

## **440P: REPORTING UNETHICAL OR ILLEGAL ACTIVITY, WHISTLEBLOWER**

### **I. PURPOSE**

New Discoveries Montessori Academy requires board members, committee members and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities, to comply with all applicable laws and regulatory requirements, and to promote the reporting of suspected or actual unethical or illegal activity.

### **II. GENERAL STATEMENT OF POLICY**

New Discoveries Montessori Academy (NDMA) requires directors, officers and employees to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of NDMA, they must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

### **III. REPORTING RESPONSIBILITY**

New Discoveries Montessori Academy seeks to have an "Open Door Policy" and encourages board members and employees to share their questions, concerns, suggestions or complaints regarding the New Discoveries Montessori Academy and its operations with someone who can address them properly. In most cases, a board member, committee member, or officer should present his or her concerns to the Chair of the Board. The board appointed administrator is generally in the best position to address an employee's area of concern. However, if a board member is not comfortable speaking with the Board Chair or is not comfortable with the Board Chair's response, or if an employee is not comfortable speaking with the board appointed administrator or if the employee is not satisfied with the board appointed administrator's response, the board member, committee member or employee is encouraged to speak with anyone on the Board whom the employee is comfortable in approaching, or to directly contact the New Discoveries Montessori Academy's outside legal counsel, whose contact information can be obtained from the board appointed administrator.

### **IV. NO RETALIATION**

No director, officer or employee who in good faith reports a violation shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable employees and others to raise serious concerns within the school prior to seeking resolution outside the school.

#### **V. REPORTING VIOLATIONS**

New Discoveries Montessori Academy promotes an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if an employee is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's response, the employee is encouraged to speak with Vice Chair of the Board of Directors. Supervisors and administration are required to report suspected violations to the Board Vice Chair or other board member as appropriate.

#### **VI. COMPLIANCE OFFICER**

New Discoveries Montessori Academy's Board Appointed Administrator, working with the Chair of the Board, will act as New Discoveries Montessori Academy's Compliance Officer. The Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations and shall advise the entire Board of Directors.. The Board Chair and Vice Chair will report to the entire board at least annually on compliance activity.

If the allegation is against the Board Chair and the Board Appointed Administrator, the complaint should be made to any other Board member who shall call a closed meeting, at which time the Board shall consider the allegations and designate responsibility for investigating the allegations. This may include having legal counsel carry out the functions of the Compliance Officer.

#### **VII. ACCOUNTING AND AUDITING MATTERS**

The Finance Committee of the Board of Directors shall address all reported concerns or complaints regarding the school's accounting practices, internal controls or auditing. The Finance committee will report all complaints or concerns to the entire Board of Directors.

#### **VIII. ACTING IN GOOD FAITH**

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the

information disclosed indicates a violation. Any allegations proven to have been made knowing them to be false will be viewed as a serious disciplinary offense.

#### **IX. PRIVACY/CONFIDENTIALITY**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. However, non-anonymous reports are encouraged in light of the potential need to conduct an adequate investigation. Reports of violations or suspected violations will be kept private to the extent possible, consistent with the Minnesota Government Data Practices Act and the need to conduct an adequate investigation.

#### **X. HANDLING OF REPORTED VIOLATIONS**

The Compliance Officer, or the persons responsible for carrying out the Compliance Officer's role with respect to a reported or suspected violation, will notify the sender (of a non-anonymous complaint) and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated when appropriate and appropriate corrective action will be taken if warranted by the investigation.

*Legal References:* Minn. Stat. § 181.932 (Minnesota's Employment Law; Whistle Blower)