	<p align="center">– WHISTLEBLOWER POLICY –</p> <p align="center">REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION</p>	<p align="center">F09.01 Adopted September 1992 Page 1 of 1</p>
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BOARD ADOPTED PROCEDURE

Definitions

As used in this policy and procedures, the following terms shall have the meanings indicated.


1. "Improper governmental action" means any action by a District officer or employee:
 - a. That is undertaken in the performance of the District's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - b. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety, or (iv) is a gross waste of public funds.

Improper governmental action does not include personnel actions.
2. "Retaliatory action" means any adverse change in the terms and conditions of a District employee's employment.
3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

Procedures for Reporting Improper Governmental Action

District employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, 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 District Superintendent or such other person as may be designated by the Superintendent to receive reports of improper government action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately; the employee may report the

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improper government action directly to the appropriate government agency with responsibility for investigating the improper action.

The supervisor, the Superintendent, or the Superintendent's designee, as the case may be, shall take prompt action to assist the District in properly investigating the report of improper governmental action. District officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

District employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the District employee reasonably believes that an adequate investigation was not undertaken by the District to determine whether an improper governmental action occurred, or that insufficient action has been taken by the District to address the improper governmental action, or that for other reasons the improper governmental action is likely to recur.


District employees who fail to make a good faith attempt to follow the District's procedures in reporting improper governmental action shall not receive the protection provided by the District in these procedures.

Procedures for Obtaining Protection Against Retaliatory Actions

District officials and employees are prohibited from taking retaliatory action against a District employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

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. District officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the Superintendent, or the Superintendent's designee, as the case may be, does not satisfactorily resolve a District employee's complaint that he

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or she has been retaliated against in violation of this policy, the District employee may obtain protection under the policy and pursuant to state law by providing a written notice to the Board of Directors that:


- a. Specifies the alleged retaliatory action; and
- b. Specifies the relief requested.

District employees shall provide a copy of their written notice to the Superintendent no later than thirty (30) days after the occurrence of the alleged retaliatory action. The District shall respond within thirty (30) days to the charge of retaliatory action. After receiving either the response of the District or thirty days after the delivery of the charge to the District, the District employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Superintendent within the earlier of either fifteen (15) days of delivery of the District's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the District for response.

Upon receipt of a request for hearing, the District shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. Under state law, the employee must prove his or her claim by a preponderance of the evidence in the hearing. The administrative law judge will issue a final decision no later than forty-five (45) days after the date the request for hearing, unless an extension of time is granted. The administrative law judge has the authority to grant the employee reinstatement to his or her job position, with or without back pay, and injunctive relief. The administrative law judge may award costs and reasonable attorney's fees to the prevailing party. In addition to these remedies, the administrative judge may impose a civil penalty personally upon the retaliator of up to \$3,000. The District will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

Responsibilities

The Superintendent is responsible for implementing the District's policies and procedures (1) for reporting improper governmental action, and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are permanently posted where all employees will have reasonable access to them and that they are made available to any employee upon request. Officers, managers and

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supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

List of Agencies With Responsibilities for Enforcing Federal, State and Local Laws and Investigating Governmental Actions

Appendix A (See Policy and Procedure Notebook) is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the General Counsel's Office.

Effective Date

This policy and procedures shall take effect January 1, 1993.

Reports to Board of Directors

The Superintendent shall inform the Board of Directors or reports of improper governmental action hereunder and the disposition of such reports.

References: RCW 1992 Washington Laws