Reporting Serious Misconduct
Please follow these suggestions when reporting serious misconduct by administrators or coworkers. These suggestions lessen the risk of lawsuits for defamation or interference with contract.

Please contact your local association leader and AEA Organizational Consultant if you plan to or already have reported serious misconduct. They may suggest an early legal consultation to protect your rights.

1. **Do make a thoughtful written report.** Whenever possible, contact your AEA Organizational Consultant for advice on how to report the misconduct.

   Do not make hasty verbal accusations.

2. **Do ask for a thorough investigation of all allegations.**

   Do ask for “appropriate discipline” if the allegations are substantiated.

   Do not demand a specific form of discipline or ask that someone be fired.

3. **Do report first-hand information,** based on personal knowledge and observation only. Just the facts!

   Do not report information provided by others who do not wish to come forward unless the allegation is otherwise substantiated. Do not report rumors or jump to conclusions.

4. **Do describe conduct, communications, and issues.**

   Do not make personal attacks or overly emotional statements.

   Do not exaggerate.

5. **Do take complaints to individuals with the power to correct the problem.** For example, report serious misconduct to the school district governing board or a law enforcement agency.

   Do not talk freely about suspected wrongdoing with others not involved in investigating or reporting the situation.

6. **Do separate facts based on personal knowledge from mere suspicions or conclusions.** Example: On three different days, I saw Mr. Smith put school computers in his personal van. I suspect that he may be misusing school property.
Do not make final conclusions unless you are absolutely sure. For example, do not say that Mr. Smith stole school property. Mr. Smith may have a reasonable explanation for suspicious conduct.

**TIPS FOR WHISTLEBLOWERS**

A written, signed complaint concerning a violation of any law, mismanagement, a gross waste of monies, or an abuse of authority can be a “whistleblower” disclosure.

Arizona law protects some whistleblowers from reprisal, especially if they follow the procedures outlined in A.R.S. §§ 38-531 to -534. A reprisal is a negative employment action, such as a demotion, reprimand, dismissal, poor evaluation, or transfer. In order to obtain protection from reprisal, whistleblowers should disclose information in the following manner.

1. **The disclosure of information must be in writing.**
   The disclosure can be a brief letter, with or without attached documents as evidence. Ask your AEA Organizational Consultant to review the disclosure before submitting it. Request protection from reprisal under Arizona whistleblower laws. Avoid disclosing student names and records. If necessary, refer to students by a fictional name, such as Student A or Student B. Keep a copy of the letter for your records.

2. **The letter should state that the employee reasonably believes that the disclosed information shows one or more of the following: 1) a violation of law; 2) mismanagement; 3) a gross waste of monies; or 4) an abuse of authority.**
   A whistleblower is not expected to have absolute proof of wrongdoing—just some evidence that causes him or her to “reasonably believe” the allegations. The purpose of whistleblowing is to bring serious problems to the attention of government officials so that the problems can be investigated and resolved. Use grievance or staff complaint procedures for ordinary workplace problems.

3. **The letter must be dated.**

4. **The letter must include the name of the employee making the disclosure.**

5. **The letter must briefly describe the nature of the alleged violation of law, mismanagement, gross waste of monies, or abuse or authority. You also may include any documents that will help investigate the problem.**

6. **If possible, the letter should provide a date or range of dates**
when the problems occurred.

7. The letter must be sent or delivered to a “public body,” such as a school district governing board, law enforcement agency, attorney general, county attorney, legislature, governor, or government agency director.

Whistleblower protection is most certain if the letter is sent directly to the school district governing board, perhaps with a copy to the superintendent. Sometimes, employees prefer to contact the superintendent before notifying the board. If the letter is sent only to the superintendent, it should state that the employee assumes that the superintendent is the “designee” of the school board and request that the letter be delivered to the governing board if that is necessary to obtain protection from reprisal under Arizona’s whistleblower laws. A sample disclosure letter is at the end of this booklet.

8. If an employee experiences a reprisal due to the written disclosure, the employee must make a complaint to the school district governing board WITHIN 10 DAYS of the effective date of the reprisal. The complaint can be a simple letter stating that the employee would like a hearing to protest an adverse employment action believed to be a reprisal for a whistleblowing disclosure. A sample letter is at the end of this booklet. If an AEA member faces reprisal due to a written whistleblowing disclosure, the member should contact his or her AEA Organizational Consultant immediately and request a referral for legal assistance.

Some legal protection is available for whistleblowers who fail to follow the requirements of the Arizona whistleblower statutes, but this protection is less certain and more difficult to enforce.

If you are trying to resolve a problem without filing a formal whistleblower disclosure, always try to appeal to the interests of the district or administrator. If you are reporting a problem for school employees, try to frame the issue as one that also affects students or parents.

For more information and assistance, contact your AEA Organizational Consultant, a full-time professional AEA staff representative assigned to your specific school district. If you need the name, phone number, or address of your AEA Organizational Consultant, please call the Arizona Education Association at (602) 264-1774, ext.100 (Phoenix metropolitan area) or (800) 352-5411, ext.100 (toll free number) or go to www.arizonaea.org.
SAMPLE A: “WHISTLEBLOWER” DISCLOSURE LETTER TO GOVERNING BOARD

(Your address)__________
(Date)__________

(XYZ) School District Governing Board
(District address)__________

Re: Whistleblower Disclosure Pursuant to A.R.S. § 38-532

Dear Governing Board Members:

I am a ___________ (job), and I have worked in the ____________ District for ____ years. I am writing to disclose information that I reasonably believe demonstrates ___________________ (a violation of law, mismanagement, a gross waste of monies, or an abuse of authority). I am concerned about possible retaliation for this disclosure and seek protection under the Arizona whistleblower laws, A.R.S. §§ 38-531 to -534.

1. During April 2007, I observed Ms. Jane Doe placing four computers in the back of her truck. Prior to this incident, I had seen four computers in a closet in the District office. The next day, I looked in the closet and did not see the computers.

2. My job involves reviewing purchase orders for school equipment. Since April 2007, Ms. Doe gave me several purchase orders for computers. I observed that Ms. Doe signed the purchase orders using other employees’ names.

I question whether Ms. Doe is misusing school district property.

I request a fair and thorough investigation and any other procedures necessary to resolve this situation for the benefit of the District, staff, and students.

Sincerely,

(Signature)__________
(Your Name)__________
(Job Title)__________

Copy: (Name), Superintendent
      (Name), President, (XYZ) Education Association
      (Name), AEA Organizational Consultant
(Your address)__________________________
(Date)______________________________

Superintendent ________________
(District address)__________________

Re: Whistleblower Disclosure Pursuant to A.R.S. § 38-532

Dear Superintendent ______________:

I assume that you are the governing board’s designee for the purpose of receiving whistleblower disclosures pursuant to A.R.S. § 38-532. If this assumption is not correct, please immediately forward this disclosure to the governing board members.

I am a ___________ (job), and I have worked in the ____________ District for ____ years. I am writing to disclose information that I reasonably believe demonstrates ___________________ (a violation of law, mismanagement, a gross waste of monies, or an abuse of authority). I am concerned about possible retaliation for this disclosure and seek protection under the Arizona whistleblower laws, A.R.S. §§ 38-531 to -534.

1. During April 2007, I observed Ms. Jane Doe placing four computers in the back of her truck. Prior to this incident, I had seen four computers in a closet in the District office. The next day, I looked in the closet and did not see the computers.

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I question whether Ms. Doe is misusing school district property.

I request a fair and thorough investigation and any other procedures necessary to resolve this situation for the benefit of the District, staff, and students.

Sincerely,

(Signature)__________________________
(Your Name)__________________________
(Job Title)__________________________

Copy: (Name), President, (XYZ) Education Association
(Name), AEA Organizational Consultant
[XYZ] School District Governing Board  
(District address)  

Re: Request for Hearing  

Dear Governing Board Members:

Pursuant to A.R.S. § 38-532, I am writing to request a hearing to protest _______________ (an adverse employment action, such as dismissal, suspension, poor evaluation), which became effective on ___(date)_____. I reasonably believe that this adverse employment action is retaliation against me for making a whistleblower disclosure. On ___(date)_____, I submitted a written whistleblower disclosure to the Governing Board.

Please schedule a hearing to determine whether retaliation occurred as a result of my disclosure.

Sincerely,

(Signature)  
(Your Name)  
(Job Title)  

Copy:  
(Name), Superintendent  
(Name), AEA Organizational Consultant
This brochure is a general guide for AEA members and is not intended to provide complete information or legal advice on specific problems. Changes in laws and cases may modify the information provided. To find Arizona statutes on the Internet, go to www.azleg.gov.