

Policy Information

Series 4000 - Non-Instructional/Business Operation

Allegations of Fraud/Whistleblower

Policy # 4565, 5.65

POLICY

2009

4565

Non-Instructional/Business Operations

SUBJECT: Allegations of Fraud/Whistleblower

Reporting and Investigations of Allegations of Fraud

All board of education members and officers, BOCES employees and third party consultants are required to abide by the BOCES policies, administrative regulations and procedures in the conduct of their duties. Further, all applicable federal and/or state laws and regulations must be adhered to in the course of BOCES operations and practices. Any individual who has reason to believe that financial impropriety or wrongful conduct is occurring within the BOCES system is to disclose such information to the District Superintendent. In the event that the allegations of financial improprieties/fraud and/or wrongful conduct concern the District Superintendent, the report shall be made to the Board of Education President. The BOCES' prohibition against wrongful conduct, including fraud, will be appropriately publicized with the BOCES, and written notification will be provided to all employees with fiscal accounting/oversight and/or financial duties including the handling of money.

The recipient of an allegation covered by this policy, whether the District Superintendent or the Board President, will promptly either: 1) conduct a thorough investigation of the charges, or 2) designate an impartial person or firm to conduct such an investigation. However, even in the absence of a report of suspected wrongful conduct, if the BOCES has knowledge or suspicion of, or reason to know of or suspect, any occurrence of financial improprieties/fraud and/or wrongful conduct, the BOCES will investigate such conduct promptly and thoroughly. To the extent practicable, all reports will be handled as confidentially as possible. However, disclosure may be necessitated by law or business necessity (for example, to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted). Any disclosures will be made on a "need to know" basis. Written records of the allegations, and resulting investigation and outcome will be maintained in accordance with law.

Based upon the results of this investigation, if the BOCES determines that a school official has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, BOCES policy and regulations, and any applicable collective bargaining agreement. Third parties who are found to have engaged in financial improprieties/ fraud and/or wrongful conduct will be subject to appropriate sanctions as warranted and compliance with law. The application of such disciplinary measures by the BOCES does not preclude the filing of civil and/or criminal charges as may be warranted. When BOCES officials receive a complaint or report of alleged financial improprieties/fraud and/or wrongful conduct that may be criminal in nature, law authorities will be immediately notified.

Prohibition of Retaliation

The Board prohibits any retaliatory behavior directed against those individuals who, in good faith, report

allegations or suspected financial improprieties/fraud and/or wrongful conduct as well as witnesses and/or any other individuals who participate in the investigation of an allegation of financial impropriety/fraud and/or wrongful conduct. Follow-up inquires shall be made to ensure that no reprisals or retaliatory behavior has occurred to those involved in the investigation. Any act of retaliation is prohibited and subject to appropriate disciplinary action by the BOCES.

Knowingly Makes False Accusations

Any individual who knowingly makes false accusations against another individual as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

Civil Service Law Section 75-b

Board Approved:
5/20/09

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