ORGANIZATION, PHILOSOPHY, AND GOALS

Policies, Bylaws, and Regulations

Protection Against Retaliation When Engaged in Protected Activity

This policy supersedes Policy 1106. ~~This is a new policy.~~

I. PURPOSE

To invoke protection for employees and others who report, oppose, or participate in the investigation of alleged wrongdoing ("whistleblowers").

~~It is a violation of this policy to retaliate against any individual for reporting fraud, waste, or abuse or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Appropriate disciplinary action will be taken against those found to have retaliated against such an employee.~~

II. SUMMARY OF CHANGES

- A philosophy section was added.
- A procedures section was added.

III. PHILOSOPHY

The Fairfax County School Board supports a transparent and open organization that encourages employees and others to report suspected acts of wrongdoing, whether fraud, waste, or abuse.

It is a violation of this policy to retaliate against any individual for reporting fraud, waste, or abuse or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Appropriate disciplinary action will be taken against those found to have retaliated against such an employee.

IV. DEFINITIONS

Retaliation: Retaliation is defined as adverse action or conduct directed against an employee or other person(s) for engaging in a protected activity. Adverse employment action includes that which is calculated to deter or punish an employee or other person from engaging in a protected activity. Adverse actions include, but are not limited to, actions related to hiring, firing, discipline, pay job assignments, evaluation, promotions, layoff, training, fringe benefits, or any other term or condition of employment.

Protected activity: A protected activity includes, but is not limited to: a good faith disclosure of information about an action or activity giving rise to an allegation of wrongdoing; opposition to unlawful discrimination, opposition to workplace harassment; providing information or testimony in support of reporting individuals; participating in third party proceedings related to unlawful activity; and refusing to comply with an unlawful order.

Wrongdoing: For the purposes of this policy, wrongdoing refers to an action of fraud, waste, or abuse, committed by employee(s) of Fairfax County School Board or FCPS in the course of their duties.

Whistleblower: For the purposes of this policy, the term "whistleblower" refers to an employee or other person(s) making a good faith disclosure of information about an action or activity giving rise to an allegation of wrongdoing.

Complainant: For the purposes of this policy, the term complainant refers to an employee or other person(s) raising opposition to an unlawful act.

Fraud, Waste, or Abuse: Refer to the current version of Policy 1107, Fraud, Waste, and Abuse.

V. RESPONSIBILITIES

A. UNACCEPTABLE BEHAVIORS OR CONDUCT

No employee may discharge, threaten, or otherwise discriminate or retaliate against a whistleblower or complainant, whether acting on his own or through a person acting on his behalf or under his direction.

B. PROTECTED PERSONS

To be protected under this policy, an employee or other person who discloses information about suspected unlawful activity, wrongdoing, or abuse will do so in good faith and upon a reasonable belief that the information is accurate. Disclosures related to fraud, waste, or abuse that are reckless or that the whistleblower knew or should have known were false, confidential by law, or malicious will not be considered good faith reports and will not be protected (see Code of Virginia, section 2.2-3011.C).

C. CONFIDENTIALITY

Reports of unlawful activity, or fraud, waste, or abuse will be kept confidential except to the extent that limited disclosure may be necessary for the purpose of conducting a full and fair investigation, providing opportunity for the subject to respond, taking remedial action, and responding to government inquiry or legal action. The complainant and the subject will be advised of the outcome of the investigation. No individual exercising the right to complain about or report an incident of fraud, waste, or abuse will be subject to retaliation.

VI. PROCEDURES TO REPORT RETALIATION

A. Reports of retaliation may be made to the Office of Division Counsel:

1. In person at 8115 Gatehouse Road, Suite 5500, Falls Church, Virginia, 22042
2. By telephone: 571-423-1250

B. Employees may also access the grievance procedures as outlined in the current versions of Policy 4460 Grievance Procedures; Regulation 4462, Grievance Procedure – Support Employees; and Regulation 4461, Procedure for Adjusting Grievances – Contracted/Licensed Professional Personnel.

Legal references: Code of Virginia, Sections 2.2-3010 – 2.2-3012

Cross reference: See also current versions of

Policy 1107, Fraud, Waste, and Abuse

Policy 1420, Accountability for Public Funds and Property Regulation 1420, Internal Audit Charter

Policy 4950, Sexual Harassment

Regulation 4237, Employee Unable to Work for Medical Reasons Policy 4460, Grievance Procedures

Regulation 4461, Procedure for Adjusting Grievances – Contracted/Licensed Professional Personnel

Regulation 4462, Grievance Procedure – Support Employees Regulation 4817, Religious Accommodation for Employees Policy 4910, Commitment to Human Relations

Regulation 4952, Investigation of Complaints of Discrimination or Harassment Based on Race, Sex, Color, Religion, National Origin, Age, or Disability

Policy
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FAIRFAX COUNTY SCHOOL BOARD