

Whistleblower Policy

KDLA provides this example policy to assist a library in developing and adopting their own policy. The example policy should be modified to meet the needs of your library and community and should be reviewed by the library's attorney prior to adoption.

The _____ Public Library is committed to operating in compliance with all applicable laws, rules and regulations and prohibits unlawful retaliatory practices against its employees by any of its board members, officers, employees, or agents. Employees may report any actual or suspected violations of law or policy, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or substantial and specific danger to public health or safety to any public body with apparent authority to remedy or report such actions. This policy applies to any matter which is related to the Library's business and does not relate to private acts of an individual not connected to the business of the Library.

As per KRS 61.102, the _____ Public Library will not subject any employee, as defined in KRS 61.101, to reprisal, either directly or indirectly, for having made a good faith report of suspected wrongdoing of the type set forth above, either internally to the Board or Director, or externally to any public body with apparent authority to remedy or report such wrongdoing, nor will the Library take any such retaliatory action against any person who supports, aids, or substantiates such an employee in having done so.

In addition, the _____ Public Library will not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel, or to a court, truthful information relating to the possible commission by any of its employees, officers, Board members or other agents, of any wrongdoing of the type set forth above.

If a _____ Public Library employee has a reasonable belief that any of the Library's officers, employees or Board members has engaged in any wrongdoing of the type set forth above, that employee is encouraged to immediately internally report such information to the Library Director or to the Board of Trustees.

Suspected wrongdoing of the type set forth above may be internally reported by the employee confidentially or anonymously. Reports of suspected wrongdoing will be kept confidential to the extent that it is possible and consistent with the need to conduct an adequate investigation.

Concerns may be submitted anonymously. Such anonymous concerns should be in writing and sent directly to the Library Director or the President of the Library Board at the Library's business address:

_____ {Name of Library}

_____ {Library Address}

An anonymous concern from any employee or citizen may also be submitted through the Library's Website at: _____ or via email at _____.

All internal reports of suspected wrongdoing of the type set forth above will be promptly investigated as appropriate. In conducting its investigations, the _____ Public Library will strive to keep the identity of the reporting employee(s) as confidential as possible.

The _____ Public Library may take disciplinary action (up to and including termination) against any employee who has engaged in unlawful retaliatory conduct in violation of this policy.

The _____ Public Library will ensure that all employees are advised of the content of the Whistleblower Policy and will train all levels of library supervision on the prohibition of retaliation in accordance with this policy.

Adopted by the _____ County Public Library Board of Trustees this _____ day of _____, 20____.

President

Secretary

I, _____ acknowledge receipt of and fully understand this Whistleblower Policy.

Signature and Date

Whistleblower Procedure

Who Can Report

Any person (employee or member of the public) may report allegations of suspected improper governmental activities, as defined in the _____ Public Library's Whistleblower Policy.

Suspected improper governmental activities may include any actual or suspected violations of law or policy or any actual or suspected mismanagement, waste, fraud, abuse of authority, or substantial and specific danger to public health or safety to any public body with apparent authority to remedy or report such actions.

Reports in writing are preferred to assure a clear understanding of the issues raised; however they may be made orally. Such reports should be factual rather than speculative or conclusive, and contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.

Reports By Employees

Under KRS 61.102 employees are protected from retaliation for making reports of improper governmental activities.

Anonymous Reports

Whistleblower reports may be made anonymously. Anonymous reports must provide sufficient corroborating evidence to justify the commencement of an investigation. Anonymous whistleblowers should be aware that the inability of investigators to interview them may result in difficulty evaluating the allegations. Anonymous reports may, therefore, be less likely to result in an investigation.

Where to File

Oral or written reports may be directed to any of the following:

- Reports of impropriety regarding employees go to the supervisor or personnel/H.R.
- Reports of impropriety regarding the director go to the board of trustees or personnel/H.R.
- Reports of fiscal impropriety regarding a trustee or the entire board of trustees go to the state auditor or the state police.

- Reports of inefficiency, neglect of duty, malfeasance or conflict of interest by a trustee or the entire board of trustees go to the appropriate fiscal court (KRS 65.007).

Content of Whistleblower Report

In providing information, the whistleblower is not to conduct any investigative procedures or obtain evidence for which he or she does not have a right of access. Doing so may constitute a violation of law or _____ Public Library policy.

Providing the following information regarding each allegation is most useful; however, answers to all these questions are not required to file a whistleblower report.

- **WHAT?** What is the alleged improper activity? What makes it an improper governmental activity? Do any documents exist that would provide evidence of the improper activities? Where are the documents located? Who controls them?
- **WHO?** Who are the subjects of the allegation? Who else do you believe is involved -- complete names and work location? If you believe an organization is involved, who are the contact people? Do the subjects of the complaint know about this report? Can anyone else corroborate the improper activities being reported and how can they be contacted?
- **WHERE?** In which _____ Public Library department is the alleged improper activity occurring?
- **WHEN?** When did the alleged improper activity occur? Is it ongoing? How frequently has it occurred?
- **HOW?** How did you become aware of the alleged improper activity? How did the subject carry out the activity? Do you believe that a circumvention of controls or lack of controls is involved? If so, describe.

[sample policy reviewed 1/21/2021]