



West Sacramento Teachers Association

WHISTLEBLOWER POLICY

Approved and made effective 7 August 2018 by Executive Board

West Sacramento Teachers Association (WSTA) officials are obligated to comply with all relevant legal requirements in carrying out their responsibilities. A failure to meet this obligation – whether intentional or inadvertent – can have adverse consequences for the reputation and operation of **WSTA**. The purpose of this Whistleblower Policy (“WB Policy”) is to establish a procedure by means of which any such failures can be brought to the attention of **WSTA**, so that appropriate corrective action can be taken.

I. DEFINITIONS

As used in the WB Policy, the following terms have the meanings indicated:

- A. The term “misconduct” means an action taken by a **WSTA** official in carrying out his or her **WSTA** responsibilities that is in violation of a legal requirement.
- B. The term “**WSTA** official” means a **WSTA** Officer, a member of the Executive Board, a member of a **WSTA** Committee, and any other person designated by governance to represent **WSTA**.
- C. The term “person” means a member of **WSTA**, an employee of **WSTA**, a consultant or vendor who does or seeks to do business with **WSTA**, and any other representative of **WSTA**.
- D. The term “WB Officer” means the person who is responsible for the implementation of the WB Policy.
- E. The term “whistleblower” means a person who notifies the WB Officer of an action that he or she has reasonable cause to believe constitutes misconduct.

II. WB OFFICER

The **WSTA** Vice-President shall serve as the WB Officer, and shall in that capacity be responsible for the implementation of the WB Policy. The WB Officer shall monitor the implementation of the WB Policy, and make periodic reports regarding its implementation to the **WSTA** Executive Board. The WB Officer shall recommend to the **WSTA** Executive Board such modifications in the Policy as from time to time may be deemed appropriate.

III. NOTIFYING WSTA OF ALLEGED MISCONDUCT

- A. Any person who has reasonable cause to believe that a **WSTA** official has engaged or is about to engage in misconduct, should notify the WB Officer in writing. That person (the whistleblower) shall identify himself or herself in the notice to the WB Officer, but the WB Officer shall, if requested to do so by the whistleblower, treat the notice as anonymous and shall not, except in response to a legal mandate, reveal the whistleblower's name. If the WB Officer is unavailable, and the whistleblower believes that a delay in providing notification can have adverse consequences for **WSTA**, he or she may notify the **WSTA** Secretary or Treasurer, who shall as soon as possible thereafter turn the matter over to the WB Officer.
- B. If, based upon the information provided by the whistleblower and other relevant information, the WB Officer has reasonable cause to believe that a **WSTA** official has engaged or is about to engage in misconduct, the WB Officer shall conduct an expeditious investigation of the alleged misconduct, and shall submit to the **WSTA** Officers a written opinion setting forth its conclusions as to whether the **WSTA** official has engaged or is about to engage in misconduct, and, if so, what should be done to correct

the situation.

- C. After consulting with the **WSTA** Executive Board, the WB Officer shall arrange for such action to be taken as he or she deems appropriate to correct the situation.
- D. If the WB Officer concludes that any person has made an allegation of misconduct, or has participated in an investigation of alleged misconduct, in bad faith or without reasonable cause, the WB Officer, after consulting with the **WSTA** Executive Board, shall arrange for appropriate disciplinary action to be taken against that person.

IV. PROTECTION OF PERSONS WHO PROVIDE EVIDENCE OF ALLEGED MISCONDUCT

- A. Except as otherwise provided in Section III(E) above, no person shall be subject to any form of direct or indirect retaliation by a **WSTA** official, a **WSTA** employee, or other **WSTA** representative because he or she (1) is a whistleblower, (2) has participated in an investigation of alleged misconduct, or (3) has in good faith in any other way been involved in the implementation of the WB Policy.
- B. If any person believes that he or she has been subject to retaliation in violation of Section A above, that person shall report such retaliation to the WB Officer. The WB Officer shall investigate the matter, and if the WB Officer concludes that a **WSTA** official, **WSTA** employee, or other **WSTA** representative has engaged in retaliation, the WB Officer, after consulting with the **WSTA** Executive Board, shall arrange for appropriate disciplinary action to be taken against said **WSTA** official, **WSTA** employee, or representative of **WSTA**.

V. MISCELLANEOUS

- A. Nothing in the WB Policy shall be interpreted or applied to deprive any person of any right that he or she may have under the **WSTA** governing documents, a contract with **WSTA**, or a statute. To the extent that the WB Policy is inconsistent with any such right, the right in the **WSTA** governing document, contract with **WSTA**, or statute shall take precedence.
- B. Any person who believes that a **WSTA** official has engaged or is about to engage in misconduct is encouraged to exhaust the WB Policy before attempting to deal with the matter in any other forum.
- C. All information and documents involved in the implementation of the WB Policy shall be treated as confidential, and the WB Officer shall make such information and documents available to others only on an "as needed" basis. To the extent relevant, all privileges, including the attorney/client and attorney work product privileges, shall apply to information and documents involved in the implementation of the WB Policy.
- D. If a question arises as to whether the WB Officer has engaged, may be engaged, or is about to engage in misconduct, the matter shall be dealt with by the **WSTA** President.

VI. EFFECTIVE DATE AND AMENDMENT; DISTRIBUTION

- A. The WB Policy shall become effective on the date that it is adopted by the **WSTA** Executive Board, and shall supersede all prior **WSTA** policies dealing with the same subject. The Executive Board may amend the WB Policy from time to time as it deems appropriate.
- B. A copy of the Policy shall be distributed to all **WSTA** officials, all candidates for **WSTA** office, and all persons who become members of **WSTA** committees or are otherwise designated to represent **WSTA**.

Executive Board Member or Officer

Signature

Date