

NOVA CLASSICAL ACADEMY
MANUAL OF POLICIES APPROVED BY THE BOARD OF DIRECTORS

POLICY NP 402:
REPORTING UNETHICAL OR ILLEGAL ACTIVITY

I. PURPOSE

Nova Classical Academy takes seriously all concerns or complaints by students, employees, parents, or other persons in order to maintain a learning and working environment that is free from unethical behavior and illegal activity. If a specific complaint procedure is provided within any other policy of Nova Classical, the specific policy shall be followed in reference to such a complaint. The purpose of this policy is to provide a procedure that should be used for situations where a process is not outlined in another policy.

II. GENERAL STATEMENT OF POLICY

- A. Students, parents, employees, or other persons may file a complaint at any level (principal, Executive Director, or Board of Directors). However, persons are encouraged to file a complaint at the level closest to their complaint. While written reports are encouraged, a complaint may be made orally. Any employee receiving a serious complaint, especially one involving alleged or potential violation of Nova Classical's policies or other laws, shall advise their principal or immediate supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the Executive Director.
- B. Depending upon the nature and seriousness of the complaint, the supervisor or other administrator receiving the complaint shall determine the nature and scope of any follow-up procedures. If the complaint involves violation of law allegations, the matter shall promptly be referred to the Executive Director, who shall determine if an internal or external investigation should be conducted. If an investigation should be conducted, the Executive Director shall also determine the nature and scope of the investigation and designate the person responsible for investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator(s) concerning the status or outcome of the matter.
- C. Following an investigation, the appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken. The Executive Director shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act) or other law.

- D. The Executive Director shall provide updates to the Board in cases involving potential or actual legal action by or against Nova Classical, including a summary of the investigation's findings and any action taken in response to the findings. No report to the Board shall violate Minnesota Statutes chapter 13 (Minnesota Government Data Practices Act) or any other law.
- E. Complaints or allegations involving the Executive Director or a member of Nova Classical's Board should be made to the Board Chair. If the complaint or allegation involves the Board Chair, the report should be made to the Vice Chair if possible or any other board member if not. Decisions regarding any follow-up should be made by the Board Chair or, if applicable, the Vice Chair or the entire Board as outlined in Nova Classical's Bylaws or policy NP 202 (Expectations and Obligations of Board Members).

III. REPORTING PROCEDURES

- A. Any person who has a serious complaint against a student, teacher, administrator, other school district personnel, or member of the Board of Directors, or any person with knowledge or belief of illegal conduct, should report the alleged act(s) to an appropriate school district official. Whenever possible, this means the person in closest supervision to the person against whom the complaint or allegation is being made.
- B. Nova Classical encourages the reporting party or complainant to put their report in written format such as an email or letter, but oral reports shall be considered as well.

Violations Reports of violations or suspected violations may be submitted anonymously. However, non-anonymous reports are encouraged in light of the potential need to conduct an adequate investigation. Reports of misconduct or suspected misconduct will be kept private to the extent possible, consistent with the Minnesota Government Data Practices Act and the need to conduct an adequate investigation.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to Nova Classical's human rights officers (the Lower or Upper School principals) or to the Executive Director. If the complaint involves the Executive Director, the complaint shall be made or filed directly with the Board Chair or Vice Chair by the reporting party or complainant. Further details regarding reporting harassment or violence are in Nova Classical's policy 413 (Harassment and Violence).
- D. Financial Mismanagement. If a person believes that a member of Nova Classical's staff, Nova Classical's business offices, or a member of Nova Classical's Board is involved in financial mismanagement, the complaint should be made to the Executive Director or the Board Chair. If the complaint involves the Board Chair, the complaint may be made to the Vice Chair or the Treasurer.

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

- E. In the Classroom. Complaints involving actions in a classroom setting should first go to the teacher and then to that teacher's principal. Serious complaints or illegal actions should be reported directly to the principal.
- F. Violation of Nova Classical Board Policy. Nova Classical is legally required to follow all procedures and processes in its board-approved policies. Violations of policy should be reported to **the principals a principal** or the Executive Director. If the Executive Director or a member of the Board of Directors is violating policy, this should be reported to the Board Chair or Vice Chair.
- G. Submission of a good faith complaint or allegations of unethical or illegal conduct will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- H. Nova Classical will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with Nova Classical's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- I. Retaliation against a victim, good faith reporter, or a witness is prohibited.
- J. Intentionally false allegations are prohibited and may be subject to disciplinary or legal action.

IV. RESPONSE PROCEDURES

- A. The recipient of a complaint will notify the sender (of a non-anonymous complaint) and acknowledge receipt of the complaint, alleged violation, or suspected violation within five business days. All reports of violations of policy or other laws will be promptly investigated when appropriate and appropriate corrective action will be taken if warranted by the investigation.
- B. In determining whether alleged conduct constitutes a violation of policy or other laws, the person receiving the report should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of policy or law requires a determination based on all the facts and surrounding circumstances.
- C. If it is suspected that a report or complaint alleges violations of Nova Classical's policy or other laws, the recipient of a complaint shall notify their school

principal, the Executive Director, or the Board Chair as outlined under Reporting Procedures. The person notified shall review the complaint or report and, if warranted, undertake or authorize an investigation. The investigation may be conducted by Nova Classical officials or by a third party designated by the Executive Director or Board Chair.

- D. The investigation must follow industry best practices which may include: personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- E. In addition to an investigation, Nova Classical may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged violation.
- F. The alleged perpetrator of the violations shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of disciplinary action or other remedial responses.
- G. The investigation will be completed as soon as practicable, but not to exceed two month's time.
- H. Upon completion of an investigation that determines **that** a violation of Nova Classical policy or an illegal action has occurred, Nova Classical will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, discharge, or removal from the Board. It may also include further actions in accordance with any laws violated. Disciplinary consequences or remedial action will be sufficiently severe, and progressive when appropriate, to try to deter violations and to appropriately address prohibited or illegal behavior. Nova Classical's action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable Nova Classical policies and regulations.
- I. Nova Classical will respond to complaints equitably, never demonstrating bias nor favoritism toward the complainant or the alleged perpetrator.
- J. Complaints and any and all action taken in response must be documented to ensure transparency, consistency, and accountability.
- K. Nova Classical is not authorized to disclose private, educational, or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of alleged perpetrators of illegal actions who have been involved in a reported and

confirmed illegal incident of the remedial or disciplinary action taken, to the extent permitted by law.

V. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include contacting the Minnesota Department of Education, local law enforcement, or other regulatory agencies. They also do not deny the right of any individual to file charges with the Minnesota Department of Human Rights, initiate civil action, or seek redress under state criminal statutes and/or federal law.

Resources: MSBA Policy 103 (Complaints...)
MSBA Policy 413 (Harassment and Violence)

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Cross References: Policy 414 (Mandatory Reporting of Child Neglect or Physical or Sexual Abuse)
Policy 413 (Harassment and Violence)
Policy 514 (Bullying Prohibition)
NP 202 (Expectations and Obligations of Board Members)

ADOPTED BY THE BOARD: 07/29/2019

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