

FINANCIAL Whistleblower Policy

- I. **STATEMENT** The Red Jacket Community Library (Library) is committed to operating in an environment of honesty and integrity, and in compliance with laws protecting whistleblowers from retaliation for reporting, based on a reasonable belief, a violation of law, rule, regulation, or adopted policy of the Library.

- II. **PURPOSE** To establish a process for employees, officers, volunteers, trustees, or affiliates to report misconduct or suspected misconduct. The policy set forth below is intended to encourage and enable individuals to raise concerns in good faith within the Library and without fear of retaliation or adverse employment action.

- III. **POLICY**
 - A. **REPORTING MISCONDUCT AND LIBRARY RESPONSE**
 1. Employees, officers, volunteers, trustees, or affiliates of the Library are encouraged to report misconduct or suspected misconduct taken by or within the Library.
 - a. A person with a reasonable belief that employees, officers, volunteers, trustees, or affiliates of the Library or the Library as a whole, have engaged in misconduct that violates any applicable law or regulation, including those concerning accounting and auditing, constitutes a fraudulent practice, or in violation of any adopted policy of the Library is required and expected to report such information to the Director. If the Director is the subject of the complaint the report shall be made to the President of the Board.
 - i. The person should report the misconduct as soon as possible.
 - ii. The person, in addition, may report the misconduct to the Division of Library Development or an appropriate law enforcement agency.
 - iii. Reports of misconduct may be made verbally or in writing.
 - iv. Reports of misconduct may be made anonymously. The ability to obtain further details, ask follow-up questions, or otherwise conduct a thorough investigation may be hampered by reporting misconduct anonymously.
 2. Reporting complaints regarding employment discrimination or harassment should be reported in the manner and to the individual(s) set out in those specific procedures or policies.
 3. Upon receiving a report of misconduct, the Director, shall immediately initiate a review to determine if the reported activity, if it occurred, could be illegal, fraudulent, in violation of any adopted policy of the corporation or poses a substantial and specific danger to the public health or safety.
 4. If the reported activity does not rise to the level of warranting an investigation under this policy, the Director will alert the whistleblower as to the determination and confirm that no further action will be taken under this policy.
 5. If the reported activity does rise to the level of warranting an investigation under this or any other policy, the Director will develop an investigation plan that limits those aware of the

report on a need-to-know basis and sets out context-specific procedures for ensuring confidentiality of the whistleblower.

6. If the reported activity does rise to the level of warranting an investigation under this policy, but the alleged behavior falls under another policy with its own provision for investigation (such as Non-Discrimination, Sexual Harassment, or Conflict of Interest) the matter will be investigated by the relevant policy.
 - a. To preserve the confidentiality of whistleblowers, receipt, evaluation, and investigation of reports under that relevant policy shall be planned to limit those aware of the report on a need-to-know basis.
7. To ensure prompt investigations and to avoid any appearance of bias, the Director is allowed to retain third parties to evaluate reports, to conduct investigations, and to present their findings to the Board of Trustees.
 - a. Use of a third party shall be disclosed to the reporting individual, so they are apprised of the delegation of responsibility.
8. Barring unusual circumstances, investigations should be initiated within three business days of a report, and concluded within sixty days of a report, unless the subject matter of the report warrants investigation under a policy with a different deadline.
9. The Director shall prepare a report after completion of the investigation and include recommended actions to the Board of Trustees.

B. NON-RETALIATION

1. No employee, officer, volunteer, trustee, or affiliate of the Library who in good faith reports any misconduct or suspected misconduct taken by or within the Library shall suffer intimidation, harassment, discrimination, or other retaliation or, in the case of employees, adverse employment consequences.
2. No employee or former employee, or persons employed as independent contractors shall be retaliated against for reporting, or threatening to report, to a supervisor any activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety, or providing information to, or testifying before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by such employer; or objecting to and/or refusing to participate in any such activity, policy or practice.
3. Protection against retaliatory action pertaining to disclosure to a public body shall NOT apply to an employee who makes such disclosure to a public body unless the employee has made a good faith effort to notify the Library by bringing the activity, policy, or practice to the attention of the Director or the President of the Board of Trustees and has afforded the Library a reasonable opportunity to correct such activity, policy, or practice.
 - a. Employer notification shall NOT be required under the following conditions.
 - i. There is an imminent danger to the public health or safety.
 - ii. The employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy, or practice.

- iii. Such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor.
- iv. The employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person.
- v. The employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy, or practice.

C. VIOLATIONS

1. It shall be a violation of this policy for anyone to report or disclose information covered by this policy that knows or reasonably should know to be untrue, unfounded, or misleading where there is no basis for misconduct under any law, rule, regulation, or policy.
2. No employee, officer, volunteer, trustee, or affiliate of the Library shall interfere with the right of any complainant by any improper means aimed at deterring disclosure of an actual or suspected misconduct. Any such attempts at retaliation or interference are strictly prohibited.
3. The Board of Trustees reserves their right to direct appropriate action, up to and including termination of employment, contract, or appointment, if a person or persons have violated the prohibitions in this policy.

D. COMPLAINTS OF RETALIATION AND LIBRARY RESPONSE

1. Any adverse impact or prohibited retaliation or suspected retaliation prohibited by this policy should be reported verbally or in writing to either the Director or President of the Board of Trustees as a complaint.
2. Upon receiving a complaint of retaliation prohibited by this policy the Director or President of the Board of Trustees, or their designee, will initiate a review to determine if the complaint activity, if it occurred, is an adverse consequence barred by this policy, and determine if immediate interim action is needed to address real or potential ongoing negative impacts.
 - a. If the complaint of retaliatory activity does not rise to the level of warranting an investigation under this policy, the Director or President of the Board of Trustees, or their designee, will alert the whistleblower as to the determination and confirm that no further action will be taken.
 - b. If the complaint of retaliatory activity does rise to the level of warranting an investigation under this or any other policy, the Director will develop an investigation plan that limits those aware of the report to a need-to-know basis and sets out context-specific considerations for ensuring the whistleblower's confidentiality.
 - c. Barring unusual circumstances, investigations under this section should be initiated within three business days of a report and concluded within thirty days of a report.
 - i. Upon conclusion of the investigation, the Board of Trustees reserves their right to direct appropriate action, up to and including termination of employment, contract, or appointment, if a person or persons have engaged in retaliatory conduct.
 - ii. Upon conclusion of the investigation, the Board of Trustees reserves their right to order remedies, which may include reinstatement of a person to the same or

equivalent position, compensation for lost wages, remuneration, or any other benefit.

E. NOTIFICATION

1. This policy shall be posted on the Library's website.
2. The Director shall inform new employees and volunteers at their start date. A copy of the Whistleblower Policy Acknowledgement form (Appendix 1F) will be kept in each employee's personnel folder.
3. The President of the Board of Trustees shall inform trustees or officers at the start of a new term or appointment. The Secretary of the Board of Trustees shall maintain a copy of each trustee's Whistleblower Policy Acknowledgement form (Appendix 1F).
4. The Library shall also inform employees of their protections, rights, and obligations under New York State Labor Law § 740 by providing them with a notice in the staff break room.
5. A statement regarding Whistleblower Protection shall be included in the employee handbook with a link to this policy.

IV. REFERENCES

- A. Retaliatory action by employers; prohibition, NY LABOR § 740 (2023).
- B. Whistleblower policy, NY NOT-FOR-PROFIT CORPORATION § 715-B (2023).

Revision History	
12/19/2023	Expanded and combined sections A and C as new section A (Reporting Misconduct and Library Response). Updated section B. Updated section D (Notification) as new section E. Added two new sections C (Violations) and D (Complaints of Retaliation and Library Response).
11/16/2020	Added sections A, B1. Grouped items under section headings for clarity.