

MUNCIE SANITARY DISTRICT
RESOLUTION 2020-13

A RESOLUTION ADOPTING A NON-RETALIATION POLICY ON REPORTING POSSIBLE MISAPPROPRIATION OF FUNDS OR PROPERTY.

WHEREAS Indiana Code § 5-11-1-27(j) requires public officials who have actual knowledge of or reasonable cause to believe that there has been a misappropriation of public funds to immediately send written notice of the misappropriation to the SBOA and the prosecuting attorney;

WHEREAS the Muncie Sanitary District (“the District”) wishes to encourage employees to report any possible misappropriation of the District’s funds or property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SANITARY COMMISSIONERS OF THE MUNCIE SANITARY DISTRICT, THAT:

SECTION 1. Non-Retaliation Policy. The District prohibits any retaliation against an employee who, in good faith, reports a possible misappropriation of the District’s funds or property. Violation of this policy by an employee will result in discipline, up to and including termination.

SECTION 2. Covered Persons. This non-retaliation policy applies to those persons who file a report, serve as a witness, investigate a report, and who make decisions or recommendations about potential sanctions or discipline to be imposed as a result of a misappropriation.

SECTION 3. Definition of Retaliation. Retaliation is any adverse action, harassment, threats, or other conduct which would discourage a reasonable person from making a report or participating in an investigative process. Examples include, but are not limited to: adverse employment action (termination, demotion, adverse change in work schedule or work location, exclusion from work-related opportunities, etc.), stalking, harassment, intimidation, and threats. This includes encouraging or requesting a third-party to take retaliatory action.

SECTION 4. Definition of Good Faith. A report made in good faith is based on an honest, reasonable belief that there has been a misappropriation of the District’s funds or property. A belief does not have to be proven true to be a good faith belief. A report made in bad faith is made knowing that it is misleading, false, or deceptive, or willfully ignoring facts that would disprove the report.

SECTION 5. Retaliation Where No Fault Found. Retaliation can still occur in instances when no misappropriation or other wrongdoing was ultimately discovered after completion of the District’s investigation.

SECTION 6. Reports Made in Bad Faith. Where an employee makes a report in bad faith, they may be subject to discipline.

SECTION 7. Interim Measures. Interim measures taken by the District during the investigative process, such as the separation of witnesses, are generally not retaliatory action.


SECTION 8. Notice to Employees. The District shall provide notice to all employees of this new non-retaliation policy. Each employee shall have an opportunity to review this policy and will acknowledge in writing that they have read it and understand the policy.

SECTION 9. Policy Handbook. The Muncie Sanitary District Personnel Policies Handbook shall be updated, as necessary, to reflect these changes.

THE RESOLUTION PASSED AND ADOPTED by the Board of Sanitary Commissioners of the Muncie Sanitary District, Muncie, Indiana this 21st day of October 2020.

MUNCIE SANITARY DISTRICT

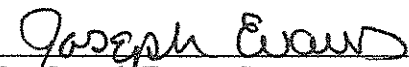
BOARD OF SANITARY COMMISSIONERS



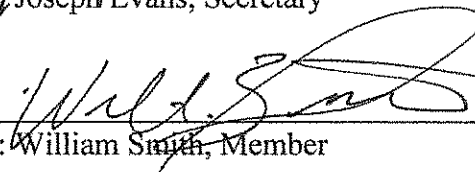
By: Stephen Brand, President



By: Brian Stephens-Hotopp, Vice President



By: Joseph Evans, Secretary



By: William Smith, Member



By: Tonya Brothers-Bridge, Member