

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

#### *Disclosure and Investigation*

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator or non-certified individual involved in the state testing program shall report their concerns to the State Education Department in the manner proscribed by the Commissioner of Education and must also report concerns to the Superintendent or the Board of Education.

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 action 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. Improper action on the part of the Board or the District shall be defined to include action by a Board member or District officer, employee, or agent, and which is undertaken in the performance of such person's official duties, whether or not such action is within the scope of his employment, and which is in violation of any federal, state or local law, rule or regulation.

An employee reporting under this policy shall make a good faith effort to provide the District or its designee the information and provide the District a reasonable time to take appropriate action unless there is imminent and serious danger to public health or safety.

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.

The District shall not take adverse action against an employee who has, in good faith, reported misconduct when mandated to do so by federal or state law or regulation.

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 disseminated to all employees by such means as deemed appropriate by the Superintendent.

This policy shall be reviewed annually.

*Ref:* Civil Service Law §75-b  
Education Law §3028-d  
Labor Law §740  
*Garrity v. University at Albany*, 301 A.D. 2d 1015 (3<sup>rd</sup> Dept. 2003)  
*Matter of Brey v. Bd. of Educ.*, 245 A.D. 2d 613 (3<sup>rd</sup> Dept. 1997)

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