

Elting Memorial Library Whistleblower Policy

Article I – Purpose

The purpose of this policy is to ensure that Board members, directors, employees and volunteers who provide substantial services to the Library may, in good faith, report concerns about suspected violations of law or of Library policy or bylaw without fear of reprisal, intimidation, harassment or retaliatory action of any kind.

Article II -- Reporting Procedure

Any Board member, director, employee, or volunteer who performs services for the Library who suspects that a Board member, director, employee, or other agent of the Library has committed a violation of the law, including any legal regulations or rules, or has violated an adopted Library policy or bylaw, should report such concerns to the Library's Director or to the Library's Board President. If the concerns are with either of those parties, then the concerned individual should address concerns to any member of the Board's Executive Committee. If circumstances do not allow reporting to any of these parties in a reasonably prompt manner, then the concerned individual should report his or her concerns to any Board member.

Please note that this Whistleblower Policy shall not apply to, nor protect, allegations made with reckless disregard for their accuracy or truthfulness. New York's whistleblowing law protects employees who oppose the employer's conduct that the employee *reasonably believes* either violates the law or creates a substantial danger to public health or safety. This includes former employees and independent contractors.

Article III – No Retaliation

1. Elting Memorial Library expressly prohibits any form of retaliation or reprisal against any Board member, director, employee or volunteer who, in good faith, raises suspected violations of law, cooperates in inquiries or investigations, or identifies potential violations of Elting's policies or bylaws. Any person who engages in any form of prohibited retaliation will be subject to discipline, up to and including termination or removal.
2. Retaliation is defined as any employer action that is "materially adverse." This means any action that might deter a reasonable person from engaging in protected activity. "Materially adverse" actions include more than employment actions such as denial of promotion, non-hire, denial of job benefits, demotion, suspension, discharge, or other actions that can be challenged directly as employment discrimination. Retaliation can be an employer action

that is work-related, or one that has no tangible effect on employment, or even an action that takes place exclusively outside of work, as long as it may well dissuade a reasonable person from engaging in protected activity.

3.

4. Any Board member, director, employee or volunteer who believes that he or she has been subjected to retaliation in violation of this policy should immediately report the retaliation to the Library's Executive Director or to the Library's Board President. If the concerns are with either of those parties, then the individual should report retaliation to any member of the Board's Executive Committee. If circumstances do not allow reporting to any of these parties in a reasonably prompt manner, then the concerned individual should report his or her concerns to any Board member.

Article IV – Investigation

1. Any reports made pursuant to this policy will be investigated promptly, fully and fairly, and in a manner that is intended to protect confidentiality. The Board President or his or her designee(s) shall conduct the investigation. The investigator(s) will notify the reporting individual of the findings of the investigation to the extent permissible by law, and will prepare a report of the investigation. A summary of that report will be presented to Elting's Board of Trustees. To the extent that any outside agencies or law enforcement need to be notified of any allegation of wrongdoing, the Board President, or designee(s), will ensure that such reporting occurs promptly and appropriately.
2. In the event that the underlying report of suspected wrongdoing involves the Board President, the Vice-President will conduct the investigation, or designate a third party to do so.

ARTICLE V – Confidentiality

Individuals may submit concerns of suspected violations on a confidential basis or anonymously. Reports of suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

ARTICLE VI – Distribution

Upon adoption, this policy shall be distributed to all Board members, directors, employees and volunteers who provide substantial services to the Library, and it shall be given to all incoming Board members, directors, employees and volunteers who provide substantial services to the Library.

Adopted October 2014

Revised: Thursday, January 27, 2022