

## **Policy Code: 1360 PROHIBITION AGAINST RETALIATION**

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations. The board encourages employees to report possible financial improprieties, ethical violations, and other illegal practices and intends that employees who report such matters in good faith will not be subject to retaliation or other adverse employment consequences.

If an employee reasonably believes that (1) there has been a violation of federal, state, or local law, policy, or regulation, public policy, or an individual's ethical duties and (2) the violation is due to a practice, policy, act, or omission of the board of education, an individual board member, a school system employee, or an entity/person with whom the school system has a business relationship, the employee should report that matter in accordance with policy 5230, Employee Grievance Procedure, **unless a policy with a more specific reporting or complaint procedure applies** or policy ~~4410/5130~~,

~~Discrimination, Harassment, and Bullying Complaint Procedure~~. Any complaint alleging a violation by the superintendent or the board should be filed with the board chair for investigation. The board chair will report the complaint to the board, and the board will authorize a prompt and thorough investigation or other action as necessary.

The board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

To be protected by this policy, employees who report violations or suspected violations must be acting in good faith based on a reasonable belief that the reported information represents an unlawful activity, policy, or practice. The protection extends to those whose allegations are made in good faith but prove to be mistaken. The board reserves the right to discipline employees who know or have reason to believe that the report is inaccurate. Further, except as otherwise required by law, the provisions of this policy apply only to those situations in which an employee brings the alleged unlawful activity, policy, or practice to the attention of school officials or the board and provides school officials or the board with a reasonable opportunity to investigate and correct the alleged unlawful activity. If necessary, school officials or the board may specify reasonable steps to protect the complaining employee from retaliation.

LEGAL REF: Sarbanes-Oxley Act, [18 U.S.C. 1513\(e\)](#); [G.S. 115C-335.5](#); [126-5\(c5\)](#), [-84](#), [-85](#), [-86](#), [-87](#), [-88](#)

CROSS REF: ~~Discrimination, Harassment, and Bullying Complaint Procedure (Policy 4410/5130)~~, **Discrimination and Harassment Prohibited by Federal Law (policy 4405/5120)**, **Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 4406/5122)**, **Title IX Sexual Harassment Grievance Process (policy 4407/5123)**, **Nondiscrimination on the Basis of Disabilities (policy 3420)**, Employee Grievance Procedure (Policy 5230), Code of Ethics for Members (Policy 1110), Board Member Conflict of Interest (Policy 1115), **Discrimination and Harassment in the Workplace (policy 4409/5126)**, General Code of Ethics and Standards of Conduct (Policy 5100), Conflict of Interest (Policy 5160)

ADOPTED: June 7, 2016

Amended: September 30, 2020

**Edenton-Chowan Schools**