

Whistleblower Policy

Purpose

The Board of Trustees, individual trustees, officers, staff and volunteers of the Manhasset Public Library (MPL) are expected to fulfill the public's trust and to conduct themselves responsibly in accordance with MPL policies and all applicable laws and regulations.

The purpose of this policy is to encourage MPL trustees, director, staff and volunteers to report instances of suspected illegal or improper conduct such as theft, fraud, and mismanagement of MPL resources, and violations of MPL policies and regulations.

This policy also informs MPL trustees, director, staff and volunteers of the protections afforded them under whistleblower laws. These laws prohibit employers from retaliating against a trustee, director, employee or volunteer who discloses to the MPL information concerning such illegal or wrongful conduct or improper actions, which the person reasonably believes to be true and reasonably believes constitutes an improper action by a trustee, director, employee or volunteer.

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-MPL purpose;
- Fraud, discrimination and harassment
- Violations of applicable federal and state laws and regulations; and/or serious violations of MPL policies and/or procedures.

Reporting

The Manhasset Public Library encourages its trustees, director, staff and volunteers to report known or suspected illegal or wrongful conduct and improper actions as detailed in this policy.

Trustees, director, staff and volunteers who have knowledge of illegal or wrongful conduct or improper actions **by an employee or volunteer** or have reasonable cause to believe that such conduct or actions have occurred should report it to the MPL Director. If the Director is the person suspected of such conduct or actions, it should be reported to the President of the Board of Trustees.

Trustees, director, staff and volunteers who have knowledge of illegal or wrongful conduct or improper actions **by a trustee or officer** or have reasonable cause to believe that such conduct or actions have occurred should report it to the President of the Board. If the Board President is the person suspected of such conduct or actions, it should be reported to the other trustees who serve on the Board. And, in all cases, the advice of Legal Counsel will be sought.

Investigation

Upon receiving a report of alleged illegal or wrongful conduct or improper actions, the MPL 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 and the investigation, and provide the Board of Trustees with a confidential report.

Confidentiality

Except as otherwise provided in either state and/or federal law, the person or persons conducting the investigation, or their designees, shall use reasonable efforts to maintain the confidentiality of the person reporting the alleged conduct or actions, provided that doing so will not interfere with the investigation of the specific allegations and circumstances.

No Retaliation

No trustee, officer, employee or volunteer of the Manhasset Public Library who in good faith reports any actions or suspected actions taken by MPL trustees, officers, employees or volunteers that are illegal, fraudulent or in violation of any substantial MPL policy shall suffer intimidation, harassment, discrimination or other retaliation. Additionally, employees shall not suffer any adverse employment consequences.

Acting in Good Faith

Persons reporting suspected or alleged illegal or wrongful conduct or improper actions should be acting in good faith and have reasonable grounds for believing their suspicions or allegations to be true. Any allegations that cannot be substantiated and can be reasonably determined to have been made maliciously or knowingly false will be considered serious misconduct subjecting the reporting person or persons to consequences for their action, including appropriate discipline of staff.

Allegations of and Complaints about Reprisal

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 MPL Director. If the allegations involved actions of the MPL 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 MPL 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 the responding party 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, if applicable, 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) deem(s) appropriate to the Board of Trustees. The Board shall issue a letter of findings to both the complainant and the responding party.

Trustees, officers or volunteers asserting that they have suffered intimidation, harassment, discrimination or other retaliation in response to good faith reporting of any actions or suspected actions taken by MPL trustees, director, employees or volunteers that are illegal, fraudulent or in violation of any substantial MPL policy, shall submit such complaint, in writing, to the Board of Trustees, and the Board of Trustees, or its designee, shall investigate such complaint and issue a determination and implement remedial measures, if any, within sixty days.

Legitimate Employment Decisions and Actions

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 Manhasset Public Library had or has independent grounds for disciplinary actions and proceedings against an employee.

Regulations and Procedures

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

Dissemination of this Policy

This policy and any accompanying procedures shall be published, posted on MPL's bulletin board in the Staff Room, and distributed to all trustees, staff and volunteers.

Annual Review of this Policy

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

Adopted 10/2016, Rev. 10/25/2017