

## WHISTLEBLOWER POLICY

The Board of Education expects 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 employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, unethical behavior, violations of law or regulation and/or abuse of authority) have occurred, they should report such wrongful conduct to the Board or one of its designated officers.

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;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations;
- serious violations of district policy, regulation, and/or procedure; and/or
- other matters of serious concern.

### **Disclosure and Investigation**

Employees who know or have reasonable cause to believe that wrongful conduct has occurred shall report such mismanagement, fraud or abuse to the Superintendent of Schools, the School Attorney, Internal Auditor, Independent Auditor, member of the BOE Audit Committee or the President of the Board of Education. Upon receiving a report of alleged wrongful conduct, the aforementioned parties, or their designees, shall take immediate steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred shall promptly comply with all reporting requirements set forth under the law and Regulations of the Commissioner of Education.

The Superintendent, School Attorney, Internal Auditor, member of the Board of Education Audit Committee, Independent Auditor, President of the Board of Education or their designee shall maintain a written record of the allegation, conduct an investigation to ensure that the appropriate unit (auditors, police, State Education Department, etc.) investigates the disclosure, and notify the Board when appropriate to do so.

Except as otherwise provided in either state and/or federal law, the Board designated officer shall make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

The district shall not take adverse employment action against an employee who has notified the district of wrongdoing, allowing the district the opportunity to investigate and correct the misconduct.

### **Reprisal Prohibited**

No employee shall be subject to adverse employment action based upon his or her good-faith disclosure of alleged or actual wrongful conduct made pursuant to this policy. Any employee who believes that he or she has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct should promptly notify the Board of Education or its designee.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent of Schools shall establish regulations necessary to implement this policy. This policy and accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all 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 this policy shall meet with the Board upon request to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

Ref: Civil Service Law §75-b  
Labor Law §740  
8 NYCRR §§102.3, 102.4  
*Garrity v. University at Albany*, 301 A.D. 2d 1015 (3rd Dept. 2003)  
*Matter of Brey v. Bd. of Educ.*, 245 A.D. 2d 613 (3rd Dept. 1997)

First Reading: March 10, 2015  
Second Reading: March 24, 2015  
Adopted:

## WHISTLEBLOWER POLICY REGULATION

In addition to the requirements of the Board approved Policy #9141, all School District employees shall adhere to this Whistleblower policy.

In the event of suspected wrongful conduct, the suspecting party will follow the procedure set forth below. For the purposes of this policy, “wrongful conduct” shall include, but not be limited to:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district’s or state’s testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

### Procedure

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred shall report suspicions using the recognized chain of command (*i.e.*, each person must report to his superior or the next higher superior, etc.).

In the event a person suspecting wrongdoing is uncomfortable with reporting to his or her immediate superior, or if the immediate superior is the subject of such report, the allegations of wrongdoing can be reported to any of the following:

- Superintendent
- Internal Auditor
- External Auditor
- School Attorney
- Any member of the Audit Committee
- President of the Board

The last party receiving such information must report it to the Board of Education, which will then investigate or designate a party to promptly investigate the allegations.

The finding of such investigation shall be set forth in a written report to the Board of Education. If wrongful conduct is found to have occurred, the School District will take all appropriate steps to mitigate the effects of such conduct, and impose appropriate consequences on the person or persons found to have engaged in such conduct. Such consequences may include discipline, up to and including termination from employment. In addition, where criminal activity is suspected or determined to have occurred, the School District shall contact appropriate law enforcement officials.

The policy and these accompanying regulations shall be published in employee handbooks, posted in employee lounges and given to all 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 this policy shall meet with the Board upon request to evaluate the effectiveness of this policy and to make appropriate adjustments, if any, to the policy and accompanying regulations.

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**WHISTLEBLOWER POLICY REGULATION APPENDIX****Contact Information**

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School Attorney	Jeffrey Honeywell	518-462-0300	
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BOE Audit Comm	Shawn Morgan		morgans@averillpark.k12.ny.us
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