

# CHAVEZ HUIERTA

## K-12 PREPARATORY ACADEMY

<b>Book</b>	CHPA Administrative Procedure Manual
<b>Section</b>	Chapter 5 Human Resources
<b>Title</b>	AP 5110 Whistleblower Protection
<b>Number</b>	AP 5110
<b>Status</b>	Active
<b>Legal</b>	Chávez/Huerta K-12 Preparatory Academy Charter School Contract §24-50.5-101 to 107: Public Employees Whistleblower Protection Act of 1989
<b>Adopted</b>	November 14, 2017
<b>Last Reviewed</b>	November 8, 2017

### **A. Statement of Intent**

Individuals are encouraged to report suspected incidents of unlawful activities by CHPA employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, report such activities and/or assist CHPA in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 5080 Employee Grievances and BP 5110 Whistleblower Protection, and addressing complaints of retaliation for making such reports.

### **B. Filing a Report of Suspected Unlawful Activities**

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

#### **1. Anonymous reports -**

Anonymous allegations will be investigated to the extent possible. Anonymous allegations may be submitted as follows:

- EthicsPoint – anonymous reports involving internal situations with students, parents, and staff. To file a claim:
  - Go to: [chpa-k12.ethicspoint.com](http://chpa-k12.ethicspoint.com) (do not enter www.)
  - OR call 855-749-9981
- Safe to Tell Colorado – anonymous reports involving child abuse, bullying, child safety. To report a tip:
  - Call 1-877-542-7233

2. Reporting options for those who come forward - Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised. Allegations may be made orally. Reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his or her signature that it is accurate and complete.
  - A report by a CHPA employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit.
  - If the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any other CHPA official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of CHPA.
  - If the report is about an Executive Director, Principal, or other administrator who reports directly to the Executive Director, the report must be made to the Human Resource Department.
  - When the alleged unlawful activity involves the Executive Director, the report should be made to the Board of Directors.
  - When the alleged unlawful activity involves the Board of Directors or one of its members, the report should be made to the Executive Director, who will confer with the Chair of the Board of Directors and/or legal counsel on how to proceed.
  - In cases of institutional legal improprieties, a reporter may contact Pueblo City Schools (PCS) D60 personnel to report the concern.
  
3. Receipt of allegations – Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he or she must immediately forward the report to the Human Resources Director.
  - If this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined above.
  - The high-level administrator or Trustee who receives the written report pursuant to this section is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured, if deemed necessary.
  - In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of CHPA's no-retaliation policy referenced in this policy AP 5110 Whistleblower Protection and BP 5240 Prohibition of Harassment and Discrimination. Each individual shall be:
    - Warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and
    - Advised that if he or she experiences retaliation for cooperating in the investigation, then it must be reported immediately to Human Resources.

### **C. Protection from Retaliation**

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. CHPA employees and applicants for employment who make a protected disclosure are protected from retaliation.

Any employee who believes he or she has been subjected to or affected by retaliatory conduct for reporting suspected unlawful activity or for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct).

1. Any CHPA work site supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise Human Resources.
2. If the allegations of retaliation or the underlying allegations of unlawful conduct involve the Executive Director, the supervisor shall report to the highest level administrator and/or Board of Directors who is not implicated in the reports of unlawful activity and retaliation.

### **D. Investigations**

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt and appropriate corrective action shall be taken.

As set forth fully above, retaliation against individuals who report suspected unlawful activities will not be tolerated. All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis.

At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

### **E. Whistleblower Contact Information**

Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by CHPA or Pueblo City Schools District No.60 (PCS D60) to its shareholders, investors, or employees should contact CHPA personnel, PCS D60, or the Colorado Department of Education (CDE) with complaints of unlawful activities or retaliation resulting from whistleblower activities.

### **F. Other Remedies and Appropriate Agencies**

In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency. More information can be found on the CDE website and other pertinent state agency websites.

**Last Revised**                      November 8, 2017