



## WHISTLEBLOWER POLICY

*This policy is for application to the Boston Free Library.*

The Boston 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 Boston Free Library's own policies and procedures in conducting their duties and responsibilities.

This policy provides an avenue for all trustees, officers, employees, former employees, independent contractors 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 Boston Free Library's policy that all trustees, officers, employees, former employees, independent contractors and volunteers of the Boston 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 Boston Free Library that is illegal, fraudulent or in violation of any policy of the Boston Free Library, which the reporter has either actual knowledge of or has a reasonable good faith belief that same occurred. Suspected or actual wrongful action(s) regarding Boston 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 Boston Free Library policies; and
- (D) Activities which otherwise amount to serious improper conduct.

### **ARTICLE II Procedure**

Section 2.1. Oversight. The Governance Committee of the Board comprised solely of Independent Trustees, 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 Chair of the Governance Committee. Should the Compliance Officer be the subject of the report, then the Governance 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

Governance Committee. The Compliance Officer shall report to the Board at least annually on compliance activity.

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

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 Buffalo & Erie County Public Library website and Intranet. Trustees, officers, employees, former employees, independent contractors 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 the President or Vice President of the Boston Free Library Board of Trustees. Any such reports received by the President or Vice President of the Boston Free Library Board of Trustees, or designee, including the completed *Whistleblower Reporting Form* shall be forwarded to the Governance Committee, subject to the restrictions of Section 2.2.

Section 2.4 Email Reporting. As an alternative to the reporting procedure specified in Section 2.3, trustees, officers, employees, former employees, independent contractors and volunteers may submit the *Whistleblower Reporting Form* via email to [whistleblower@buffalolib.org](mailto:whistleblower@buffalolib.org). Submissions to said email account will be reviewed by the Governance Committee of the Buffalo and Erie County Public Library Board of Trustees at its monthly meeting.

Section 2.5 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 2.6 Handling Reports.

- (A) The Governance Committee 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 Governance Committee of Boston Free Library Board of Trustees. An appropriate investigation will be undertaken by the Governance Committee, or legal counsel or other designee if deemed appropriate by the Governance Committee. A report summarizing the findings will be given to the reporter within 10 business days of the Governance Committee's meeting, if a name is provided on the Whistleblower Reporting Form. If more than 10 business days from the date of the Governance 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.
- (B) The person who is the subject of a whistleblower complaint shall not be present at or participate in any Board or Committee deliberations or vote on the matter relating to

such complaint, provided that nothing in this subparagraph shall prohibit the Board or Committee from requesting that the person who is subject to the complaint present information as background or answer questions at a Committee or Board meeting prior to the commencement of deliberations or voting relating thereto.

Section 2.7. Results of Investigation. If the investigation establishes that a violation of law, external regulation or Boston Free Library policy has occurred, then the Governance Committee shall determine the appropriate action based upon law and Boston Free Library 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 Boston Free Library policy has occurred, then the Governance 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 Governance Committee has approved a recommendation for a resolution and/or corrective action to the Board

Section 2.8. 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*, and the resolution and/or corrective action taken shall remain in the Boston Free Library's records in the Human Resources Department and/or Governance Committee records for at least five years.

Section 2.9. 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 Governance Committee 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 2.10. Protection against Retaliation. Any Boston Free Library trustee, officer, employee, former employees, independent contractors or volunteer who reports a suspected or actual violation(s), in accordance with this policy shall not suffer intimidation, harassment, discrimination or other retaliation including adverse employment action or threats of such action that would adversely impact current or future employment, or threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report suspected citizenship or immigration status or the suspected citizenship or immigration status of a family or household member to a federal, state, or local agency.

### **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 Chair of the Governance Committee of the Boston

Free Library Board of Trustees. Depending on the nature and seriousness of the offense, the Boston Free Library 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. Former employees, independent contractors, and volunteers that engage in any such conduct will not be permitted to engage in Boston Free Library activities.

Section 3.2. Good Faith Reporting. Any Boston Free Library trustee, officer, employee, former employee, independent contractor 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 Boston 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 report in retaliation. Former employees, independent contractors or volunteers that engage in any such conduct will not be permitted to engage in Boston Free Library activities.

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

This policy shall apply to all trustees, officers, employees, former employees, independent contractors and volunteers of the Boston Free Library. A copy of this Whistleblower Policy shall be made available to all trustees, officers, employees and independent contractors and to volunteers who provide substantial services to the Boston Free Library via the Boston Free Library's website or at the Boston Free Library in a conspicuous location accessible to employees and volunteers.

Adopted by Boston Free Library Board of Trustees at a public meeting April 9, 2019

Amended February 8, 2022. Amended February 7, 2023.



**Boston 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	Work #
Home Address	Home/Cell #
Best time to reach you	Email
Preferable 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 form(s).</i>	
Name	Position/Title
Dept/Location (if applicable)	Phone # (if known)

Witness(es) 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)



**Boston Free Library**

Description of known or suspected wrongful conduct: (Please be as specific as possible including who, what, where, when and how?) *Attach additional sheets of paper if necessary.*


Return completed form to:

Boston Free Library Director, 9475 Boston State Road, Boston, NY 14025, or  
President of Boston Free Library Board of Trustees, 9475 Boston State Road, Boston, NY 14025

Or [whistleblower@buffalolib.org](mailto:whistleblower@buffalolib.org)

Compliance Officer Signature: \_\_\_\_\_

Date Received: \_\_\_\_\_

*The Boston Free Library Whistleblower Policy and Reporting Form provides an avenue for all trustees, officers, employees, former employees, independent contractors and volunteers to report actual or suspected wrongful conduct without fear of retaliation. Please refer to the Whistleblower Policy for additional information.*