

Whistleblower and Retaliation Policy

I. Purpose

This policy is intended to promote an atmosphere at Kamalani Academy (“Academy”) that allows individuals to disclose in good faith violations of law, regulation or policy, and to protect individuals from retaliation by adverse academic or employment action taken as a result of a good faith report of suspected wrongful conduct.

As a public institution, the Academy and its members (faculty, staff, students, and administrators) have a responsibility to conduct their affairs ethically and in compliance with all applicable laws, regulations, and policies.

This policy is intended to supplement and not supersede the Hawai'i Whistleblowers' Protection Act, [Hawai'i Revised Statutes \(HRS\) § 378-62](#), and existing policies prohibiting retaliation for good faith reporting of violations of law, regulation and policy. This policy is not intended to provide an additional avenue for seeking redress on a claim that has already been adjudicated under another existing policy.

II. Definitions

“Good Faith Report” – An allegation of misconduct made to the Academy with a reasonable belief in the truth of the allegation. An allegation is not made in good faith if it is knowingly false, or made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

“Interference” – Direct or indirect use of authority or influence to obstruct an individual’s right to make a protected disclosure.

“Member of the Academy” – Faculty, staff, students, and administrators.

“Misconduct” – A violation of state or federal law or regulation; a serious violation of Academy policy (including faculty and staff ethical standards or student conduct code), the substantive use of Academy property, assets, resources, equipment, authority, services or cash for personal gain or other non-Academy-related purposes except as provided under Academy policy; fraud; gross incompetence; economic waste or other forms of gross inefficiency; or conditions that may significantly endanger the health or safety of Academy employees, students, and/or the general public.

“Protected Disclosure” – A Good Faith Report about actual or suspected Misconduct carried out by a Member of the Academy based on reasonable belief that the conduct has both occurred and is wrongful



under applicable law, regulation and/or Academy policy.

“Retaliation” – Any adverse academic or employment action or credible threat of an adverse academic or employment action taken by the Academy or its Member(s), in response to a whistleblower’s Good Faith Report of Misconduct. “Retaliation” does not include an institution’s decision to investigate a Good Faith Report of Misconduct.

“Whistleblower” – An individual who makes a Good Faith Report, or indicates intent to make a Good Faith Report, or what is perceived to be a Good Faith Report of Misconduct by a Member of the Academy.

III. Executive Policy

A. General Policy

The Academy is committed to compliance with applicable laws and regulations, and to promulgate policies and procedures to interpret and apply these laws and regulations in the Academy setting. To achieve compliance, the policy of the Academy is to encourage and enable any Member of the Academy or the general public, to make Good Faith Reports of Misconduct as Protected Disclosures. Individuals who make a Good Faith Report in accordance with this policy are protected from retaliatory academic or employment action including discharge, reassignment, demotion, suspension, harassment, or other discrimination.

A. Policy Implementation

0. Reporting

Any individual having reason to believe that a Member of the Academy has engaged in Misconduct, can report suspected Misconduct to the appropriate contacts as they are so designated under applicable Academy policies and procedures. Unless the complaining individual believes the responsible office or contact may be involved, suspected Misconduct should be reported to the Academy office or contact responsible for the policy area, e.g., allegations of financial fraud should be reported to the office of the chief financial officer for the campus or System level.

A report should be made in writing to the extent possible, and should include a detailed description of the facts, supporting evidence, and any witnesses.

1. Investigation of Allegations of Misconduct

Upon the responsible office receiving a Good Faith Report of Misconduct, the Academy will determine appropriate action including any investigation and appropriate resolution of the matter, in accordance with applicable Academy policies. If an investigation is conducted, the Academy will notify the individual Academy Member suspected of the Misconduct and may interview members of the faculty, staff and student body or other relevant witnesses to gather all information necessary to investigate the matter. The Academy regards confidentiality as fundamentally important for both whistleblowers and respondents and will make every reasonable effort to conduct investigations in a confidential manner, subject to and in accordance with applicable policies, procedures, and collective bargaining agreements.



After complaints are disclosed, Whistleblowers are advised to continue to perform assigned duties responsibly.

Steps may be taken as interim measures, when situations warrant, to protect complainants during investigations, and examples may include temporary work relocation, temporary reassignment, temporary shift to another supervisor, or alternative work schedule.

2. Protection from Retaliation

After complaints are disclosed, Whistleblowers are advised to immediately report any perceived Retaliation. The Academy will not tolerate: 1) Retaliation against any complainant for making a Good Faith Report of Misconduct, or 2) direct or indirect use or attempted use of official authority, or influence of an employee's position or office for the purpose of interfering with the rights of another Academy Member who wishes to make a Protected Disclosure. Complaints of Retaliation may be submitted to the campus administrator or a member of the governing board as appropriate. Complaints of Retaliation should be in writing and include all details relevant to the allegation including the date and nature of the retaliation, the name of the individual(s) involved, and the names of any witness(s) or individual(s) who may have direct knowledge of the alleged retaliatory acts.

Any Academy Member who commits Retaliation will be subject to disciplinary action in accordance with the applicable collective bargaining agreement, policy or procedure, or student conduct code.

3. Sanctions for Making a False Claim

Any Academy Member who files a complaint of Misconduct or Retaliation that is false or not made in good faith will be subject to disciplinary action in accordance with the applicable collective bargaining agreement, policy or procedure, or student conduct code.