

# VALLEY COTTAGE LIBRARY

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## Valley Cottage Library Whistleblower Policy

### **Purpose:**

This Whistleblower Policy (the “Policy”) is adopted by the Board of Trustees (the “Board”) of the Valley Cottage Library (the “Library”). This Policy requires all Trustees, Employees (as defined below), and volunteers (hereinafter referred to collectively as the “Library Community”) to observe high ethical standards in the conduct of their duties and responsibilities. The Library is committed to compliance with all applicable laws, rules, and regulations. Additionally, the Library is committed to establishing policies and procedures that interpret and apply these laws, rules, and regulations in the Library setting. Accordingly, the Library is implementing this Policy to address how to report improper activities by a member of the Library Community.

The primary purpose of this Policy is to provide a process for members of the Library Community and others to report to the Library Misconduct or suspected Misconduct. “Misconduct” is a violation of law, rule, or regulation, or any adopted policy of the Library. This Policy also provides a process for the Library to investigate and to address reports of Misconduct or suspected Misconduct. This Policy further serves to protect from retaliation, in any form, those who report Misconduct or suspected Misconduct in good faith.

### **Definitions:**

- A. *Complainant*: Any person, whether a member of the Library Community or not, who reports Misconduct or suspected Misconduct pursuant to this Policy.
- B. *Employee*: Any person who performs services for and under the control and direction of the Library for wages or other remuneration, including former employees, or natural persons employed as independent contractors. This includes all of the Library’s Key Persons and employees (full-time or part-time).
- C. *Key Person*: Any person, other than a Trustee or officer, whether or not an employee of the Library, who (i) has responsibilities, or exercises powers or influence over the Library as a whole similar to the responsibilities, powers, or influence of Trustees and officers; (ii) manages the Library, or a segment of the Library that represents a substantial portion of the activities, assets, income or expenses of the Library; or (iii) alone or with others controls or determines a substantial portion of the Library’s capital expenditures or operating budget. For clarity, currently, the Library considers the following position titles to be Key Persons: Director and Assistant Director. Additional Key Persons can be determined at the Board’s discretion.

- D. *Good Faith*: Information concerning potential wrongdoing is disclosed in “good faith” when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes Misconduct or potential Misconduct.
- E. *“Laws, rules, and regulations”*: Include: (1) any duly enacted federal, state or local statute or ordinance or executive order; (2) any rule or regulation promulgated pursuant to such statute or ordinance or executive order; or (3) any judicial or administrative decision, ruling or order.

### **Policy:**

This Policy governs the reporting and investigation of violations and suspected violations of law, rule, or regulation, or any adopted policy of the Library. The administrator of this Policy is the Library Director (the “Compliance Officer”). The Compliance Officer shall report on compliance activity to the Library’s Board of Trustees. This Policy does not replace, but rather supplements, all other existing Library policies. The Library has separate policies and procedures for discrimination and harassment complaints. Complaints regarding sexual harassment should be submitted to the Library’s Director, under the Library’s Sexual Harassment Prevention Policy, available here: <https://www.valleycottagelibrary.org/policies>. If a discrimination or harassment complaint is submitted under this Policy, the complaint will be referred to the appropriate official to handle under the applicable policy.

### **Procedures:**

*Reporting*: All members of the Library Community are encouraged to report violations or suspected violations of law, rule, or regulation or Library policy. There are two ways that any individual can make such a report to the Compliance Officer by e-mail or by hard-copy letter mailed to them through interoffice mail with their name and title, or regular mail. If the Compliance officer is the subject of the report, then the report should be made to the President of the Board of Trustees.

The most effective investigations are based on the timely receipt of evidence, so Complainants are encouraged to make reports as soon as a violation is suspected, with as much information as possible. Complainants are encouraged to use the “*Report of Suspected Violation under the Library Whistleblower Policy*” form attached to this policy or to make their best effort to provide the information requested in the form. This information can also be provided in a meeting with the Compliance Officer.

### **Investigation Procedures:**

If an officer or Trustee of the Library or a Key Person is notified of a complaint under this Policy, they should immediately notify the Compliance Officer. If the Compliance Officer is the subject of the complaint, the notification should be made directly to the Board President. If the Board President and the Compliance Officer are the subject of the complaint, then the notification should be made to the Vice President of the Board.

The Compliance Officer (or the Board President in the event the Compliance Officer is the subject of the complaint) will determine if the complaint falls within the ambit of this Policy. If it does, the

Compliance Officer shall immediately determine how to proceed. If it does not, the Compliance Officer shall promptly direct the complaint to the appropriate party within the Library for follow-up.

The Compliance Officer will promptly determine how and in what time frame an investigation is conducted for complaints under this Policy. This includes the selection and retention of an investigator (who for the avoidance of doubt may be the Compliance Officer). The Compliance Officer should ensure that the investigation is undertaken as quickly as possible without impairing the quality of the investigation.

If the Board President and/or the Compliance Officer is the subject of the complaint, the Board Vice President will promptly determine how and in what time frame an investigation is conducted. This includes the selection and retention of an investigator. The Vice President should ensure that the investigation is undertaken as quickly as possible without impairing the quality of the investigation and that the report on the investigation is made directly to the Board.

Nothing within this Policy shall preclude a Complainant, the President, the Compliance Officer, or the Vice President of the Board from reporting Misconduct to appropriate external law enforcement agencies.

The investigator is responsible for interviewing witnesses and gathering information relevant to the complaint. Due to the varied nature of complaints, it is not possible to provide precise timelines for all investigations. The investigator will create a report to the Compliance Officer and/or Board rendering a finding regarding whether or not a violation of law, rule, or regulation, or Library policy occurred, and, if so, recommending a plan to resolve the violation. The investigator's report shall be submitted for review and action by the Board.

Once the investigation is final and the Board has determined a plan of action, and subject to applicable confidentiality requirements, the Complainant will be advised regarding the outcome of the investigation by a designee as authorized by the Board.

All documents and evidence relating to a closed investigation will be retained in a separate file according to the Library's Records Retention Policy.

In accordance with the New York Not-For-Profit Corporation Law, in cases where reports under this Policy are discussed or voted on by the Board or a Committee of the Board, any individual who is the subject of the report shall not be present or participate in the deliberations or vote on matters relating to such report. However, nothing prohibits the Board or Committee from requesting that a person who is the subject of the complaint present information as background or answer question at a Committee or Board meeting prior to the commencement of deliberations or voting relating to the report and investigation. No Trustee who is involved in or a witness to the allegations being investigated shall be involved in the investigation or determination of a complaint; the trustee shall recuse themselves from the proceeding.

### **Complainant Responsibility:**

The confidentiality of the Complainant making a report will be maintained to the extent practicable within the limitations of the law and the legitimate needs of the investigation. Although reports may

be submitted anonymously, anonymity may hinder the investigation of the complaint. In addition, a Complainant may be required or asked to testify in court if the investigation reveals a violation of the law requiring an external adjudication.

Complainants found to have knowingly made false and baseless allegations may be subject to disciplinary action up to and including termination, dismissal, or removal from the Library, as may be appropriate. A false and baseless allegation is one made with an awareness of its falsity, or one made without any substantial basis and with a reckless disregard for its truth.

**No Retaliation:** No Trustee, officer, Key Person, employee or volunteer of the Library who in good faith reports any Misconduct or suspected Misconduct shall be subjected to intimidation, harassment, discrimination or other retaliation, or in the case of employees, adverse employment consequence. More specifically, the Library will not take any retaliatory action against an employee, because such employee does any of the following whether or not within the scope of the employee's job duties:

- (1) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety;
- (2) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by such employer; or
- (3) objects to, or refuses to participate in any such activity, policy, or practice.

Retaliatory action includes any adverse action taken by the Library to discharge, threaten, penalize, or in any other manner discriminate against any employee exercising rights under this Policy, including:

- (1) adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment, including but not limited to discharge, suspension, or demotion;
- (2) actions or threats to take such actions that would adversely impact a former employee's current or future employment; or
- (3) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, to a federal, state, or local agency.

A member of the Library Community who retaliates against a Complainant who has made a good faith report under this policy may be subject to disciplinary action, up to and including termination or dismissal from the Library. Complainants who believe that they, or any of their associates, have been retaliated against under this Policy should immediately notify the Board President or the Compliance Officer. If the retaliation was conducted by the Board President or the Compliance Officer, then the report may be made to the Vice President of the Board of Trustees.

**Oversight:**

The Compliance Officer will annually provide a report on Whistleblower Reports to the Board of Trustees. The report will document Whistleblower Reports received during the year and will provide an appraisal of the Policy's effectiveness in receiving and investigating reports. If a complaint comes to the Compliance Officer's attention that involves significant risk to the Library's reputation or finances, the Compliance Officer shall apprise the President of the Board of the complaint and identify the potential for such risk as soon as possible after the Compliance Officer learns of the report and its risk to the institution.

**Enforcement:**

Failure to comply with this Policy will be addressed through the Library's established policies and processes, including but not limited to the Library's employee handbook, employee contracts, policies or as otherwise determined by the Board. Such failure to comply may result in disciplinary action up to and including dismissal or termination of employment.

**Distribution:**

A copy of this Policy shall be conspicuously posted on the Library's website and distributed to all key persons, directors, officers, employees, and to volunteers, and vendors who provide substantial services to the Library. The Library will take steps to bring this policy to the attention of its vendors. For purposes of this paragraph, posting the Policy on the Library's website and in the Library's Human Resources office, and in conspicuous locations accessible to employees and volunteers are among the methods the Library may use to satisfy the distribution requirement. The Library will also inform employees of their protections, rights and obligations under New York State Labor Law § 740, by conspicuously posting a notice in an easily accessible and well-lighted place customarily frequented by employees and applicants for employment.

Adopted May 20, 2015  
Revised: January 17, 2024

**Form to Report a Suspected Violation under the  
Valley Cottage Library Whistleblower Policy**

Complainant Name: \_\_\_\_\_ Email Address: \_\_\_\_\_

Phone Numbers: cell: \_\_\_\_\_ Office: \_\_\_\_\_ Other: \_\_\_\_\_

Are you requesting confidentiality? Yes \_\_\_\_\_ No \_\_\_\_\_

**Activity Information:** \_\_\_\_\_

(The form provides a framework for prompting the disclosure of information typically required for an effective investigation. Please answer all relevant questions. Attach additional pages if more space is needed.)

Date of Alleged Activity (if more than one, please list all dates):

*Names of Individual Involved in the Alleged Activity:*

\_\_\_\_\_

*Names of Witnesses (if any) to the Alleged Activity:*

\_\_\_\_\_

*Description of Alleged Activity:*

\_\_\_\_\_

\_\_\_\_\_

*Evidence of the Alleged Activity:*

\_\_\_\_\_

\_\_\_\_\_

I have read the Library's Whistleblower Policy. I represent that the information provided above is true and accurate to the best of my knowledge.

\_\_\_\_\_  
Name: \_\_\_\_\_ Date

Signature: \_\_\_\_\_

Date Received by Library: \_\_\_\_\_ Received by: \_\_\_\_\_