

Regulation GBKA **Las Cruces Public Schools**

Related Entries: GBKA
Responsible Office: Assistant Superintendent for Finance

DISCLOSURE OF WRONGFUL CONDUCT (WHISTLEBLOWER POLICY)

I. PURPOSE

To provide a means for officers and employees of Las Cruces Public Schools to report instances of illegal or improper conduct; and, to inform employees who make such reports of the protections afforded to them.

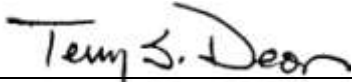
II. DEFINITIONS

1. *Resources or Assets* means all items of value for school district use, to include, but not limited to, cash, temporary investments, real property, equipment, bandwidth and personnel time.

III. PROCESS

- A. School district employees should report to the Superintendent of Schools any conduct which said employees believe to be unlawful or which would otherwise compromise the proper use of LCPS resources or assets.
- B. The Superintendent shall investigate all reports of conduct that is unlawful or that would otherwise compromise the proper use of school district resources or assets.
- C. The identity of any person filing such a report shall not be disclosed (i.e., shall be kept confidential, to the extent permitted by law), and the report shall be confidential (to the extent permitted by law), unless a court of competent jurisdiction orders otherwise.
- D. Anyone making a report shall not be retaliated against for any reports made in which the person making the report has a reasonable belief or suspicion that the conduct being reported is:
 1. A violation of law, rule, policy or regulation; or
 2. Gross mismanagement, a gross waste of resources or assets, or a substantial or specific danger to health or safety.
- E. Reward.
 1. The sum of \$100 or 10 percent of any amount recovered (to a maximum of \$500) as a result of such a report, whichever is greater, at the discretion of the Superintendent, may be paid to the person who files a report which results in a finding by the Superintendent that there has been prohibited conduct by a school district employee as delineated in paragraph D above.
 2. However, no person who is found to be responsible for or involved in any conduct as delineated in paragraph D above shall be entitled to any compensation for reporting such wrongful conduct. Any person who is found to be responsible for or involved in any conduct as delineated in paragraph D above shall be subject to appropriate personnel action, which shall not be considered to be retaliation for reporting such improper activity.

- F. If the Superintendent or a member of the LCPS Board of Education is implicated in the report of any wrongful conduct, the report shall be directed to the Office of the New Mexico Office of the State Auditor (www.saonm.org, 505.476.3800).
- G. These regulations shall not protect any person who makes a report in bad faith and/or with the intent of damaging another person's reputation or career advancement. Employees that make false and malicious claims may be subject to appropriate personnel action.



Assistant Superintendent for Finance

January 17, 2013

Date Approved

History: New regulation, created 01.17.13

Legal Reference: NMSA 1978 10.16.1-10.16.18; Freedom of Information Act ("FOIA"), MCL 15.231 et seq.; Family Educational and Privacy Rights Act ("FERPA"), 20 U.S.C. 1232; Contracts of Public Servants with Public Entities Act 317 of 1968 (MCL 15.321-15.330); Section 75-b of the Civil Service Law; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a); Age Discrimination in Employment Act, 29 U.S.C. §623 (d); Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b); Fair Labor Standards Act, 29 U.S.C. §215(a)(3); Occupational Safety and Health Act, 29 U.S.C. §6660(c); Family and Medical Leave Act, 29 U.S.C. §2615; National Labor Relations Act, 29 U.S.C. §158(a).