

[THE FOLLOWING IS THE BOB WHISTLEBLOWER RESOLUTION]

AUTHORIZATION FOR THE SPECIAL COMMISSIONER OF INVESTIGATION FOR THE NEW YORK CITY SCHOOL DISTRICT TO ACT ON BEHALF OF THE CITY SCHOOL DISTRICT IN RELATION TO DISCLOSURE OF CORRUPTION, CRIMINAL ACTIVITIES, CONFLICTS OF INTEREST, UNETHICAL CONDUCT AND MISCONDUCT

The following resolutions are submitted for adoption:

WHEREAS, pursuant to Executive Order No. 11 of 1990 of the Mayor of the City of New York ("Executive Order No. 11"), as amended by Executive Order No. 34 of 1992 of the Mayor of the City of New York ("Executive Order No. 34"), and pursuant to a resolution of this Board adopted on June 28, 1990, as amended by a resolution of this Board adopted on December 18, 1991, every officer or employee of the City School District of the City of New York (the "City School District"), including members of the Board of Education, the Chancellor, members of all Community School Boards, and Community Superintendents, have the affirmative obligation to report, directly and without undue delay, to the Special Commissioner of Investigation for the New York City School District (the "Special Commissioner"), any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity, conflicts of interest, unethical conduct or misconduct

(i) by an officer or employee of the City School District, which concerns his or her office or employment, or (ii) by persons dealing with the City School District, which concerns their dealing with the school district; and

WHEREAS, the Board finds that whistleblowers play a critical role in the work of the Special Commissioner by leading investigators to incidents of corrupt or other criminal activity, conflicts of interest, unethical conduct or misconduct, and that if, notwithstanding their affirmative obligation to do so, potential whistleblowers fail to come forward for fear of losing their jobs or suffering other retaliatory action, the ability of the Special Commissioner to carry out his or her functions would be severely hampered; and

WHEREAS, the Board further finds that officers and employees of the City School District should be protected expeditiously from retaliation and that to provide such protection, a formal mechanism for investigating complaints should be established; now, therefore, be it

RESOLVED, that no officer or employee of the City School District, including members of the Board of Education, the Chancellor, members of all Community School Boards, and Community Superintendents, shall take an adverse personal action with respect to another officer or employee of the City School District in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corrupt or other criminal activity, conflicts of interest, unethical conduct or misconduct by another officer or employee of the City School District, which concerns his or her office or employment, or by persons dealing with the City School District, which concerns their dealing with the school district, to the Special Commissioner; and be it further

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RESOLVED, that an officer or employee of the City School District who believes that another officer or employee of the City School District has taken an adverse personnel action in violation of the above resolution may report such action to the Special Commissioner; and be it further

RESOLVED, that upon receipt of such a report, the Special Commissioner shall have authority to conduct an inquiry to determine whether an adverse personnel action in violation of the above resolution has been taken, and in making said determination may exercise all those powers of the Special Commissioner set forth in Executive Order No. 11 and Executive Order No. 34, and the resolutions of this Board adopted on June 28, 1990 and December 18, 1991; and be it further

RESOLVED, that upon a determination that a retaliatory adverse-personnel action has been taken, the Special Commissioner may report his or her findings and, if appropriate, recommendations to the Chancellor, the Board, a Community School Board, or a Community Superintendent, as appropriate, who (i) shall take remedial action, including but not limited to the reinstatement of the officer or employee to a position the same as or comparable to the position held prior to the adverse personnel action, when such reinstatement is appropriate, and (ii) shall report such action to the Special Commissioner in writing. The Special Commissioner may monitor the implementation by the City School District of said recommendations and may include in the annual report provided for in Executive Order No. 11 a summary of the steps taken by the Board, the Chancellor, the Community School Boards, and the Community Superintendents to implement said recommendations; and be it further

RESOLVED, that nothing contained herein shall be construed to limit the rights of any officer or employee with regard to any administrative procedure or judicial review; and be it further

RESOLVED, that the term "adverse personnel action" as used herein shall include dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer of assignment or failure to transfer or assign against the wishes of the affected officer or employee; and be it further

RESOLVED, that violation of the within resolutions shall constitute cause for removal from office or employment or other appropriate penalty.

Respectfully submitted,


H. Carl McCall
President of the Board

A TRUE COPY OF RESOLUTION(S) ADOPTED
BY THE BOARD OF EDUCATION ON 7 1992

ASSISTANT SECRETARY, BOARD OF EDUCATION