



## **WHISTLEBLOWER POLICY**

*This policy is for application to the Lackawanna Public Library.*

The Lackawanna 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 the Lackawanna Public Library's own policies and procedures in conducting their duties and responsibilities.

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

### **ARTICLE I Reporting Responsibility**

Section 1.1. Duty to Report. It shall be the Lackawanna Public Library's policy that all trustees, officers, employees and volunteers of the Buffalo & Erie County Public Library have a responsibility to report known or suspected violations in accordance with this Whistleblower Policy. This includes reporting any action or suspected action taken by or within the Lackawanna Public Library that is illegal, fraudulent or in violation of any policy of the Lackawanna Public Library, which the reporter has either actual knowledge of or has a reasonable good faith belief that same occurred. Suspected or actual wrongful action(s) regarding Lackawanna Public Library finances and governance, include but are not limited to the following:

- (A) Incorrect financial reporting;
- (B) Unlawful activity;
- (C) Activities that are inconsistent with Lackawanna Public Library policies; and

(D) Activities which otherwise amount to serious improper conduct.

## **ARTICLE II Procedure**

Section 2.1. Oversight. The Lackawanna Library Board of Trustees, shall oversee the adoption, implementation of, and compliance with this Whistleblower Policy.

Section 2.2. Compliance Officer. The Compliance Officer shall be a Lackawanna Library Board of Trustees member. Should the Compliance Officer be the subject of the report, then the Lackawanna Library Board of Trustees shall appoint another member of the Lackawanna Library Board of Trustees to perform the Compliance Officer's role regarding the allegations. The Compliance Officer shall be responsible for administering the Whistleblower Policy, overseeing an investigation, and reporting to the Lackawanna Library Board of Trustees. The Compliance Officer shall report to the Lackawanna Library Board of Trustees at least annually on compliance activity.

Notwithstanding anything to the contrary in this Policy, trustees who are employees of the Lackawanna Public Library may not participate in any Lackawanna Library Board of Trustees or Committee deliberations or voting relating to administration of this Whistleblower Policy.

Section 2.3. Reporting Violations. All reports should be made using the Whistleblower Reporting Form, attached as Appendix A, which will be available on the Lackawanna Public Library website and Intranet. Trustees, officers, employees and volunteers should promptly report alleged violations to the Compliance Officer. If reporter deems it inappropriate to file the report with the Compliance Officer, the report may be submitted to the Chair or Vice-Chair of the Lackawanna Library Board of Trustees. Any such reports received by the Chair or Vice-Chair of the Lackawanna Public Library of Trustees, or designee, including the completed Whistleblower Reporting Form shall be forwarded to the Lackawanna Library Board of Trustees, subject to the restrictions of Section 2.2.

Section 2.4. Email Reporting. As an alternative to the reporting procedure specified in Section 2.3, trustees, officers, employees and volunteers may submit the Whistleblower Reporting Form via email. Submissions will be reviewed by the Library Lackawanna Library Board of Trustees at its monthly meeting.

Section 2.5. 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 said form. However, anonymous reports must include sufficient information, including but not limited to, the name of the person against whom the report is being made, the date of the incident, and a description of the incident, in order that an investigation can be conducted.

Section 2.6. Handling Reports.

(A) The Lackawanna Library Board of Trustees shall provide the reporter a timely acknowledgement of receipt of the report, whether submitted in person, electronically, or otherwise. All reports submitted will be placed on the agenda for the next scheduled meeting of the Lackawanna Library Board of Trustees. An appropriate investigation will be undertaken by the Lackawanna Library Board of Trustees, or legal counsel or other designee if deemed appropriate by the Lackawanna Library Board of Trustees. A report summarizing the findings will be given to the reporter within 10 business days of the Lackawanna Library Board of Trustees meeting, if a name is provided on the Whistleblower Reporting Form. If more than 10 business days from the date of the Lackawanna Library Board of Trustees 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.

(B) The person who is the subject of a whistleblower complaint shall not be present at or participate in any Lackawanna Library Board of Trustees deliberations or vote on the matter relating to such complaint, provided that nothing in this subparagraph shall prohibit the Lackawanna Library Board of Trustees from requesting that the person who is subject to the complaint present information as background or answer questions at a Lackawanna Library Board of Trustees meeting prior to the commencement of deliberations or voting relating thereto.

Section 2.7. Results of Investigation. If the investigation establishes that a violation of law, external regulation or Lackawanna Public Library policy has occurred, then the Board shall determine the appropriate action based upon law and Lackawanna Public Library policy and make a recommendation to the Lackawanna Library Board of Trustees. Civil or criminal prosecution will be pursued when warranted. If the investigation establishes that no violation of law, external regulation or Lackawanna 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 to the Lackawanna Library Board of Trustees.

Section 2.8. 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, including the Whistleblower Reporting Form, and the resolution and/or corrective action taken shall remain in the Lackawanna Public Library's records for at least five years.

Section 2.9. 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 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 can conduct an effective investigation and determine what action to take based on the results of any such investigation. 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.

Section 2.10. Protection against Retaliation. Any Lackawanna Public Library trustee, officer, employee or volunteer who reports a suspected or actual violation(s), in good faith shall not suffer intimidation, harassment, discrimination or other retaliation or, in the case of an employee, adverse employment action.

### **ARTICLE III Regulations**

Section 3.1. Discipline for Retaliatory Conduct. Retaliation is a serious violation of this policy and should be reported immediately to the Lackawanna Library Board of Trustees. Depending on the nature and seriousness of the offense, the Lackawanna 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 New York State 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 Lackawanna Public Library activities.

Section 3.2. Good Faith Reporting. Any Lackawanna 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. The Lackawanna 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 New York State or 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 Lackawanna Public Library activities.

## **ARTICLE IV Applicability and Distribution of Policy**

This policy shall apply to all trustees, officers, employees, and volunteers of the Lackawanna Public Library. A copy of this Whistleblower Policy shall be made available to all trustees, officers, employees and to volunteers who provide substantial services to the Lackawanna Public Library via the library's website or at the Lackawanna Public Library's office in a conspicuous location accessible to employees and volunteers.

Adopted August 11, 2017

Amended October 13, 2020