



## Whistleblower Policy

The Chautauqua-Cattaraugus Library System requires trustees, employees, and volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the Chautauqua-Cattaraugus Library System must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

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.

### Reporting Responsibility

It is the responsibility of all trustees, employees, and volunteers to report ethics violations or suspected violations in accordance with this Whistleblower Policy.

This includes reporting any action or suspected action taken by or within CCLS that is illegal, fraudulent or in violation of any policy of CCLS, 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 CCLS finances and governance include but are not limited to the following:

- (A) Incorrect financial reporting;
- (B) Unlawful activity;
- (C) Activities that are inconsistent with CCLS policies; and
- (D) Activities which otherwise amount to serious improper conduct

### Acting In Good Faith

Anyone reporting a concern must act in good faith and have reasonable grounds for believing information disclosed indicates financial improprieties, accounting or audit matters, ethical violations, or other similar illegal or improper practices or policies.

The act of making allegations that prove to be unsubstantiated or to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment or dismissal from the trustee or volunteer position. Such conduct may also give rise to other actions, including civil lawsuits.



## **Confidentiality**

Reports of concerns and their investigations shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Disclosure of reports of concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

## **Policy**

1. No director, officer, key person, employee or volunteer of CCLS 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 CCLS shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence; and
2. No employee, former employee, or persons employed as independent contractors shall be retaliated against for:
  - a. disclosing, or threatening to disclose an activity, policy or practice of CCLS 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, or
  - b. objecting to and/or refusing to participate in any such activity, policy or practice.
3. The Executive Director is designated to administer this policy, to receive reports, to coordinate investigations and to report to the board as required in the below "Procedure."

## **Procedure**

### **Reporting**

1. Directors, officers, key persons, or volunteers may report suspected 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 to the Executive Director or the Board President.
2. Employees may report action by 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 by contacting the Executive Director or Board President verbally or in writing.
3. In extraordinary circumstances and after due consideration, an employee who suspects or believes that the Director is involved in unethical or illegal behavior, may take his or her concerns directly to the President of the CCLS Board of Trustees.



### **Response and Investigation**

Upon receiving a report, the Executive Director, or in the case of a conflict or risk of bias, CCLS Board President, shall immediately initiate a threshold review to determine if the reported activity, if it occurred, would be illegal, fraudulent, in violation of any adopted policy of the corporation or poses a substantial and specific danger to the public health or safety.

If the reported activity does not rise to the level of warranting an investigation under this policy, the Executive Director will alert the reporter as to the determination and confirm that no further action will be taken under this Policy.

If the reported activity does rise to the level of warranting an investigation under this or any other policy, the Executive Director will develop an investigation plan that limits those aware of the report on a need-to-know basis and sets out context-specific procedures for ensuring confidentiality during any follow-up.

If the reported activity does rise to the level of warranting an investigation under this policy, but the alleged behavior falls under another policy with its own provision for investigation (such as Sexual Harassment or Conflict of Interest) the matter will be investigated by the relevant policy. However, to preserve the confidentiality of reporters, at all times, receipt, evaluation, and investigation of reports under that relevant policy shall be planned to limit those aware of the report on a need-to-know basis.

To ensure prompt investigations and to avoid any appearance of bias, the Executive Director is allowed to retain third parties to evaluate reports, to conduct investigations, and to present their findings to the board. Such use of a third party shall be disclosed to the reporting individual so they are apprised of the delegation of responsibility. All third parties so delegated to shall sign a contract with written assurance of confidentiality.

Barring unusual circumstances, investigations should be initiated within three business days of a report, and concluded within sixty days of a report, unless the subject matter of the report warrants investigation under a policy with a different deadline.

### **Evaluation of Reports**

After investigation of the report, the person designated as the investigator will generate a "Confidential Whistleblower Report" setting forth a) the original report with the reporter's identity redacted (unless it is a material component of the report) and the initial determination of what law, regulation, policy, or risk it implicates; b) a timeline; c) other evidence gathered, including but not limited to interviews, document evaluation, and d) conclusions of fact, including a determination as to if any of the reported or discovered activity was illegal, fraudulent, or in violation of any adopted policy of the corporation, or poses a substantial and



Chautauqua-Cattaraugus Library System

106 West Fifth Street  
Jamestown, NY 14701

716.664.6675 | Fax 716.484.1205  
www.cclsny.org

specific danger to the public health or safety.

The Confidential Whistleblower Report will then be submitted in confidence to the Board of Trustees for evaluation.

A person who is the subject of a whistleblower complaint may not be present at or participate in Board of Trustee deliberations or vote on the matter relating to such complaint. However, the Board of Trustees may request that the person who is subject to the complaint present information as background or answer questions at a committee or board meeting prior to the commencement of deliberations or voting relating thereto.

The Board may consult legal counsel as needed and will meet in executive session to review, discuss, and deliberate on any Confidential Whistleblower Report, prior to voting on a final resolution per the requirements of the Public Officers' Law.

### **Retaliation**

No trustee, employee or volunteer who in good faith reports an ethics violation shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns, in good faith, within the Chautauqua-Cattaraugus Library System prior to seeking resolution outside the System.

*Adopted by the Chautauqua-Cattaraugus Library System  
Board of Trustees on April 10, 2024*