

Whistleblower Policy

The Henderson County Public Library District is committed to the highest standards of openness and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and other members of the library to voice concerns in a responsible and effective manner. When an individual discovers information which they believe shows serious malpractice or wrongdoing within the organization, then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done. This policy ensures that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasized that this policy is intended to assist individuals who believe they have discovered fraudulent or unethical behavior or impropriety. It is not designed to question financial or business decisions taken by the library, nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary, or other procedures.

This policy is designed to enable employees of the library to raise concerns internally and at a high level and to disclose information which the individual believes shows fraudulent or unethical behavior or impropriety. This policy is intended to cover concerns which are in the public's interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g., disciplinary.

These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or statute
- Dangers to health & safety or the environment
- Criminal activity
- Unethical behavior
- Attempts to conceal any of these.

This policy is not intended to prevent or discourage an employee from disclosing information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of state or federal law, rule, or regulation.

Per 50 ILCS 105/4.1, the Library Board has elected to use the County State's Attorney as its auditing official. The Library Director will annually distribute the relevant portions of that law to Library staff.

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Whistle Blowing Report Form

Henderson County Public Library is committed to upholding the highest standards of ethical, moral, and legal business conduct, and transparency through open communication. Accordingly, all trustees, officers, employees, and volunteers are required to comply with applicable federal, state, and local laws, including those concerning accounting and auditing, and must faithfully implement and adhere to Henderson County Library’s own policies in conducting their duties and responsibilities. This form may be used by any trustees, officers, employees, or volunteers to report any known or suspected conduct contrary to these standards without fear of intimidation, harassment, discrimination, or retaliation. The HCPL Whistleblower Policy applies to any matter which is related to library operations and does not relate to private acts of an individual not connected to the business of the library.

Instructions: You may submit this report to Rachel B. Mast, Henderson County State’s Attorney. In accordance with the HCPL Whistleblower Policy, the person filing this report must provide their name, but the identity of the person filing this report will be kept confidential to the greatest extent possible during the investigation of the alleged violation. No retaliation may be made against any persons who file whistleblower reports in good faith.

Date: _____

Person reporting the known or suspected violation:

Name: _____

Job Title/Role: _____

Email Address: _____

Person or Organization responsible for the known or suspected violation:

Name: _____

Job Title/Role: _____

Email Address: _____

Please use the back of this form or additional sheets to describe the alleged wrongful conduct. Include specific facts and any documentation you have, as well as the names of any individual at the Henderson County Library with whom you have discussed your concerns.

50 ILCS 105/4.1)

Sec. 4.1. Retaliation against a whistleblower.

(a) It is prohibited for a unit of local government, any agent or representative of a unit of local government, or another employee to retaliate against an employee or contractor who:

- (1) reports an improper governmental action under this Section;
- (2) cooperates with an investigation by an auditing official related to a report of improper governmental action; or
- (3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(b) To invoke the protections of this Section, an employee shall make a written report of improper governmental action to the appropriate auditing official. An employee who believes he or she has been retaliated against in violation of this Section must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual doing the improper governmental action, then a report under this subsection may be submitted to any State's Attorney.

(c) Each auditing official shall establish written processes and procedures for managing complaints filed under this Section, and each auditing official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures. If an auditing official concludes that an improper governmental action has taken place or concludes that the relevant unit of local government, department, agency, or supervisory officials have hindered the auditing official's investigation into the report, the auditing official shall notify in writing the chief executive of the unit of local government and any other individual or entity the auditing official deems necessary in the circumstances.

(d) An auditing official may transfer a report of improper governmental action to another auditing official for investigation if an auditing official deems it appropriate, including, but not limited to, the appropriate State's Attorney.

(e) To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. Auditing officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.

(f) The following remedies are available to employees subjected to adverse actions for reporting improper government action:

- (1) Auditing officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.
- (2) In instances where an auditing official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

(g) A person who engages in prohibited retaliatory action under subsection (a) is subject to the following penalties: a fine of no less than \$500 and no more than \$5,000, suspension without pay, demotion, discharge, civil or criminal prosecution, or any combination of these penalties, as

appropriate.

(h) Every employee shall receive a written summary or a complete copy of this Section upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable auditing official.

(i) As used in this Section:

"Auditing official" means any elected, appointed, or hired individual, by whatever name, in a unit of local government whose duties are similar to, but not limited to, receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the unit of local government; investigating the performance of officers, employees, functions, and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the municipality. If a unit of local government does not have an "auditing official", the "auditing official" shall be a State's Attorney of the county in which the unit of local government is located.

"Employee" means anyone employed by a unit of local government, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. "Employee" also includes members of appointed boards or commissions, whether or not paid. "Employee" also includes persons who have been terminated because of any report or complaint submitted under this Section.

"Improper governmental action" means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action". "Improper governmental action" does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

"Retaliate", "retaliation", or "retaliatory action" means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under this Section. "Retaliatory action" includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under this Section.

(Source: P.A. 101-652, eff. 7-1-21; 102-813, eff. 5-13-22.)