

City of New York
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

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Via Electronic Mail

October 24, 2023

Honorable Jocelyn E. Strauber
Commissioner
New York City Department of Investigation
180 Maiden Lane
New York, NY. 10038

Re: **SCI Whistleblower Complaints and
Statistics for Fiscal Year 2023**

The Special Commissioner of Investigation for the New York City School District (“SCI”) submits this report detailing complaints and statistics related to the New York City Whistleblower Law to the Commissioner of the New York City Department of Investigation (“DOI”) in furtherance of the DOI Commissioner’s obligation to report annually to the Mayor and the New York City Council the number and disposition of complaints under the statute.¹

The New York City Administrative Code § 12-113, commonly known as the Whistleblower Law, relates to employees of an agency of the City, or employees of vendors conducting business with the City, who report information concerning conduct which they know or reasonably believe to involve corruption, criminal activity, conflict of interest, gross mismanagement, or abuse of authority in City government to the DOI commissioner, the New York City Public Advocate, the New York City Comptroller, or a member of the New York City Council. In matters where the underlying claim includes allegations stemming from a report regarding the physical or educational welfare of a child, the statute includes reports made to the Mayor or to the head of an agency or that agency’s designee.²

For the purposes of SCI’s review of Whistleblower complaints, New York City Department of Education (“DOE”) employees are considered employees of a city agency. The Whistleblower Law prohibits another employee from taking any adverse personnel action against the reporting employee in

¹ This report will also be made available publicly on the SCI website at www.nycsci.org.

² For the purposes of reports regarding the New York City Department of Education, the “head of agency” title refers to the Chancellor or a deputy chancellor.

retaliation for making such a report. If an employee believes they have been the subject of such retaliatory adverse personnel action, they may report such conduct to the Commissioner of DOI or, in the case of complaints regarding the DOE, the Special Commissioner, who maintains the powers conferred upon a deputy to the DOI Commissioner.

The Board of Education (“BOE”) Whistleblower Resolution (1992) prohibits adverse personnel actions against an officer or employee of the DOE who reports information concerning conduct, which they know or reasonably believe to involve corrupt or other criminal activity, conflicts of interest, unethical conduct or misconduct by another officer or employee of the City School District, or by persons dealing with the City School District, to SCI.³ SCI will then conduct an investigation into the matter. If SCI finds that an adverse personnel action was taken in retaliation for making such a report, the employee will be accorded protection and, if necessary, remedial relief, under the Whistleblower Law and the BOE resolution (together, the “WB Statutes”).

In Fiscal Year (“FY”) 2023, SCI received 18 complaints from individuals alleging retaliation for having previously reported official wrongdoing. Seven of those matters were investigated and closed within the FY with no further action. The chart below breaks down the complaints received by statutory subsection in FY 2023:

§2 (b)(1)	§2 (b)(2)	§2 (b)(5)
15	1	2

In addition, four complaints received by SCI during previous FY, were closed without further action in FY 2023, after findings that the complainants were not entitled to protection under the WB Statutes.

Fourteen cases being evaluated under the WB Statutes remained open and under investigation by SCI at the close of FY 2023 that commenced in FY 2023 or earlier.⁴ The chart below breaks down the total open investigations under the WB Statutes by number of days active at the close of FY 2023:⁵

0 – 89	90 – 179	180 – 364	365 – 729	730 or greater
4	5	5	0	0

Finally, pursuant to New York City Administrative Code § 12-113, Section 4 (i)(5)(f), SCI currently employs approximately 20 full-time field investigators. Of those, eight investigators are assigned to a select team who solely investigate matters involving sexual or other inappropriate conduct by DOE employees or those doing business with the DOE. Those investigators would likely not be assigned an investigation involving a potential violation of the WB Statutes. The remaining 12 field

³ The Board of Education is now referred to as the Panel for Educational Policy of the Department of Education.

⁴ Four of those investigations have since been closed during the current FY.

⁵ Pursuant to local law, the officer or employee who initiated the complaints in these open matters have received written notice of the status of their claim by SCI personnel at least once in every 90-day period.

investigators would all be eligible to investigate allegations of retaliation under the WB Statutes, and may be assigned those investigations on a rotating basis.

Sincerely,



ANASTASIA COLEMAN

Special Commissioner of Investigation
for the New York City School District

AC:DS:lr

cc: Andrew Brunsten – Deputy Commissioner/General Counsel
Rebecca Chasan – Director of Intergovernmental Affairs/Special Counsel