

MATH AND SCIENCE ACADEMY

Adopted: May 29, 2003

Revised: February 8, 2016

Revised: January 19, 2021

429. SUSPECTED MISCONDUCT AND DISHONESTY BY EMPLOYEES AND OTHERS

I. PURPOSE

The purpose of this policy is to deter-and investigate suspected misconduct and dishonesty by employees and others, and to provide specific instructions regarding appropriate action in case of suspected violations.

II. Definition of Misconduct and Dishonesty

For purposes of this policy, the term “misconduct and dishonesty” includes but is not limited to:

- acts which violate the Math and Science Academy’s (MSA’s) Code of Conduct.
- theft or other misappropriation of assets, including assets of the school, the school’s customers, suppliers or others with whom the school has a business relationship.
- misstatements and other irregularities in school records, including the intentional misstatement of the results of operations.
- forgery or other alteration of documents related to school business
- fraud and other unlawful acts.

MSA specifically prohibits these and any other inappropriate, unauthorized, and/or illegal activities in the actions of its employees, managers, board members, volunteers and others responsible for carrying out the school’s activities.

III. Responsibilities

Reporting

It is the responsibility of every employee, supervisor, manager and board member to immediately report suspected misconduct or dishonesty to the MSA Director (Director). In the event the Director is suspected of misconduct or dishonesty, such report must be made to the MSA School Board of Directors (BOD) or the Board Chair. Reprisal or retaliations against any employee or other reporting individual made in good faith, report of a violation is prohibited, will be investigated and appropriate action taken.

Due to the important yet sensitive nature of alleged violations, effective follow up is critical in order to maintain the integrity of any investigation. Persons who are not authorized by the Director or the BOD to engage in the investigation of alleged misconduct or dishonesty are prohibited from doing so and must not, under any circumstances perform any investigative actions or other follow up steps on their own. All relevant matters, including suspected but unproven matters, must be referred immediately to the Director or to the BOD or Board Chair in the event the Director is the subject of the allegations.

To facilitate the reporting of suspected violations, especially in those situations where the reporting individual wishes to remain anonymous, MSA has established an anonymous reporting system.

Additional Responsibilities of the Director

The Director has additional duties related to deterrence and detection. These additional duties include, but are not limited to:

1. Putting into place protocols so that managers and supervisors in the school maintain vigilant in the detection of potential misconduct and dishonesty in the managers' and supervisors' area(s) of responsibility.
2. Putting into place protocols intended to monitor, review curtail, and prevent acts of violating this policy.
3. Putting into place protocols intended to address violations of this policy in the event prevention efforts fail.
4. The Director is given authority to carry out these additional responsibilities by delegation to subordinates. However, accountability for the effectiveness of these additional duties cannot be delegated and will remain with the Director.

Responsibility and Authority for Follow Up and Investigation

Allegations which, if all facts alleged are true, would constitute a violation of law or policy will be investigated pursuant to this policy. The Director has the primary responsibility for all investigations involving MSA unless the Director is the subject of the allegations, in which case, the BOD or Board Chair will have primary responsibility. The Director (or BOD or Board Chair, as applicable) may request the assistance of external parties in any investigation, including access to the external auditor's periodic examinations and evaluations of internal controls.

Investigations designated by the Director (or BOD or Board Chair, as applicable) will be given:

1. free and unrestricted access to all MSA records and premises, whether owned or rented, and
2. the authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or

have custody of any such items or facilities when it is within the scope of the investigation or related follow up procedures.

All investigations of alleged misconduct or dishonesty will be conducted in accordance with applicable laws and school procedures.

Procedures Upon Receipt of Allegations of Misconduct and Dishonesty

Upon receiving allegations of misconduct and dishonesty the Director (or BOD or Board Chair, as applicable) must take steps to a) avoid acting on inaccurate or unsupported allegations; b) avoid prematurely alerting individuals suspected of misconduct and dishonesty that investigation is underway; and c) avoid making statements related to the allegations or investigation that can adversely affect the school, an employee, or other parties

Accordingly, the general procedures for follow up and investigation upon receipt of allegations of misconduct and dishonesty are as follows:

1. Employees and others with knowledge of the incident(s) of misconduct and dishonesty must provide the investigator with all known.
2. The Director (or the BOD or Board Chair, as applicable) has the responsibility for follow up and, if appropriate, for the investigation of all alleged incidents.
3. The Director will also the Board Chair of all reported allegations so that it may be determined whether the matter should be brought to the attention of the full BOD.
4. If the allegations concern the Director, the Board Chair will notify the BOD of the allegations in a manner consistent with the law;
5. The Director (or the Board Chair or BOD, as applicable) may obtain the advice of legal counsel at any time throughout the course of an investigation or other follow up activity on any matter related to the allegations, investigation steps, proposed disciplinary action or any anticipated litigation.
6. Neither the existence or subject matter of the allegations nor the results of investigations or other follow up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively or as required by law.
7. All inquiries from an attorney or any other contacts from outside of the school, including those from law enforcement agencies or from the employee under investigation, must be referred to the Director (or the Board Chair or BOD, as applicable).

Investigation of allegations or other follow up activity will be carried out without regard to the suspected individual's, position or level, or relationship with MSA.

Questions or Clarifications Related to This Policy

All questions or other clarifications of this policy and its related responsibilities should be

addressed to the Director (or the Board Chair or BOD, as applicable) who shall be responsible for the administration, revision, interpretation, and application of this policy.