WadsworthLibrary

WHISTLEBLOWER POLICY

Applicable Law

New York's Not-for-Profit Corporation Law §715-b requires the board of every not-for-profit corporation that has twenty or more employees *and* in the prior fiscal year had annual revenue in excess of one million dollars to adopt, oversee the implementation of, and ensure compliance with, a "Whistleblower Policy" to protect from retaliation persons who report suspected improper conduct.

This policy must ensure that "no director, officer, key person, employee or volunteer of a corporation who in good faith reports any action or suspected action taken by or within the corporation that is illegal, fraudulent or in violation of any adopted policy of the corporation shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence."

In addition, New York's Labor Law §740 requires every employer to inform employees via posted notice that retaliation is prohibited for individuals who report, threaten to report, or refuse to participate in illegal practices, or who assist in investigations related to such matters.

To support Wadsworth Library's commitment to transparency, ethical behavior, and legal compliance, the Board of Trustees adopts the following Whistleblower Policy.

Policy

1. **Protection from Retaliation**
   No director, officer, key person, employee, or volunteer who, in good faith, reports any action or suspected action taken by or within the library that is illegal, fraudulent, or in violation of any adopted library policy shall suffer retaliation in the form of intimidation, harassment, discrimination, or, in the case of employees, adverse employment consequences.
2. **Employee Protection Under Labor Law §740**
   No employee, former employee, or independent contractor shall be retaliated against for:
   a) Disclosing or threatening to disclose to a supervisor or public body an activity, policy, or practice reasonably believed to violate a law, rule, or regulation or to pose a specific danger to public health or safety;
   b) Participating in or providing information to a public body conducting an investigation;
   c) Objecting to or refusing to participate in an illegal activity, policy, or practice.
3. **Notice Requirement**
   Employees are expected to make a good faith effort to report concerns internally

to the Executive Director or Board President before disclosing to a public body. Exceptions to this include cases involving imminent danger, risk of evidence destruction, risk to a minor, fear of harm, or knowledge that a supervisor is already aware and unwilling to act.

4. **Administration**
   The Executive Director is responsible for administering this policy, receiving reports, coordinating investigations, and reporting to the Board as needed.

Procedure

Reporting

- Directors, officers, key persons, or volunteers may report concerns directly to the Executive Director or Board President.
- Employees may report similar concerns verbally or in writing to the Executive Director or Board President.

Response & Investigation

- Upon receipt of a report, a threshold review will determine whether the issue warrants investigation.
- If it does not, the reporter will be notified.
- If it does, an investigation plan will be created to protect confidentiality and limit disclosure.
- If the matter falls under another policy (e.g., anti-discrimination), the investigation will follow that policy, while maintaining confidentiality.
- The Executive Director may engage third parties to conduct or support investigations. Such third parties must sign confidentiality agreements.
- Investigations should begin within three business days and conclude within sixty days unless otherwise required.

Evaluation

- A confidential report will summarize findings and be submitted to the Board.
- Anyone named in the report will not participate in Board deliberations or votes but may provide context prior to deliberations.
- Legal counsel may be consulted. Deliberations will be held in executive session as needed.

Retaliation Complaints

- Any report of retaliation should be submitted to the Executive Director or Board President.
- A threshold review will assess whether the reported behavior constitutes retaliation and whether immediate interim actions are needed.

- If warranted, an investigation will follow the same confidentiality safeguards and timelines noted above.
- The Board may take disciplinary or corrective action as appropriate.

Publication

To ensure awareness, this policy will be:

- Distributed to all employees, officers, key persons, and volunteers providing substantial services.
- Posted in accessible locations, including:
  - Staff Break Room
  - Board Room
  - Wadsworth Library's official website

Definitions

- **Retaliation**: Any adverse action including discharge, demotion, suspension, threats, discrimination, or contacting immigration authorities in response to protected activity.
- **Public Body**: Includes legislatures, courts, law enforcement, regulatory agencies, and other governmental authorities.
- **Adverse Employment Action**: Includes termination, demotion, suspension, or other negative changes to employment status.

Acknowledgment Form

Whistleblower Policy Acknowledgment & Certification Form
To be completed by Trustees, Officers, Employees, and Volunteers.

I, _____, hereby certify that:
a) I have received a copy of the Wadsworth Library's Whistleblower Policy;
b) I have read and understand the Policy; and
c) I agree to comply with the Policy.

Signature: _____
Date: _____

RESPONSIBILITY BOARD OF TRUSTEES
Approved by Wadsworth Library Board of Trustees, April 12, 2012
Reviewed by Wadsworth Library Board of Trustees, May 10, 2018
Revised by Wadsworth Library Board of Trustees, May 8, 2025