

GAEA-R Staff Protection

7/20/16

RATIONALE/OBJECTIVE:

The Cobb County School District (District) seeks to provide an avenue and protection for any District employee who makes a good-faith report of a violation of, or non-compliance with a law, rule, or regulation. Further, this Rule protects all District employees who make good faith reports of such activity.

RULE:**A. GENERAL PROVISIONS:**

1. "Law, rule, or regulation" includes any federal, state, or local statute or ordinance or any rule or regulation adopted according to any federal, state, or local statute or ordinance.
2. "Employee" means any person who is employed by the District.
3. "Retaliate" or "retaliation" refers to the discharge, suspension, or demotion by the District of a District employee or any other adverse employment action taken by the District against a District employee in the terms or conditions of employment for disclosing a violation of or noncompliance with a law, rule, or regulation to either a District supervisor or government agency.
4. "Supervisor" means any individual:
 - a. To whom the District has given authority to direct and control the work performance of the affected District employee;
 - b. To whom the District has given authority to take corrective action regarding a violation of or noncompliance with a law, rule, or regulation of which a District employee complains; or
 - c. Who has been designated by the District to receive complaints regarding a violation of or noncompliance with a law, rule, or regulation.

B. CONFIDENTIALITY:

An employee may submit his/her complaint or information on a confidential basis. The District shall not, after receipt of a complaint or information from a District employee, disclose the identity of the District employee without the written consent of such employee, unless the District determines such disclosure is necessary and unavoidable during the course of the investigation. In such event, the District employee shall be notified in writing at least seven days prior to such disclosure.

C. GOOD FAITH REQUIREMENT:

Any employee who files a complaint alleging wrongdoing must act in good faith and have reasonable grounds for believing the information disclosed constitutes a violation. Any allegation that proves to be unsubstantiated and that proves to have been made maliciously, recklessly, or with foreknowledge that the allegations were false, may result in disciplinary action, up to and including termination of employment.

D. PROHIBITION AGAINST RETALIATION:

No employee may be subject to retaliatory action for:

1. Making a good faith disclosure of violations of or non-compliance with a law, rule, or regulation; or
2. Objecting to, or refusing to participate in, any activity, policy, or practice of the District that the employee has reasonable cause to believe is in violation of, or noncompliance with, a law, rule, or regulation.

Any employee who suspects that they have been retaliated against for filing a meritorious complaint under this policy may file a complaint with Employee Relations office within 10 days of the suspected retaliation.

E. INVESTIGATIONS:

Complaints will be investigated by Human Resources and/or Internal Audit, depending on the nature of the complaint and in accordance with Administrative Rule GAGC-R (Employee Ethics) and Administrative DIE-R (Fraud Prevention).

F. EXCEPTIONS:

This Rule does not apply to routine personnel matters, including, but not limited to, employees reporting violations of Human Resources policies, problems with co-workers or supervisors, alleged employment discrimination, sexual harassment, or any other form of unlawful harassment. Employees should make complaints as to these issues in accordance with applicable Administrative Rules GAAA-R (Equal Opportunity Employment), GAE(2)-R (Complaints and Grievances, Certified Employees), GAE(3)-R (Complaints and Grievances, Noncertified Employees), and GAEB-R (Harassment).

Adopted: 6/8/11

Revised: 1/18/12

Revised and recoded: 7/19/12 (Previously coded as Administrative Rule GAGC)

Revised: 7/20/16

Legal Reference

O.C.G.A. 45-1-4

Whistleblower