

# **BETHLEHEM PUBLIC LIBRARY**

## **WHISTLEBLOWER POLICY**

*Policy adopted by the Board of Trustees October 14, 2014*

Bethlehem Public Library is committed to upholding the highest standards of ethical, moral and legal business conduct, and transparency through open communication. Accordingly, all trustees, officers, employees and volunteers are required to comply with applicable federal, state and local laws, and must faithfully implement and adhere to Bethlehem Public Library's own policies in conducting their duties and responsibilities.

This policy provides an avenue for all trustees, officers, employees and volunteers to report any known or suspected conduct contrary to these standards without fear of intimidation, harassment, discrimination or retaliation.

### **Reporting responsibility**

All trustees, officers, employees and volunteers of Bethlehem Public Library have a responsibility to report known or suspected violations of library policies, finances, or governance. "Known or suspected violations" include but are not limited to the following:

- incorrect financial reporting
- unlawful activity
- activities that are inconsistent with Bethlehem Public Library policies
- activities which otherwise amount to serious improper conduct

### **Procedure**

#### **Oversight**

The Bethlehem Public Library board of trustees shall oversee adoption and implementation of this policy, and monitor compliance.

#### **Compliance Officer**

The Compliance Officer shall be the president of the board of trustees. Should the Compliance Officer be the subject of the report, then the remaining members of the board shall appoint another member of the board to perform the Compliance Officer's role regarding the allegations. The Compliance Officer shall be responsible for administering this policy, overseeing an investigation, and reporting to the board. The Compliance Officer shall report to the board at least annually on compliance activity.

#### **Reporting**

All reports should be made using the Whistleblower Reporting Form, attached as Appendix A, which will be available on the library website. Trustees, officers, employees and volunteers should promptly report alleged violations to the Compliance Officer. If the reporter deems it inappropriate to file the report with the Compliance Officer, the report may be submitted to the vice-president or secretary of the board of

trustees. Any such reports received by the president, vice-president, or designee shall be forwarded to the board.

### **Anonymous reporting**

With the exception of a person's report of his or her own violation, the reporter shall not be required to provide his or her name on the form. However, anonymous reports must include sufficient information, including but not limited to: name of the person against whom the report is being made, date of the incident, and a description of the incident, so that an investigation can be conducted.

### **Handling reports**

The board of trustees shall provide the reporter a timely acknowledgement of receipt of the report. All reports submitted will be placed on the agenda for the next scheduled meeting of the board. An appropriate investigation will be undertaken by the board, legal counsel, or other designee if deemed appropriate by the board. A report summarizing the findings will be given to the reporter within 10 business days of the board meeting, if the reporter's name is provided on the Whistleblower Reporting Form. If more than 10 business days from the date of the board meeting are needed to complete a thorough investigation, the reporter will be notified in writing of an estimated date when the investigation will be completed.

### **Results of investigation**

If the investigation establishes that a violation of law, external regulation or Bethlehem Public Library policy has occurred, then the board of trustees shall determine the appropriate action based upon law and Bethlehem Public Library policy. Civil or criminal prosecution will be pursued when warranted. If the investigation establishes that no violation of law, external regulation or Bethlehem Public Library policy has occurred, then the board shall report its findings and determination. The investigation is closed when the Compliance Officer has deemed the investigation is complete and the board has approved a recommendation for a resolution and/or corrective action.

### **Documentation**

The Compliance Officer shall document the investigation and explain the rationale for any recommended resolution and/or corrective action. All documentation relating to the investigation shall remain in Bethlehem Public Library's records for at least five years.

### **Confidentiality**

All violations or suspected violations may be submitted on a confidential or anonymous basis. Reports will be kept confidential to the extent possible, consistent with federal and state law and the need to conduct an adequate investigation and prevent or correct suspected action(s). The Compliance Officer shall disclose information relating to a report with those who have a need to know so that the board of trustees can conduct an effective investigation and determine what action to take. In appropriate cases, the investigation documents will be shared with law enforcement personnel. Disclosure of reports to individuals not involved in the investigation shall be viewed as a serious

disciplinary offense and may result in discipline, up to and including dismissal, termination or civil lawsuits.

### **Protection against retaliation**

Any Bethlehem Public Library trustee, officer, employee or volunteer who reports known or suspected violation(s) in good faith shall not suffer intimidation, harassment, discrimination or other retaliation or, in the case of an employee, adverse employment action.

## **Regulations**

### **Discipline for retaliatory conduct**

Retaliation is a serious violation of this policy and should be reported immediately to the president of the board of trustees. Depending on the nature and seriousness of the offense, Bethlehem Public Library will impose appropriate discipline against any trustee, officer or employee found to have engaged in any form of retaliatory conduct against an individual reporting suspected or actual wrongful action(s) in accordance with this policy, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law Section 226. Volunteers that engage in any such conduct will not be permitted to volunteer in Bethlehem Public Library activities.

### **Good-faith reporting**

Any Bethlehem Public Library trustee, officer, employee or volunteer who files a report concerning a violation or suspected violation must do so in good faith and have reasonable grounds for believing the information in the report indicates a violation under this policy. Bethlehem Public Library will impose appropriate discipline against any trustee, officer or employee found to have knowingly made a report/complaint in bad faith, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law section 226. This includes, but is not limited to, giving false information or making a report in retaliation. Volunteers that engage in any such conduct will not be permitted to volunteer in Bethlehem Public Library activities.

### **Applicability and distribution of policy**

This policy shall apply to and be distributed to all Bethlehem Public Library employees, trustees, officers, and volunteers at the time of appointment or hiring and annually thereafter.