

**WHISTLEBLOWER POLICY
OF THE
TOWN OF TONAWANDA PUBLIC LIBRARY**

The Town of Tonawanda Public 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, former employees, independent contractors and volunteers are required to comply with applicable federal, state and local laws, and must faithfully implement and adhere to the Town of Tonawanda Public 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 Town of Tonawanda Public Library's policy that all trustees, officers, employees, former employees, independent contractors and volunteers of the Town of Tonawanda Public 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 Town of Tonawanda Public Library that is illegal, fraudulent or in violation of any policy of the Town of Tonawanda Public 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 the Town of Tonawanda Public 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 the Town of Tonawanda Public 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 New York Not-For-Profit Corporation Law (the "Overseeing Committee"), or if there is no such Overseeing Committee, then the entire Board, 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 Town of Tonawanda Public Library Board of Trustees (hereafter known as the Board). Should the Compliance Officer be the subject of the report, then the Board shall appoint another member of the Board 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 Board. 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 Town of Tonawanda Public Library may not participate in any Board 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. 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 another member of the Board. Any such reports received by the Compliance Officer, or designee, including the completed *Whistleblower Reporting Form* shall be forwarded to 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.

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 Board. An appropriate investigation will be undertaken by the Board, or other legal counsel or other designee if deemed appropriate by the Board. A report summarizing the findings will be given to the reporter within 10 business days of the Board's meeting, if a name is provided on the *Whistleblower Reporting Form*. If more than 10 business days from the date of the Board'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.

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 or voting relating thereto.

Section 2.7. Results of Investigation. If the investigation establishes that a violation of law, external regulation or Town of Tonawanda Public Library policy has occurred, then the Board shall determine the appropriate action based upon law and Town of Tonawanda Public Library policy and make a recommendation. Civil or criminal prosecution will be pursued when warranted. If the investigation establishes that no violation of law, external regulation or Town of Tonawanda Public Library policy has occurred, then the Board shall report its findings and determination. The investigation is closed when the Board has deemed the investigation is complete and the Board has approved a recommendation for a resolution and/or corrective action.

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 Buffalo & Erie County Public Library's records in the Human Resources Department and/or Board 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 Board 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 Town of Tonawanda Public Library trustee, officer, employee, former employee, independent contractor or volunteer who reports a suspected or actual violation(s), in good faith, shall not suffer intimidation, harassment, discrimination or other retaliation including adverse employment action, actions or threats of such actions that would adversely impact current or future employment, or threatening to 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 Compliance Officer. Depending on the nature and seriousness of the offense, the Board 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 in Town of Tonawanda Public Library activities.

Section 3.2. Good Faith Reporting. Any Town of Tonawanda Public 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 Board 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 engage in Town of Tonawanda Public 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 Town of Tonawanda Public Library. A copy of this Whistleblower Policy shall be made available in a conspicuous location to all trustees, officers, employees and independent contractors and to volunteers who provide substantial services to the Town of Tonawanda Public Library.

Adopted by the Town of Tonawanda Public Library Board of Trustees at a public meeting on June 10, 2014.

Updated and approved by the Town of Tonawanda Public Library Board of Trustees at a regular meeting on December 13, 2022. Reviewed and approved with no changes by the Town of Tonawanda Public Library Board of Trustees May, 2024.

Appendix A

CONFIDENTIAL

Town of Tonawanda Public Library

WHISTLEBLOWER REPORTING FORM

Date of Report: _____

| REPORTER'S CONTACT INFORMATION: <i>Not required if being submitted anonymously</i> | |
|---|----------------|
| Name | Position/Title |
| 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 |
| Location (if applicable) | Phone # (if known) |

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

