

## FLLS Whistleblower Policy Employee Protection Policy

Finger Lakes Library System (FLLS) 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, and must faithfully implement and adhere to FLLS policies and procedures in conducting their duties and responsibilities. This policy provides an avenue for all trustees, officers, employees and volunteers to report any suspected or actual conduct contrary to these standards without the fear of intimidation, harassment, discrimination or retaliation.

### ARTICLE I: Reporting Responsibility

Section 1.1. Duty to Report. It shall be FLLS's policy that all trustees, officers, employees and volunteers of FLLS have a responsibility to report known or suspected violations in accordance with this Whistleblower Policy. This includes reporting any action or suspected action taken by or within FLLS that is illegal, fraudulent or in violation of any policy of FLLS, which the reporter has either actual knowledge of or has a reasonably good faith belief that such occurred. Suspected or actual wrongful action(s) regarding FLLS' finances and governance include but are not limited to the following:

- (A) Incorrect financial reporting;
- (B) Unlawful activity;
- (C) Activities that are inconsistent with FLLS policies; and
- (D) Activities which otherwise amount to serious improper conduct.

### ARTICLE II: Procedure

Section 2.1. Oversight. The Executive Committee of the FLLS Board, as defined in the Bylaws, shall oversee the adoption, implementation of, and compliance with this Whistleblower Policy.

Section 2.2. Compliance Officer. The Compliance Officer shall be the President of the Board. Should the Compliance Officer be the subject of the report, then the Executive Committee shall appoint another member of the Committee to perform the Compliance Officer's role regarding the allegations. The Compliance Officer shall be responsible for administering the Whistleblower Policy, overseeing an investigation, and reporting to the Executive Committee. The Compliance Officer shall report to the FLLS Board at least annually on compliance activity.

Section 2.3. Reporting Violations. All reports should be made using the *Whistleblower Reporting Form*, attached as Appendix A, which will be available on the FLLS website. Trustees, Officers, employees and volunteers should promptly report alleged violations to the Compliance Officer. If the reporter deems it inappropriate to file the report with the Compliance Officer, the report may be submitted to the FLLS Board Vice-President. Any such reports received by the FLLS Board Vice-President, including the completed *Whistleblower Reporting Form*, shall be forwarded to the Executive Committee, subject to the restrictions of Section 2.2.

Section 2.4. Anonymous Reporting. With the exception of a person's report of his or her own violation, the reporter shall not be required to provide his or her name on said form. However, anonymous reports must include sufficient information, including but not limited to, the name of the person against whom the report is being made, the date of the incident, and a description of the incident, in order that an investigation can be conducted.

Section 2.5. Handling Reports. The Executive Committee shall provide the reporter a timely acknowledgement of receipt of the report. All reports submitted will be placed on the agenda for a meeting of the Executive Committee of the FLLS Board. An appropriate investigation will be undertaken by the Executive Committee, or legal counsel or other designee if deemed appropriate by the Executive Committee. A report summarizing the findings will be given to the reporter within 10 business days of the Executive Committee's meeting, if a name is provided on the

*Whistleblower Reporting Form*. If more than 10 business days from the date of the Executive Committee's meeting are needed to complete a thorough investigation, the reporter will be notified in writing of an estimated date when the investigation will be completed.

Section 2.6. Results of Investigation. If the investigation establishes that a violation of law, external regulation, or FLLS policy has occurred, then the Executive Committee shall determine the appropriate action based upon law and FLLS policy and make a recommendation to the Board. Civil or criminal prosecution will be pursued when warranted. If the investigation establishes that no violation of law, external regulation, or FLLS policy has occurred, then the Executive Committee shall report to the Board its findings and determination. The investigation is closed when the Compliance Officer has deemed the investigation is complete and the Executive Committee has approved a recommendation for a resolution and/or corrective action to the Board.

Section 2.7. Documentation. The Compliance Officer shall document the investigation and explain the rationale for any recommended resolution and/or corrective action. All documentation relating to the investigation, including the *Whistleblower Reporting Form*, the resolution, and/or corrective action taken shall remain in the FLLS records for at least five years.

Section 2.8. Confidentiality. All actual or suspected violations may be submitted on a confidential or anonymous basis. Reports will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation and prevent or correct suspected action(s). The Compliance Officer shall disclose information relating to a report with those who have a need to know so that the Executive Committee can conduct an effective investigation and determine what action to take. If appropriate, the investigation documents will be shared with law enforcement personnel. Disclosure of reports to individuals not involved in the investigation shall be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal, termination or civil lawsuits.

Section 2.9. Protection against Retaliation. Any FLLS trustee or officer, employee or volunteer who reports a suspected or actual violation(s) in good faith shall not suffer intimidation, harassment, discrimination or other retaliation or, in the case of an employee, adverse employment action.

### **ARTICLE III: Regulations**

Section 3.1. Discipline for Retaliatory Conduct. Retaliation is a serious violation of this policy and should be reported immediately to the FLLS Board President. Depending on the nature and seriousness of the offense, FLLS will impose appropriate discipline against any trustee, officer or employee found to have engaged in any form of retaliatory conduct against an individual reporting suspected or actual wrongful action(s) in accordance with this policy, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law Section 226. Volunteers that engage in any such conduct will not be permitted to volunteer at FLLS.

Section 3.2. Good Faith Reporting. Any FLLS trustee, officer, employee or volunteer who files a report concerning a violation or suspected violation must do so in good faith and have reasonable grounds for believing the information in the report indicates a violation under this policy. FLLS will impose appropriate discipline against any trustee, officer or employee found to have knowingly made a report/complaint in bad faith, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law section 226. This includes, but is not limited to, giving false information or making a report in retaliation. Volunteers that engage in any such conduct will not be permitted to volunteer at FLLS.

### **ARTICLE IV: Applicability and Distribution of Policy**

This policy shall apply to and be distributed to all employees, trustees, officers, and volunteers of FLLS at the time of appointment or hiring and annually thereafter.

*Submitted to the FLLS Board of Directors, February 15, 2023.*