

# Brilla College Preparatory Charter Schools

## Whistleblower Policy - *Approved 9/13/2016*

### 1.1 WHISTLEBLOWER POLICY

The School requires its directors, officers and employees to observe high standards of business and personal ethics, as such personal ethics relate to the organization, in the conduct of their duties and responsibilities. Employees and representatives of the School must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

This policy is not a vehicle for reporting violations of the School's applicable human resources policies, problems with co-workers or managers, or for reporting issues related to alleged employment discrimination or sexual or any other form of unlawful harassment, all of which should be dealt with in accordance with the School's Personnel Policies and Procedures (the "Policies and Procedures"), as it is those sections of the Policies and Procedures that are applicable to such matters.

The matters which should be reported under this policy, include suspected fraud, theft, embezzlement, accounting or auditing irregularities, bribery, kickbacks, misuse of the School's assets, or suspected regulatory, compliance, or ethics-related issues, concerns, or violations.

Under the Occupational Safety and Health Act (OSH Act), employees may file complaints with OSHA if they believe that they have experienced discrimination or retaliation for exercising any right afforded by the OSH Act, such as complaining to the employer union, OSHA, or any other government agency about workplace safety or health hazards; or for participating in OSHA inspection conferences, hearings, or other OSHA-related activities. Under the Asbestos Hazard Emergency Response Act (AHERA), employees may file complaints with OSHA if they believe they have experienced discrimination or retaliation for reporting alleged violations of environmental laws relating to asbestos in elementary and secondary school systems.

#### 1.1.1 Reporting Responsibility

It is the responsibility of all directors, officers and employees to report in good faith violations or suspected violations of high business and personal ethical standards, as such personal ethics relate to the organization, and/or applicable legal requirements ("Violations") in accordance with this Whistleblower Policy.

#### 1.1.2 Reporting Violations

Questions, concerns, suggestions, or complaints regarding the ethical and legal standards noted above should be addressed directly to the School's Head of School.

#### 1.1.3 Non-Retaliation

No employee who in good faith reports a violation shall suffer harassment, retaliation or adverse employment consequences because of such report. An employee who retaliates against someone 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 the School prior to seeking resolution outside the School. Notwithstanding anything contained herein to the contrary, this Whistleblower Policy is not an employment contract and does not modify the employment relationship between the School and its employees, nor does it change the fact that employees of the School are employees at will. Where provisions exist elsewhere under law and/or School policy governing the disclosure of information

and other obligations, and /or retaliation relative to such disclosure, such laws and/or School policies shall govern.

## **1.2 INVESTIGATIONS**

The Board of Trustees may delegate the responsibility to investigate a reported violation, whether relating to accounting and auditing matters or otherwise, to one or more employees of the School or to any other individual, including persons not employed by the School selected by the Board of Trustees. The Board of Trustees will not delegate such responsibility to an employee or other individual who is the subject of the reported Violation or in a manner that would compromise either the identity of an employee who reported the Violation anonymously or the reasonable confidentiality of the complaint or resulting investigation. Notwithstanding anything herein to the contrary, the scope, manner and parameters of any investigation of a reported Violation shall be determined by the Board of Trustees in its sole discretion and the School and its employees will cooperate as necessary in connection with any such investigation.

### **1.2.1 Acting in Good Faith**

Anyone filing a complaint concerning a violation must act in good faith and have reasonable grounds for believing the information disclosed may indicate a violation of such standards. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **1.2.2 Confidentiality**

In making a complaint or submission, an employee of the School may request that such complaint be treated in a confidential manner (including that the School take reasonable steps to ensure that the identity of the employee making the complaint remains anonymous). The School takes seriously its responsibility to enforce this Whistleblower Policy and therefore encourages any employee reporting a violation to identify him or herself so as to facilitate any resulting investigation. Employees may, however, submit complaints on an anonymous basis. Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### **1.2.3 Handling of Reported Violations**

The Little Bird Human Resources Department or School official will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days, but only to the extent the sender's identity is disclosed or a return address is provided. All reports will be promptly investigated; the scope of any such investigation being within the sole discretion of the Board of Trustees, and appropriate corrective action will be taken if warranted by the investigation.

### **1.2.4 Records**

The Head of School will retain on a strictly confidential basis for a period of seven years (or otherwise as required under the School's record retention policies in effect from time to time) all records relating to any complaint and to the investigation and resolution thereof. All such records are confidential to the School and such records will be considered privileged and confidential.

## **1.3 PROBLEM RESOLUTION PROCEDURE & FORMAL GRIEVANCE PROCESS**

It is the policy of the School to treat employees in a fair and impartial manner. The School is firmly committed to the belief that undisclosed problems will remain unresolved and eventually lead to a decay of work relationships, dissatisfaction in working conditions, and a decline in operational efficiency. The School therefore tries to solve problems as quickly, fairly, and informally as possible. If a problem should arise between members of the community, employees are encouraged to speak directly to each other for

discussion and resolution. If the two are unable to resolve their differences, concerns should be brought before the School leader. If the School Leader is unable to resolve, concerns should be brought to the Board of Trustees.

The School promotes a quality work environment for all employees, one that encourages a high level of individual and team contribution in support of organizational goals. The School believes that open communication is essential to a successful work environment and that all employees should feel free to seek answers to work-related questions and raise issues of concern without fear of reprisal or retaliation.

The underlying philosophy of the School's open-door policy is to provide an effective and timely process for employees to seek solutions to work-related questions, concerns or problems.

If for any reason, you do not feel comfortable discussing a work-related concern with your manager, you should bring the issue to the attention of your School leadership. If after taking repeated steps you continue to feel that your issues have not been resolved, you should use the Formal Grievance Process outlined below:

#### **Formal Grievance Process-**

If a complaint is made regarding a staff member at the School, it will first be the responsibility of the Principal or designee to address the complaint to the satisfaction of the Board and the complainant. If the complainant is not satisfied by the response of the Principal or designee, the complainant should submit their complaint in writing to the Board within seven days.

The Board will serve as the appeals body for any complaints not satisfactorily resolved or that involve the Principal directly in the complaint. Complaints must be submitted to the Board at least one week prior to the next Board meeting. Complaints submitted less than one week before the next Board meeting will be addressed at the subsequent meeting of the Board. Emergency issues will be dealt with on an as-needed basis, with the Board responding at or prior to its next regular public meeting.

Complaints will be promptly investigated and a determination will be made within a reasonable time. Where possible a determination will be made within 30 days or by the next regularly scheduled meeting of the Board unless extenuating circumstances outlined in the complaint require an expedited review. The Board shall render a determination in writing if appropriate or required by law.

#### **Procedure for Formal Complaints under Section 2855 of the Charter Schools Act**

Section 2855(4) of the New York Education Law (part of the New York State Charter Schools Act (CSA)) provides that any individual or group may bring a complaint directly to the Board of Trustees alleging a violation of the CSA, the School's charter, or any other provision of law relating to the management or operation of the School. All such complaints should be in writing and include the following:

1. the name, address, and phone number of the complainant;
2. a detailed statement of the complaint, including the specific provision of the School's charter or law that allegedly has been violated;
3. the relief sought by the complainant; and
4. the response, if any, received from the School thus far.

The Board of Trustees will respond to the complaint within a reasonable time, if reasonable the response will be within the earlier of 30 days of receipt of the formal written complaint or the date of the next regularly scheduled meeting of the Board of Trustees, unless extenuating circumstances outlined in the complaint require an expedited review.

If the complainant believes that the Board of Trustees has not adequately addressed the complaint, the individual or group may then present the complaint to the School's authorizer, SUNY Charter Schools Institute ("SUNY"). The process for bringing a complaint to SUNY can be found here: <https://www.newyorkcharters.org/formal-complaints/>.