



ALDEN EWELL FREE LIBRARY WHISTLEBLOWER POLICY

This policy is for application to the Alden Ewell Free Library only.

The Alden Ewell Free 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, and must faithfully implement and adhere to the Alden Ewell Free Library's own 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 the Alden Ewell Free Library's policy that all trustees, officers, employees, and volunteers of the Alden Ewell Free Library 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 the Alden Ewell Free Library that is illegal, fraudulent, or in violation of any policy of the Alden Ewell Free Library, which the reporter has either actual knowledge of or has a reasonable good faith belief that occurred. Suspected or actual wrongful action(s) regarding Alden Ewell Free Library finances and governance, include but are not limited to the following:

- A) Incorrect financial reporting;
- B) Unlawful activity;
- C) Activities that are inconsistent with Alden Ewell Free Library policies;
- D) Activities which otherwise amount to serious improper conduct.

ARTICLE II Procedure

Section 2.1. Oversight. The Board, comprised solely of Independent Trustees as defined in the Bylaws, shall oversee the adoption and implementation of and compliance with this Whistleblower Policy.

Section 2.2. Compliance Officer. The Compliance Officer shall be President of the Board of Trustees. Should the Compliance Officer be the subject of the report, then the Board shall by majority vote appoint another Trustee to perform the Compliance Officer's role regarding the allegations. The Compliance Officer shall be responsible for administering the Whistleblower Policy and overseeing an investigation.

Notwithstanding anything to the contrary in this Policy, trustees who are employees of the Alden Ewell Free Library may not participate in any Board deliberations or voting relating to administration of this Whistleblower Policy.



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Section 2.3. Reporting Violations. All reports should be made using the *Whistleblower Reporting Form*, attached as Appendix A, which will be available on both the Buffalo & Erie County Public Library's website and the Association of the Alden Ewell Free Library website. Trustees, officers, employees, and volunteers should promptly report alleged violations to the Compliance Officer. If reporter deems it inappropriate to file the report with the Compliance Officer, the report may be submitted to any member of the Board of Trustees. Any such reports received by any member of the Board, including the completed *Whistleblower Reporting Form* shall be forwarded to the remainder of the Board, 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.

- A) The Board shall provide the reporter a timely acknowledgement of receipt of the report, whether submitted in person, electronically, or otherwise. All reports submitted will be placed on the agenda for the next scheduled meeting of the Alden Ewell Free Library Board of Trustees. An appropriate investigation will be undertaken by the Board, or legal counsel or other designee if deemed appropriate by the Board. A report summarizing the findings will be given to the reporter within ten (10) business days of the Board's meeting, if a name is provided on the *Whistleblower Reporting Form*. If more than ten (10) business days are needed to complete a thorough investigation, the reporter will be notified in writing of an estimated date when the investigation will be completed.
- B) The person who is the subject of a whistleblower complaint shall not be present at or participate in any Board deliberations or vote on the matter relating to such complaint, provided that nothing in this subparagraph shall prohibit the Board from requesting that the person who is subject to the complaint present information as background or answer questions at a Board meeting prior to the commencement of deliberations of voting relating thereto.

Section 2.6. Results of Investigation. If the investigation establishes that a violation of law, external regulation, or Alden Ewell Free Library policy has occurred, then the Board shall determine the appropriate action based upon law and Alden Ewell Free Library policy. Civil or criminal prosecution will be pursued when warranted. If the investigation establishes that no violation of law, external regulation, or Alden Ewell Free Library policy has occurred, they will compose a resolution to that effect. The investigation will be closed when the Compliance Officer has deemed the investigation is complete and the Board has approved a resolution and /or corrective action.



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Section 2.7. Documentation. The Compliance Officer shall document the investigation and explain the rationale for any resolution and/or corrective action. All documentation relating to the investigation, including the *Whistleblower Reporting Form* and the resolution and/or corrective action taken shall remain in the Alden Ewell Free Library's records and/or records of its Board of Trustees for at least five (5) years.

Section 2.8. Confidentiality. All violations 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 Board of Trustees can conduct an effective investigation and determine what action to take based on the results of any such investigation. In appropriate cases, 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 Alden Ewell Free Library trustee, 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 Compliance Officer of the Alden Ewell Free Library Board of Trustees. Depending on the nature and seriousness of the offense, the Alden Ewell Free Library 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. Volunteers that engage in any such conduct will not be permitted to volunteer in Alden Ewell Free Library activities.

Section 3.2. Good Faith Reporting. Any Alden Ewell Free Library 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. The Alden Ewell Free Library 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



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report in retaliation. Volunteers who engage in any such conduct will not be permitted to volunteer in Alden Ewell Free Library activities.

Article IV Applicability and Distribution of Policy

This policy shall apply to all trustees, officers, employees, and volunteers of the Alden Ewell Free Library. A copy of this Whistleblower Policy shall be made available to all trustees, officers, employees, and volunteers who provide substantial services to the Alden Ewell Free Library via the Association of the Alden Ewell Free Library website, the Buffalo & Erie County Public Library's website, and in the office of the Alden Ewell Free Library.

Adopted by Alden Ewell Free Library Board of Trustees on May 25, 2021



**ALDEN EWELL FREE LIBRARY
APPENDIX A**

WHISTLEBLOWER REPORTING FORM

Date of Report: _____

| REPORTER'S CONTACT INFORMATION: <i>Not required if being submitted anonymously</i> | |
|---|----------------|
| Name | Position/Title |
| Dept./Location (if applicable) | Work # |
| Home Address | Home/Cell # |
| Best time to reach you | Email |
| Preferred method of communication | |

| PERSON AGAINST WHOM THE REPORT OF ACTUAL OR SUSPECTED WRONGFUL CONDUCT IS BEING MADE: <i>If more than one, please complete additional forms</i> | |
|--|--------------------|
| Name | Position/Title |
| Dept./Location (if applicable) | Phone # (if known) |

| WITNESS TO ACTUAL OR SUSPECTED WRONGFUL CONDUCT: <i>Attach additional sheets if necessary</i> | |
|--|--------------------|
| Name | Position/Title |
| Dept./Location (if applicable) | Phone # (if known) |
| Name | Position/Title |
| Dept./Location (if applicable) | Phone # (if known) |

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