

# **POLICY GBKA**

## **Board of Education Las Cruces Public Schools**

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**Related Entries:** GBKA-R  
**Responsible Office:** Assistance Superintendent of Human Resources

### **DISCLOSURE OF WRONGFUL CONDUCT (WHISTLEBLOWER POLICY)**

#### **I. PURPOSE**

To provide a means for 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. BACKGROUND**

The Board of Education expects all school district employees to uphold the public's trust, to conduct themselves in an honorable manner, and to abide by all school district policies and regulations and all applicable state and federal laws and regulations. Further, the board is committed to the efficient and proper use of all public funds, §10.16.1-10.16.18, NMSA 1978.

The Board of Education is committed to the efficiency and legal use of district resources. The theft or misuse of district's assets reduces the availability of resources for the district's instructional programs.

#### **III. DEFINITIONS**

1. "*Wrongful conduct*" means theft of school district money, property or resources; misuse of authority for personal gain or other non-school district purpose; fraud; financial improprieties; mismanagement of school district resources, including accounting and auditing matters; ethical violations; violations of applicable federal and/or state laws and regulations; and/or serious violations of school district policy and/or regulation.
2. "*Whistleblowing*" means the disclosure by any school district employee of some wrongful conduct connected with the work place on the part of any other school district employee or officer of the school district.
3. "*Resources or Assets*" means all items of value for District use to include, but not limited to, cash, temporary investments, real property, equipment, and bandwidth and personnel time.

#### IV. POSITION

- A. As defined in state statute, 10-16C-1 NMSA 1978, the Whistleblower Protection Act, the school district shall prohibit retaliation by or on behalf of the school district against any school district employee who acts as a “whistleblower” and makes a good faith report of any wrongful conduct.
- B. All school district employees who know of, or have reasonable cause to believe that, any other school district employee, regardless of position, has engaged in any wrongful conduct in connection with the work place, shall immediately report such wrongful conduct to his/her immediate supervisor or to the Superintendent or designee.
- C. Upon receiving any report of wrongful conduct, the Superintendent, or designee, shall take immediate steps to conduct an investigation of the report.
- D. The Superintendent of Schools shall promulgate a regulation for the enforcement of this policy.

#### V. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



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*Board of Education, President*

November 13, 2012

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*Date Approved*

**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).

**History:** New policy 11.13.12