



Provo City School District
Policy Series 5000: Personnel

5270 P1

Reporting Improper Governmental Action (Whistleblower Act)

A. "Improper governmental action" means any action by a Provo City School District officer or employee 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 that is:

- a. In violation of any federal, state or local law or rule;
- b. An abuse of authority;
- c. Of substantial and specific danger to the public health or safety; or
- d. A gross waste of public funds.

*Improper governmental action does not include personnel actions.

B. "Retaliatory action" means any adverse action against an employee taken as a result of the employee reporting an improper governmental action.

Reporting

Employees who become aware of actions that they believe constitute improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor or designee, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the superintendent or the person whom the superintendent has designated to receive reports of improper governmental action.

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 the protections 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 reoccur, the employee may report information about the improper governmental action directly to the appropriate government agency.

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 shall be taken.

If the complaint cannot be informally resolved, the employee shall provide written notice to the superintendent that specifies the alleged retaliatory action and the relief requested by the employee. The written complaint must be filed within 30 calendar days of the alleged retaliation.

The district will respond to the complaint within 30 calendar 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 a hearing must be delivered in writing to the superintendent either 15 calendar days following the district's response, or 45 calendar days after the complaint was filed if there was no response.

The district will apply for hearing within five (5) working days to the state

Utah County – Provo District Courts
125 North 100 West
Provo, Utah 84601
801-429-1000
801-429-1033 fax
801-429-1054 TTY

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 procedure will be permanently posted where all employees will have reasonable access to it, the policy and procedure will be made available to any employee who requests them, and the policy and procedure will be given to all new employees.

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.

Provo Police Department
48 South 300 West
Provo, Utah 84601
801-852-6231

Utah County Sherriff's Office
3075 North Main Street
Spanish Fork, Utah 84660
801-851-4000

Utah County Attorney
100 East Center Street
Suite 2100
Provo, Utah 84606
801-851-8026

Utah County Health Department
151 South University Avenue
Provo, Utah 84601
801-851-7000

Utah Department of Environmental Quality
195 North 1950 West
Salt Lake City, Utah 84116
801-536-4400
1-800-458-0145 hotline

Utah Attorney General's Office
Utah State Capitol Complex

350 North State Street, Suite 230
Salt Lake City, Utah 84114-2320
801-366-0260

Utah Department of Commerce – Division of Consumer Protection
160 East 300 South
Salt Lake City, Utah 84111
801-530-6601

Office of the Utah State Auditor
East Office Building, Suite E310
Utah State Capitol Complex
Salt Lake City, Utah 84114
801-538-1025

Utah Multicultural Affairs
Utah County Personnel
100 East Center Street, Suite 3800
Provo, Utah 84606
801-851-8166

Utah Labor Commission
160 East 300 South, 3rd Floor
Salt Lake City, Utah 84111
801-530-6800

Utah Department of Natural Resources
PO Box 145610
1594 West North Temple
Salt Lake City, Utah 84114
801-538-7200

Central Utah Water Conservancy District
355 West University Parkway
Orem, Utah 84058
801-226-7100

Utah Superintendent of Public Instruction
PO Box 144200
250 East 500 South
Salt Lake City, Utah 84114
801-538-7500

U.S. Department of Education
Office of the Inspector General
400 Maryland Avenue SW

Washington, DC 20202-1500
1-800-MIS-USED

Environmental Protection Agency
Criminal Investigations
1-800-424-8802 (oil or chemical spill)

Equal Employment Opportunity Commission
3300 North Central Avenue
Phoenix, AZ 85012
(800) 669-4000

Federal Emergency Management Agency
Denver Federal Center
Building 710, Box 25267
Denver, CO 80225
303-235-4800

U.S. Department of Labor Occupational Safety and Health
160 East Broadway
Salt Lake City, Utah 84111
801-530-6855

National Transportation Safety Board
4760 Oakland Street, Suite 500
Denver, CO 80239
801-373-3500

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

Adopted: March 11, 2014