Policy is intended to encourage and enable officers, directors, employees and volunteers to raise Concerns relating to IDEA for investigation and appropriate action. With this goal in mind, no officer, director, volunteer, or employee who, in good faith, reports a Concern shall be subject to retaliation or, in the case of an employee, adverse employment actions. Moreover, an officer, director or employee who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including dismissal or termination of employment.

Sec. 9. REPORTING CONCERNS

Employees: Employees should first discuss their Concern with their immediate supervisor. If, after speaking with his or her supervisor, the individual continues to have reasonable grounds to believe the Concern is valid, the individual should report the Concern to the VP of Human Resources or Regional HR Director. In addition, if the individual is uncomfortable speaking with his or her supervisor, or the supervisor is a subject of the Concern, the individual should report his or her Concern directly to the VP of Human Resources or Regional HR Director.. The individual may also seek to use IDEA's grievance and complaints policy.

The reporting individual shall reduce the Concern to writing. The VP of Human Resources or Regional HR Director shall determine if specific investigatory procedures apply based on the nature of the Concern under employment law (ADA, Title VII, FLSA, etc.). For non-HR related Concerns, the VP of Human Resources is required to promptly report the Concern to Internal Audit who has specific responsibility to investigate non-HR Concerns. Concerns may be also be submitted anonymously. Such anonymous Concerns should be in writing and sent directly to Internal Audit.

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Sec. 10. REPORTING HOTLINE

IDEA shall also establish a Fraud, Waste or Abuse Reporting Hotline through which an employee or other person with knowledge may anonymously or known report suspected fraud, waste, financial impropriety, or other serious concerns. This Fraud, Waste, or Abuse Anonymous Hotline is NOT a substitute for routine communications within IDEA between associates and their supervisors and managers, particularly as to workplace duties. Likewise, it does not replace communications with HR staff about benefit issues or other job-related issues. This Fraud, Waste, or Abuse Anonymous Reporting Hotline is an additional communication tool for specific types of situations and it is provided because we believe that it is a good business practice to do so. Regular business matters that do not require anonymity should be directed to the employee's supervisor and should not be submitted using this service.

You can use any of the above listed forms of communication to report fraud, waste, or abuse that is related to funds from the following:

- The Foundation School Program and other state funds received from the Texas Education Agency (TEA) and other state agencies.
- The federal grant and child nutrition funds received from the TEA, the Texas Department of Agriculture (TDA) and other state and federal agencies.

You may report any suspected fraud, waste or abuse if you have reasonable cause to believe that money was lost, misappropriated, or misused or that other fraudulent or unlawful conduct has occurred. In this context, the following meanings will be used.

- “Reasonable cause to believe” means that a set of facts exists that would lead a reasonable and prudent person to believe that an offense may have been committed.
- “Fraud” means any act that constitutes fraud under applicable federal or state law, including any intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to that person or some other person.
- “Waste” means practices that a reasonably prudent person would deem careless or that would allow the inefficient use of resources, items or services.
- “Abuse” means practices that are inconsistent with sound fiscal, business, or public education practices and that result in unnecessary costs.

Although not all-inclusive, the following illustrative examples of inappropriate behavior may be reported.

- Altering or destroying any record except as otherwise allowed by Board policy.
- Cash withdrawals that are not accounted (i.e., no receipts are filed with the business office).
- Cheating on a STAAR administration.

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- Failure to report child abuse.
- Failure to deposit employee income tax deductions into an IRS depository.
- Failure to properly calculate and withhold income taxes.
- Failure to perform required background checks.
- Falsely reporting a person as a charter school employee to the Teacher Retirement System of Texas.
- Falsification of an expense reimbursement request.
- Falsification of data or reports filed with TEA, TDA or other agency.
- Reporting students as enrolled when they are enrolled at another school or have never enrolled at the charter school.
- Reporting students as present when they are absent or had withdrawn.
- Reporting students as enrolled in a special program without providing them with the related services.
- Payment of salaries and wages to an employee that does not exist.
- Transferring public funds to a non-charter school account except as otherwise authorized by the Board.
- Use of state or federal funds for prohibited activities or costs such as alcohol and gifts.
- Use of state or federal funds to purchase personal goods and services such as clothing, shoes, perfume, rings, earrings, funeral arrangements, home improvements, etc.
- Use of state or federal funds for loans to employees, management and board members, including relatives and friends.
- Use of state or federal funds and property purchased with state or federal funds for a purpose not related to the state or federal program.
- Use of employee time and talents to perform work not related to the charter school.
- Use of tax exemption for personal purchases.

Sec. 11. INVESTIGATION

The fraud, waste, or abuse anonymous reporting hotline services provider, has been instructed to refer any complaint received to the Board's designee(s), Internal Audit and legal counsel. In consultation with legal counsel and Internal Audit, the Board's designee(s) shall promptly establish if the report is regarding waste, abuse, or fraud or if another investigatory process or legal requirements are triggered. Such reports will be channeled to the Board Chair by legal counsel and the Board's designee(s). In consultation with legal counsel, the Board Chair and the Board's designee(s) shall promptly investigate reports of a suspected violation of a legal requirement, Board policy or administrative procedure or other impropriety.

As deemed appropriate and necessary, the Board may procure the services of a qualified professional to conduct the investigation. If an investigation substantiates the anonymous allegation, the Board's designee(s) or the contracted professional, in coordination and collaboration with legal counsel, shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

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If in consultation with legal counsel, the Board's designee(s) establishes that the complaint is not regarding waste, abuse, or fraud or otherwise of a nature where the Board should continue to supervise the investigation based on advice from legal counsel, the Board's designee will be instructed to address such complaint administratively and in consultation with and through the Superintendent. Certain complaints (such as Title IX, Title VII, ADA/504, SPED) may be referred to other processes and to coordinators as outlined in policy or procedure (including Employee Handbook).

Sec. 12. RETALIATION

The Board is committed to protecting employees from any form of reprisal, retaliation, or discrimination if they, in good faith, report suspected fraud and other impropriety. An employee who believes that he or she has been the subject of reprisal, retaliation, or discrimination must report any such incident(s) to the Superintendent or Board, as appropriate. The Board considers reprisal, retaliation, or discrimination to be a major offense that will result in disciplinary action against the offender up to and including termination of employment.

Sec. 13. HANDLING OF REPORTED VIOLATIONS

The Audit Committee shall address all reported Concerns. The Chair of the Audit Committee shall immediately notify the Audit Committee, the Superintendent, CEO, CFO and Chief Operating Officer of any such report. The Chair of the Audit Committee will notify the sender and acknowledge receipt of the Concern within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted Concerns. All reports will be promptly investigated by the Audit Committee, and appropriate corrective action will be recommended to the Board of Directors, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the Concern. The Audit Committee has the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

Sec. 14. 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 Codes. 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

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false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Sec. 15. CONFIDENTIALITY

Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation and in accordance with state law. Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment.

CERTIFICATION

The undersigned, being the Secretary of the Corporation, hereby certifies that the foregoing represents a true copy of a Board Policy adopted by the Directors of the Corporation on May 1, 2020, which Policy is in full force and effect and has not been revoked or amended.

DocuSigned by:

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Ryan Vaughan, Secretary

5/7/2020

Date