

Our Lady of Guadalupe Academy Whistleblower Policy

1. Introduction

[Name of School or Parish, or RCAN, as appropriate] is committed to complying with state statutory requirements that provide appropriate protections for its employees who are whistleblowers. Therefore, Our Lady of Guadalupe Academy establishes this “Whistleblower Policy” pursuant to New Jersey’s Conscientious Employee Protection Act (N.J.S.A. 34:19-1, et seq.).

II. Purpose

The purpose of the Whistleblower Policy is to define whistleblowing in the context of this policy, set forth the steps to be taken by employees making whistleblower complaints and delineate the steps that shall be taken by Our Lady of Guadalupe Academy to protect employees engaged in whistleblowing, and to establish a procedure for making whistleblowing disclosures.

III. Whistleblower Protection and Definition

In accordance with New Jersey’s Conscientious Employee Protection Act, Our Lady of Guadalupe Academy shall take no retaliatory action against an employee because the employee does any of the following:

- A. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer (or other employer with whom there is a business relationship), that the employee reasonably believes:
 - 1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any person, business or governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or
 - 2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any person, business or governmental entity;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer (or other employer with whom there is a business relationship), including any violation involving deception of, or misrepresentation to, any person, business or

governmental entity, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care; or

- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
 - 1. is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any person, business or governmental entity, or, in the case the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - 2. is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any person, business or governmental entity; or
 - 3. is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

IV. Procedures for Making Disclosures

- A. Except as otherwise provided for herein, an employee shall make a written disclosure to his or her supervisor or the person designated to receive whistleblower complaints. The contact information for the person designated to receive whistleblower complaints is:

Name: Deacon Joseph Caporaso
Address: 227 Centre Street, Elizabeth, NJ 07202
E-mail: jcaporaso@olgacademy.org
Telephone No.: 908-354-7419

A written disclosure should include as much specific, factual information as possible to allow for proper assessment of the nature, extent, and urgency of the matter that is the subject of the disclosure.

- B. In cases where the supervisor is contacted by an employee making a disclosure, he or she shall immediately notify the person designated to receive whistleblower complaints.
- C. A confidential investigation will be promptly conducted. At the conclusion of the investigation, appropriate action will be taken where the allegations are verified and/or otherwise substantiated.

V. Written Notice Required Under Certain Circumstances

The protection against retaliatory action shall not apply to an employee who makes a disclosure to any public body unless the employee has first brought the matter to the attention of a supervisor or the person designated to receive whistleblower complaints and has afforded Our Lady of Guadalupe Academy a reasonable opportunity to correct the matter. In an emergency situation, this requirement of written notice to a supervisor or person designated to receive whistleblower complaints shall be waived when the employee is reasonably certain that the matter is known to one or more supervisors at Our Lady of Guadalupe Academy or when the employee reasonably fears physical harm as a result of the disclosure.

VI. Distribution and Posting of Notices

Our Lady of Guadalupe Academy shall post this policy on its web page and include it in any faculty or employee handbook, if applicable. Our Lady of Guadalupe Academy shall also conspicuously display notices of its employees' protections, obligations, rights and procedures under the Whistleblower Act, shall annually distribute written or electronic notices to all employees, and shall use other appropriate means to keep its employees informed of protection afforded under New Jersey to whistleblowers. Each notice posted or distributed pursuant to this section shall be in English and Spanish. The notices shall include the name of the person that the Our Lady of Guadalupe Academy has designated to receive written whistleblower notification pursuant to this policy.

August 2012