

BRENTWOOD PUBLIC LIBRARY

WHISTLEBLOWER POLICY

The purpose of this policy is to encourage Library trustees, officers, employees and volunteers to report instances of suspected illegal or improper conduct such as theft, fraud, and mismanagement of Library resources, and violations of Library policies and regulations, as well as to inform Library trustees, officers, employees and volunteers of the protections afforded them under Section 740 of the Labor Law ("whistleblower law"), Section 75-B of the Civil Service Law and Not for Profit Corporations Law Section 760-B. These laws prohibit a public employer from retaliating against a trustee, officer, employee or volunteer who discloses to the Library information concerning a suspected violation of law, rule or regulation, which creates a substantial and specific danger to the public health or safety, or which the person reasonably believes to be true and reasonably believes constitutes an improper action by a trustee, officer, employee or volunteer.

No trustee, officer, employee or volunteer of the Library who in good faith reports any actions or suspected actions taken by Library trustees, officers, employees or volunteers that is illegal, fraudulent or in violation of any substantial Library policy shall suffer intimidation, harassment discrimination or other retaliation or, in the case of employees, adverse employment consequences.

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

Disclosure and Investigation

Trustees, officers, employees and volunteers who have knowledge of wrongful conduct by an employee or volunteer or have reasonable cause to believe that such wrongful conduct has occurred shall report it to the Library Director. If the Director is the person suspected of wrongful conduct, it should be reported to the President of the Board of Trustees.

Trustees, officers, employees and volunteers who have knowledge of wrongful conduct by a trustee or officer or have reasonable cause to believe that such wrongful conduct has occurred shall report it to the President of the Board. If the Board President is the person suspected of wrongful conduct, it should be reported to the other trustees who serve on the Board.

Upon receiving a report of alleged wrongful conduct, the Library Director, Board President or the trustees shall take immediate steps to conduct an investigation with or without designees.

The person or persons conducting the investigation shall maintain a written record of the allegations, conduct an investigation to ensure that the appropriate authorities investigate the disclosure, and provide the Board of Trustees with a confidential report.

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

Complaints of Reprisal

The provisions of Section 740 of the Labor Law ("whistleblower law"), Section 75-B of the Civil Service Law and Section 715-B Not-for-Profit Corporation Law prohibit retaliatory personnel action against a trustee, employee, officer or volunteer who discloses information concerning either 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. 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.

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. If the allegations involved actions of the Library Director, an employee may contest the action by filing a written complaint of reprisal with the President of the Board.

Any such complaints will be reviewed 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, Board President, or a designee determines that all of the above elements are present, a review officer or panel shall be appointed by the Board of Trustees to investigate the claim and make recommendations to the Board. At the time of appointment, the complainant and respondent shall be informed 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 Board of Trustees and 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) deem(s) appropriate to the Board of Trustees. The Board shall issue a letter of findings to both the complainant and the respondent.

Nothing in this policy is intended to interfere with legitimate employment decisions. Moreover, the protections afforded under this Policy and "whistleblower laws" are not applicable under circumstances where the Library had or has independent grounds for disciplinary actions and proceedings against an employee.

The Board of Trustees or their designee may establish regulations or procedures necessary to implement this policy.

This policy and any accompanying regulations shall be published and posted on Library's official bulletin board in the Staff Room and distributed to all trustees, officers, employees and volunteers.

The Board of Trustees and the Library Director will annually review this policy and any related regulations and procedures to determine if modifications are necessary or appropriate.

Adoption date:

8/14/14