



**Lyons Public Library**

## **Whistle Blower Policy**

This policy is formulated to provide employees of the Lyons Public Library access in good faith, to the Library Director or the Board of Trustees in case they observe unethical and improper practices or any other alleged wrongful conduct in the Library and to prohibit managerial personnel from taking any adverse action against those employees. This policy applies to all employees of the Lyons Public Library.

### **Policy**

No adverse personnel action shall be taken or recommended against an employee in retaliation to this disclosure in good faith of any unethical and improper practice or alleged wrongful conduct. This policy protects such employees from unfair termination and unfair prejudicial employment practices. However, this policy does not protect an employee from an adverse action which occurs independent of this disclosure of unethical and improper practice or alleged wrongful conduct, poor job performance, any other disciplinary action, etc, unrelated to a disclosure made pursuant to this policy.

### **Definitions**

- **Adverse Personnel Action**

An employment related act or decision or a failure to take appropriate action by managerial personnel which may affect the employee's employment, including but not limited to compensation, promotion, job location, job profile, immunities, leaves and training rights or other privileges.

- **Alleged Wrongful Conduct**

Alleged wrongful conduct shall mean violation of law, infringement of the Lyons Public Library's code of conduct or ethics policies, mismanagement, misappropriation of monies, actual or suspected fraud, substantial and specific danger to public health and safety, or abuse of authority.

- **Good Faith**

An employee shall be deemed to be communicating in "good faith" if there is a reasonable basis for communication of unethical and improper practices or any other alleged wrongful conduct. Good faith shall be deemed lacking when the employee does not have personal knowledge of a factual basis for the communication or where the employee knew or reasonably should have known that the communication about the unethical and improper practices or alleged wrongful conduct is malicious, false, or frivolous.

- **Managerial Personnel**

Managerial personnel shall include members of the Board of Trustees, officers, executive directors, managers, department heads, supervisors, or other employees who have authority to make or materially influence significant personnel decisions.

- **Unethical and Improper Practices**

Unethical and improper practices shall mean an act which does not conform to approved standards of social and professional behavior or an act which leads to unethical business practices. Improper refers to unethical conduct or a breach of etiquette or morally offensive behavior, etc.

- **Whistle Blower**

An employee of the Lyons Public Library, who discloses in good faith, any unethical and improper practices or alleged wrongful conduct to the Library Director or the Board of Trustees in writing.

## **Guidelines**

### **Internal Policy and Protection under Policy**

This policy prohibits the Library taking any adverse action against its employees for disclosing to the Library Director or the Board of Trustees, in good faith, any unethical and improper practices or alleged wrongful conduct. Any employee against whom any adverse personnel action has been taken due to disclosure of information under this policy may approach the Board of Trustees for appropriate relief.

### **False Allegation and Legitimate Action**

An employee who knowingly makes false allegations of unethical and improper practices or alleged wrongful conduct to the Library Director or the Board of Trustees shall be subject to disciplinary action, up to and including termination of employment, in accordance with the library's rules, policies and procedures. Further, this policy may not be used as a defense by an employee against whom an adverse personnel action has been taken independent of any disclosure of information by the employee for legitimate reasons or cause under library's rules and policies.

### **Disclosure and Maintenance of Confidentiality**

An employee who observes any unethical and improper practices or alleged wrongful conduct in the Library may report same to the Library Director or the Board of Trustees. Confidentiality shall be maintained to the greatest extent possible.

### **Procedures**

Any employee who observes any unethical and improper practices or alleged wrongful conduct shall make a disclosure to the Library Director or the Board of Trustees as soon as possible but not later than 45 consecutive calendar days after becoming aware of the same.

If the employee is unwilling or unable to put an oral disclosure in writing, the employee may approach the superior or another employee. The Library Director or the Board of Trustees shall prepare a written summary of the employee disclosure and provide a copy to the employee.

The Library Director or the Board of Trustees shall appropriately and expeditiously investigate all whistle blower reports received. In this regard, the Board of Trustees, if circumstances so suggest, may appoint a senior officer or a committee of managerial personnel to investigate the matter.

The Library Director or the Board of Trustees shall have the right to outline detailed procedures for an investigation. Where the Audit Committee has designated a senior officer or a committee of managerial personnel for investigation, they shall adhere to procedures outlined by the Audit Committee for investigation. The Library Director or the Board of Trustees or senior officer or

committee of managerial personnel, as the case may be, shall have the right to call for any information or documents and reports regarding examination of any employee of the Library's or other person(s), as they may deem appropriate for the purpose of conducting investigation under this policy.

A report shall be prepared after completion of the investigation and the Library Director or the Board of Trustees shall consider same.

After considering the report, the Library Director or the Board of Trustees shall determine the cause of action and may order for remedies which may include:

- Order for an injunction to restrain continuous violation of this policy;
- Reinstatement of the employee to the same position or to an equivalent position
- Order for compensation for lost wages, remuneration or any other benefits etc.

#### **Notification**

The Library Director is required to notify and communicate the existence and contents of this policy to the employees. New employees shall be informed about the policy at the time of their hiring.

*Adopted: September 18, 2007*

*Revised: December 20, 2022*