



DISCLOSURE OF WRONGFUL CONDUCT POLICY ("WHISTLEBLOWER" POLICY)

The purpose of this policy is to encourage Library Trustees, officers, employees and volunteers to report instances of suspected illegal or wrongful conduct, as well as violations of Library policies and regulations, and to inform them of the protections afforded under New York State whistleblower laws.

The Board of Trustees expects the Library's Trustees, officers, employees and volunteers to fulfill the public's trust and to conduct themselves responsibly in accordance with Library policies and regulations, as well as applicable state and federal laws and regulations. For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- Illegal conduct, including theft and/or mismanagement of Library money, property, or resources;
- Misuse of authority for personal gain or other non-Library purpose;
- Fraud;
- Violations of applicable federal and state laws, rules and regulations; and/or serious violations of Library policies, regulations, rules, and/or procedures.

Disclosure and Investigation

The Library Director shall be designated to administer the Library's Whistleblower policy. Trustees, officers, employees and volunteers who have knowledge of wrongful conduct or have reasonable cause to believe that wrongful conduct has occurred shall report such circumstances to the Library Director. The Library Director, upon receiving a report of alleged wrongful conduct, shall take immediate steps to ensure an investigation is conducted. The Library Director may appoint a designee to conduct the investigation. If the Library Director is the subject matter of the reported conduct, the President of the Board of Trustees shall immediately ensure that an investigation is conducted.

Any such investigation shall result in a written report that shall include a written record of the allegations, a summary of the investigation process and conclusion reached. The Library Director or, if s/he is the subject matter of the investigation, the President of the Board of Trustees, shall ensure that the Board is apprised of the investigation and outcome.

Except as otherwise provided in either state and/or federal law, the Director or Board President conducting the investigation, or their designees, shall reasonably attempt to protect the identity of the person making the disclosure, and will make reasonable efforts to maintain the confidentiality of the report, provided that doing so will not interfere with the investigation of the specific allegations and circumstances.

This policy should not be construed to prevent or discourage staff from reporting any suspected criminal or illegal activity to a law enforcement authority. However, employees must make a good faith effort to provide the Library Director/Board with the information to be disclosed and give them time to take appropriate action, unless there is imminent and serious danger.

Complaints of Reprisal

The Whistleblower Laws provide that no director, officer, employee or volunteer of the Library who in good faith reports any action or suspected action taken by or with the Library that is illegal, fraudulent or in violation of any adopted policy of the Library, shall suffer intimidation, harassment, discrimination or, in the case of employees, adverse employment consequence."

Policies and Procedures

This includes information disclosed to a governmental body concerning a violation of law, rule or regulation, which creates a substantial and specific danger to the public health or safety, or which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action. An "improper governmental action" means any action by a public employer or employee, or an agent of such employer or employee, which is undertaken in the performance of that person's official duties, whether or not the action is within the scope of employment, and which is in violation of any federal, state or local law, rule or regulation. However, if an employee discloses information which he or she has reasonable cause to believe is false or which is prohibited or protected from disclosure by law, the employee is not protected by these provisions of law.

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Library Director. The Library Director (or Board President, if the allegations involve actions of the Library Director), or his/her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the Library Director (or Board President) or designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make recommendations to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer or panel has thirty (30) days to report his/her (their) findings and make any recommendations he/she (they) deems appropriate to the designee. The designee, in consultation with the Library Director and/or his/her designee shall issue a letter of findings to both the complainant and the respondent.

Any individual who engages in any form of retaliation shall be subject to discipline, up to and including termination. Nothing in this policy is intended to interfere with legitimate employment decisions. Moreover, the protections afforded under the Whistleblower Laws are not applicable under circumstances where the Library had or has independent grounds for disciplinary actions and proceedings against an employee.

This policy shall be published and posted in the Staff Room and distributed to all Trustees, officers, employees and volunteers who provide substantial services.