

9645 DISCLOSURE OF WRONGFUL CONDUCT

The Board of Education expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct have occurred, they should report such wrongful conduct to the Superintendent of Schools or the Board. For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred or is occurring shall report such mismanagement, fraud or abuse to the Superintendent or the Board, if the allegation involves the Superintendent. Upon receiving a report of alleged wrongful conduct, the district shall take prompt steps to conduct an investigation.

The Superintendent or other designee (e.g., School Attorney, Independent Auditor, etc.) shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (e.g., auditors, forensic auditors, police, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

"Whistleblower" Protections

Pursuant to section 75-b of the Civil Service Law, an employee or officer who provides disclosures of wrongful conduct that presents a substantial and specific danger to the public health or safety or which he or she reasonably believes to be true and improper on the part of the Board or the district shall have "whistleblower protection" against retaliation in the nature of adverse action affecting compensation, appointment, promotion, transfer, assignment, reassignment or evaluation of performance.

Pursuant to section 3028-d of the Education Law, an employee who has reasonable cause to suspect that the fiscal practices or actions of an officer or employee of the district violates any local, state, or federal law, rule or regulation relating to the financial practices of the district, and who, in good faith, reports such information to a district official, Office of the State Comptroller,

Commissioner of Education or law enforcement authorities shall have immunity from any civil liability that may arise from the making of such report. Further, no district employee or officer may take, request, or cause a retaliatory action against any employee who makes such a report.

Any employee or officer who is concerned that retaliation for providing information regarding wrongful conduct has occurred or is occurring should report this to the Superintendent or the Board.

Dissemination and Review

This policy shall be published in employee handbooks, posted in employee lounges and given to employees with fiscal accounting and/or money handling responsibilities on an annual basis. The Superintendent of Schools, the Auditor, the School Attorney and others involved in implementing shall meet with the Board once a year to evaluate the effectiveness of this policy and to make adjustments, if any, to the policy.

Ref:

Civil Service Law §75-b

Education Law §3028-d

Labor Law §740

Garrity v. University at Albany, 301 A.D. 2d 1015 (3rd Dept. 2003)

Matter of Brey v. Bd. of Educ., 245 A.D. 2d (3rd Dept. 1997)

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WEST BABYLON UNION FREE SCHOOL DISTRICT