

Definitions:

As used in this policy and procedure, the following terms shall have the meanings indicated:

- A. "Improper Governmental Action" means any action by a district officer or employee:
 - 1. That is undertaken in the performance of the officer or employee's official duties, whether or not the action is within the scope of the employee's job; and
 - 2. That:
 - a. Is in violation of any federal, state, or local law or rule,
 - b. Is an abuse of authority,
 - c. Is of substantial and specific danger to the public health or safety, or
 - d. Is a gross waste of public funds.

Improper governmental action does not include personnel actions.

- B. "Retaliatory Action" means any adverse change in the terms and conditions of a staff member's employment.
- C. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property. Employees are encouraged to report instances which they believe constitute governmental misconduct.

Reporting:

Employees who are aware of actions that they believe constitute improper governmental action should raise the issue first with their supervisor. The supervisor may request the employee to put their concerns in writing. If the employee does not put their concerns in writing, the supervisor will document the reported concerns so that the concerns may be investigated. This documentation should detail the basis for the employee's belief that an improper government action has occurred including any supporting evidence, details and/or other people who can assist in the investigation.

Where the employee reasonably believes the improper governmental action involves his/her supervisor, the employee may raise the issue directly with the superintendent (or designee) or members of the Board of Directors.

In case of emergency where the employee believes that damage to persons or property may result if action is not taken immediately, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee shall report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

District employees who fail to make a good faith attempt to follow this policy and procedure in reporting improper governmental conduct shall not be eligible for protection outlined.

Response:

The employee's supervisor, the superintendent or the superintendent's designee shall take prompt action to see that the report of improper governmental action is properly investigated.

Persons involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employees authorize the disclosure of their identities in writing.

After an investigation has been completed, the reporting employee shall receive a summary of the investigation results, except to the extent that resulting personnel actions must be kept confidential. If a reporting employee reasonably believes that an adequate investigation was not done by the district, that insufficient action has been taken, or that the improper governmental action is likely to recur, the employee may report information about the improper governmental action directly to the appropriate government agency.

Employees who make deliberate and/or intentional false claims of improper governmental action(s) about district personnel are subject to accelerated discipline, including potential termination.

Retaliation:

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the superintendent or the superintendent's designee. Appropriate action to investigate and address complaints of retaliation will be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the superintendent (or designee) that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within thirty (30) days of the alleged retaliation. The district will respond to the complaint within thirty (30) days of receiving the written notice.

If the employee alleging retaliation receives no response from the district or objects to the district's response, the employee may request a hearing before a state administrative law judge. The request for hearing must be delivered in writing to the superintendent (or designee), either fifteen (15) days following the district's response or forty-five (45) days after the complaint was filed, if there was no response.

The district will apply for a hearing within five (5) working days to:

Office of Administrative Hearings
P.O. Box 42488
919 Lakeridge Way SW
Lacey WA 98504-2488
(360) 407-2700

The District will consider any recommendation provided by the administrative law judge that an employee found to have retaliated against an employee who reported improper governmental action be suspended with or without pay or dismissed.

Administration:

A summary of this policy and procedures will be permanently posted where all employees will have reasonable access to it and will be provided to all new employees. The entire policy and procedures will be made available to any employee who requests them.

The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact their supervisor, the superintendent or designee, or one of the agencies listed below:

Local City Policy Department or County Sheriff's Office

Local County Prosecutor's Office

Local City or County Health Department

Local City or County Environmental Protection Office

Washington Attorney General's Office
Consumer Protection Division
800 Fifth Avenue, Suite 2000 Seattle, WA 98104
(800) 551-4636

Superintendent of Public Instruction
Old Capitol Building
P.O. Box 47200
Olympia, WA 98504-7200
(360) 725-6000

Washington Auditor's Office

Reporting Improper Governmental Action

Insurance Building
P.O. Box 40021
Olympia, WA 98504-0021
(360) 902-0370

Washington Dept. of Ecology
300 Desmond Drive or P.O. Box 47600
Lacey, WA 98504-7600
(360) 407-6000

Washington Human Rights Commission
711 S. Capitol Way, Suite 402
Olympia, WA 98504-2490
(800) 233-3247

Washington Dept. of Labor & Industries
P.O. Box 44000
Olympia, WA 93504-4400
(800) 547-8367

Washington Dept. of Natural Resources
1111 Washington Street SE or P.O. Box 47000
Olympia, WA 98504-7000
(360) 902-1000

US Department of Education Office of the Inspector General
915 - 2nd Avenue
Seattle, WA 98178
Audits: (800) MIS-USED

U.S. Dept. of Transportation Inspector General
Complaint Intake Department, Mail Stop 7886
1401 Constitution Avenue NW
Washington, DC 20230
(800) 424-5197

Environmental Protection Agency Criminal Investigations
300 Desmond Drive, Suite 102
Lacey, WA 93503
(360) 753-9437

Equal Employment Opportunity Commission

Reporting Improper Governmental Action

909 First Avenue, #400
Seattle, WA 98104-1061
(800) 669-4000

Federal Emergency Management Agency
130 - 228th. St. SW
Bothell, WA 98021-8627
(425) 487-4600

US Dept. of Labor Occupational Safety & Health
1111 - 3rd. Ave. Suite 715
Seattle, WA 98101-3216
(206) 553-5930

National Transportation Safety Board
429 L'Enfant Plaza SW
Washington, DC 20024
(202) 314-6000

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