

Seaford Public Library

Whistleblower Policy

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

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

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

For purposes of this policy, the term "wrongful conduct" shall be defines to include:

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

Reporting

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

Trustees, 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 simultaneously to both the SPL Director and President of the Board of Trustees. If the Director is the person suspected of such conduct or actions, it should be reported to the President of the Board of Trustees only.

Trustees, staff and volunteers who have knowledge of illegal of 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.

Investigation

Upon receiving a report of alleged illegal or wrongful conduct or improper actions, the SPL Director, Board President or the trustees who serve on the Board 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, employee or volunteer of the Seaford Public Library who in good faith reports any actions or suspected actions taken by SPL trustees, employees or volunteers that are illegal, fraudulent or in violation of any substantial SPL 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 ground 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 Complaint 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 SPL Director. If the allegations involved actions of the SPL 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 occurred as a result of the disclosure.

If the SPL 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, staff 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 SPL trustees, employees or volunteers that are illegal, fraudulent or in violation of any substantial SPL policy, shall submit such complaint, in writing, to the Board of Trustees, and the Board of Trustees, or its designees, 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 Seaford 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 will periodically review this policy and any related procedures to determine if modifications are necessary or appropriate.

Adopted by Board of Trustees of the Seaford Public Library on