

HENDRICK HUDSON FREE LIBRARY WHISTLEBLOWER PROTECTION POLICY

The Hendrick Hudson Free Library (the “Library”) requires its trustees, directors, officers, employees, and volunteers to observe high standards of business and personal ethics in the conduct of their duties. All representatives of the Library are expected to practice honesty and integrity in fulfilling their responsibilities and to comply with all applicable laws and regulations.

Reporting Responsibility

The Whistleblower Policy of the Library (the “Policy”) provides a means for trustees, officers, employees (whether or not acting within the scope of their job duties), former employees, and natural persons employed as independent contractors (employees, former employees and natural persons employed as independent contractors all collectively referred to herein as “Employees”) and volunteers of the Library to raise good faith concerns about an activity, policy, practice or behavior by or within the Library that is, or is reasonably believed to be, illegal, fraudulent, dishonest, unethical, or in violation of any law, rule or regulation or that the Employee reasonably believes poses a substantial and specific danger to the public health or safety (a “Suspected Violation”). It is the responsibility of all trustees, officers, employees, former employees, independent contractors, and volunteers to comply with this Policy and to report Suspected Violations in accordance with the procedures set forth in this Policy.

A Suspected Violation may involve trustees, directors, officers, employees, volunteers, accountants, auditors, consultants, vendors, or other third parties. Examples of Suspected Violations which must be reported under this Policy include, but are not limited to: violations of federal, state, or local laws or regulations; conduct that poses a substantial and specific danger to public health or safety; fraud; theft; embezzlement; bribery; kickbacks; payment for services that are not rendered or goods that are not delivered; self-dealing; private inurement or private benefit (e.g., the Library’s assets being used for personal gain or benefit); destroying, altering, concealing or falsifying a document, or attempting to do so, with the intent to impair the document’s availability for use in an official proceeding; accounting or auditing irregularities, including providing false information to, or withholding material information from, the Library’s auditors, or supplying false or misleading information on the Library’s financial documents, federal tax returns (Form 990 or a rendition thereof), or filings with state agencies; violations of ethical standards or corporate policies adopted by the Library; or planning, facilitating, or concealing any of the above.

In addition, actions which have not been taken and which a person believes are required to be taken to comply with federal, state, or local laws or regulations, or any of

the Library's corporate policies, are also Suspected Violations within the meaning of this Policy and must be reported.

Confidentiality

Reports of Suspected Violations will be kept confidential, consistent with the need to conduct a fair and adequate investigation and take necessary corrective action. Trustees, directors, officers, employees, and volunteers of the Library will maintain security measures to safeguard and preserve the confidentiality of Suspected Violations that are reported and, pursuant to such maintenance, they shall:

- (i) attempt in every reasonable way to prevent intentional or unintentional unauthorized use or disclosure of the reported information;
- (ii) promptly notify the board of trustees of the Library (the "Board"), or an authorized committee thereof (a "Committee"), of an unauthorized use, copying or disclosure of the reported information; and
- (iii) assist the Board or Committee, in every reasonable way to retrieve wrongfully disclosed reported information, and/or terminate use or disclosure.

No Retaliation

No Employee (i.e., employee, former employee or independent contractor) or volunteer of the Library who in good faith reports a Suspected Violation or who cooperates with an investigation of such a report (whether by the Library, its agents, or auditors, or by any law enforcement officials, government, or regulatory agency) shall suffer retaliatory action including any intimidation, harassment, discrimination, or other retaliation, or in the case of an Employee. Retaliatory action includes:

- (i) 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;
- (ii) actions or threats to take such actions that would adversely impact a former employee's current or future employment; or
- (iii) 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, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency.

The Library may not take retaliatory action against any Employee whether or not within the scope of the Employee's job duties, because the Employee (a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer to or 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; (b) 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 (c) objects to, or refuses to participate in any Suspected Violation. Any person who retaliates against someone who has reported a Suspected Violation in good faith will be subject to appropriate discipline and corrective action, up to and including termination of employment or volunteer status, or removal from office or the Board.

An employee must make a good faith effort to notify his or her supervisor of any Suspected Violation before making a disclosure to a public body and provide the Library with an opportunity to correct the Suspected Violation, provided, however, that no such notification and cure requirement shall be required when (a) there is imminent and serious danger to the public health or safety; (b) the employee reasonably believes that reporting to a supervisor would result in the destruction of evidence or other concealment of the activity, policy or practice; (c) such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor; (d) the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; and (e) the employee reasonably believes that the supervisor is already aware of the Suspected Violation and will not correct it. The protection against retaliatory action set forth in the preceding paragraph pertaining to disclosure to a public body will not apply to an Employee who makes such disclosure to a public body unless the Employee has made a good faith effort to notify his/her employer (i.e., the Library) by bringing the activity, policy or practice to the attention to a supervisor of the Library and has afforded the Library a reasonable opportunity to correct such activity, policy or practice.

Notwithstanding anything contained herein to the contrary, this Policy is not an employment contract and does not modify the employment relationship between the Library and its employees. Nothing contained herein provides any trustee, director, officer, employee, or volunteer with any additional rights or causes of actions, other than those provided by Section 1107 of the Sarbanes-Oxley Act of 2002.

Oversight of Policy and Designation of Compliance Officer

The Board or a Committee shall oversee the implementation of, and compliance with, the Policy. The President of the Board shall be designated as the “Compliance Officer” responsible for investigating and overseeing the resolution of all reported complaints concerning Suspected Violations, in accordance with the procedures set forth in this policy. Any directors who are employees may not participate in any Board or Committee deliberations or voting relating to the administration of this policy.

Reporting Procedure

Any person may report a Suspected Violation, either in writing or verbally. The report should include any available documentation to support a reasonable basis for the allegation(s) and to assist in investigating the complaint.

Reports of Suspected Violations may be made anonymously. Anonymous reports should be detailed to the greatest extent possible, as follow-up questions will not be possible.

All reports of Suspected Violations should be directed to the Compliance Officer. If the Compliance Officer is the subject of the Suspected Violation, or if a person is not comfortable reporting a Suspected Violation to the Compliance Officer or is unsatisfied with the response of the Compliance Officer, the person is encouraged to instead speak with their supervisor or anyone in management with whom they are comfortable. In such cases, the manager to whom the Suspected Violation is reported shall in turn report such Suspected Violation to the Compliance Officer, unless the Compliance Officer is the subject of the report, in which case the manager shall submit the report to the Board or Committee. If the Compliance Officer is the subject of the report, the Board or Committee thereof shall designate someone to act in place of the Compliance Officer and all references to the Compliance Officer in this Policy shall be applicable to such designee. Such report shall include a statement as to whether the Suspected Violation was reported first to the Compliance Officer; if it was not, the report shall indicate why.

Persons who report Suspected Violations are not responsible for investigating the activity or for determining fault or corrective measures.

Although a person is not expected to prove the truth of the allegation(s) asserted in their report, they must demonstrate reasonable grounds for concern and act in good faith. No investigation will be made of unspecified wrongdoing or broad allegations. A report that proves to be unsubstantiated and to have been made maliciously or with the knowledge that such allegations were false will be viewed as a serious offense. Under the law, a court may, in its discretion, order that reasonable attorneys’ fees and court costs and disbursements be awarded to an employer if the court determines that an action

brought by the Employee under section 740 of the New York State Labor Law was without basis in law or in fact.

Handling Reports of Suspected Violations

Unless the report is submitted anonymously or there are overriding legal or public interest concerns, the Compliance Officer will provide the person who made the report an acknowledgment of receipt of the report within ten business days of receiving the report.

All reports will be promptly investigated and resolved by, or under the direction of, the Compliance Officer. Depending on the Compliance Officer's determination of the seriousness or severity of the report, the Compliance Officer may: resolve a report without consulting others; discuss such report with the Board or a Committee before taking action; or refer the matter to the Board or a Committee for action. The Compliance Officer may delegate the responsibility to investigate a report to one or more employees of the Library, or to any other individual, including persons not employed by the Library; provided that the Compliance Officer may not delegate such responsibility to an individual who is the subject of such report, or in a manner that would compromise the identity of a person who made a report anonymously, the confidentiality of the report, or the confidentiality of the investigation.

Any person who is the subject of a Suspected Violation may not be present at or participate in Board or Committee deliberations or in a vote on the matter relating to such Suspected Violation. However, the Board or Committee may request that the person who is the subject of the Suspected Violation present information as background or answer questions at a Board or Committee meeting prior to the commencement of deliberations or voting relating to the Suspected Violation.

Appropriate corrective action will be taken if warranted by the investigation.

On at least a quarterly basis, the Compliance Officer shall provide the Board or Committee with a written report identifying all reports of Suspected Violations made under this Policy during the preceding quarter or indicating that no such reports were made. Records of all reports and investigations shall be maintained in accordance with the Library's record retention policy (if any).

Questions and Distributions

Any questions, concerns, or suggestions regarding this Policy should be addressed to the Compliance Officer.

Copies of this Policy shall be distributed to all trustees, officers, employees, job applicants, independent contractors and volunteers providing substantial services to the

Library. The Library may choose to satisfy this distribution requirement by posting this Policy on its website or at its offices in a conspicuous location accessible to Employees, job applicants, and volunteers.

Revised by the Board of Trustees of the Hendrick Hudson Free Library on February 26, 2024:

Compliance Officer:
Board of Trustees-President

914-739-5654

Adopted by the Library Board of Trustees 06.25.18
Reviewed 05.19.25
Revised 02.26.24