

# **THE PUBLIC BROADCASTING COUNCIL OF CENTRAL NEW YORK, INC.**

## **WHISTLEBLOWER POLICY**

### **I. Purpose:**

The purpose of this Whistleblower Policy (the “Policy”) is to: (1) encourage employees, volunteers, directors and officers of The Public Broadcasting Council of Central New York, Inc. (“PBCCNY”) to come forward with credible information on illegal or fraudulent practices, or violations of adopted PBCCNY policies; (2) specify that PBCCNY will protect any individual who makes a good faith report from all forms of retaliation; and (3) identify the procedures for reporting such information.

It is the intent of PBCCNY to adhere to all applicable laws and regulations.

### **II. Scope:**

This Policy pertains to all whistleblower activity and covers all employees, volunteers, directors and officers.

### **III. Authority:**

The President/Chief Executive Office (“President/CEO”) shall establish PBCCNY policies, practices, procedures and guidelines to ensure that all complaints, reports or inquiries pertaining to illegal or improper practices are dealt with in a timely manner. In the event the President/CEO is the subject of a complaint, report or inquiry, the duties described above will be performed by the Chair of the Board of Trustees.

### **IV. Responsible Persons:**

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

The President/CEO has been designated to administer this Policy and to ensure that the Board of Trustees receives notice of any subjects raised under this Policy. The President/CEO, or his/her designee, has the authority to take the steps necessary to effectuate the purpose of this Policy in unique or ambiguous situations. If a complaint involves the President/CEO so as to present a conflict of interest, the duties described above will be performed by the Chair of the Board of Trustees or, in the event of a conflict with the Chair of the Board of Trustees, the Vice Chair.

## **VI. Policy Statement:**

### **A. Encouragement of Reporting**

PBCCNY encourages good faith complaints, reports or inquiries about actual or suspected illegal or fraudulent practices, or violations of its policies, including illegal or improper conduct by PBCCNY itself, by its leadership, or by others on its behalf. PBCCNY wants to reiterate and reaffirm its commitment to whistleblower protection and create an environment in which employees, volunteers, directors and officers feel free to voice their legitimate concerns without fear of reprisal. Appropriate subjects to raise under this Policy would include financial improprieties, accounting or audit matters, ethical violations, or other similar illegal or improper practices or policies.

Other subjects on which PBCCNY has existing complaint mechanisms should be addressed under those mechanisms, such as raising matters of alleged discrimination or harassment via PBCCNY's human resources channels, unless those channels are themselves implicated in the wrongdoing. This Policy is not intended to provide a means of appeal from outcomes in those other mechanisms.

### **B. Protection from Retaliation**

PBCCNY prohibits intimidation, harassment, discrimination or other retaliation by or on behalf of PBCCNY against employees, volunteers, directors and officers for making good faith complaints, reports or inquiries under this Policy or for participating in a review or investigation under this Policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken. PBCCNY reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints, reports or inquiries or who otherwise abuse this Policy.

It is a prohibited personnel practice for PBCCNY to subject an employee to a personnel action if the action is threatened, proposed, taken, or not taken because of whistleblowing activities. Whistleblowing means disclosing information that the employee reasonably believes is evidence of a violation of any law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. An employee is protected if he/she makes such a disclosure to PBCCNY or to any other individual or organization, such as Special Counsel, Inspector General, Congressional Committee or the media, provided that the disclosure is not specifically prohibited by law.

Protecting the rights of employees and volunteers is a statutory obligation. Managers and supervisors have a responsibility and will be held accountable for enforcing standards of appropriate workplace behavior, and are expected to take prompt action to deal with conduct identified as retaliatory based on whistleblowing.

### **C. Procedure for Reporting:**

Complaints, reports or inquiries should be directed to PBCCNY's President/CEO or to the Chair of the Board of Trustees; if both of those persons are implicated in the complaint, the reporting individual is not comfortable reporting to these individuals, or these individuals are otherwise unavailable, the complaint, report or inquiry should be directed to the Vice Chair of the Board of Trustees.

In order to facilitate a complete investigation, complaints or reports should describe in detail the specific facts demonstrating the basis for the complaint or report (e.g., a description of the questionable practice or behavior, the names of any persons involved, the names of possible witnesses, dates, times, places, and any other available details). Upon receipt of a complaint or report, a prompt, discreet, and objective review or investigation will be conducted. Investigations may include any of the following: consulting with legal counsel, internal or external audits, interviews with possible witnesses, or any other lawful method of investigation. The investigator will determine if the allegations are true, whether the issue is material, and what, if any, corrective action is necessary to ensure compliance with legal and ethical requirements.

Complaints, reports or inquiries may be made under this Policy on an anonymous or confidential basis. All complaints, reports, inquiries, or corresponding investigations, shall be kept confidential to the greatest extent possible; however, consistent with the need to conduct an adequate investigation and PBCCNY's obligation to investigate and correct unethical or unlawful practices, PBCCNY cannot guarantee complete confidentiality in all circumstances. Reporting individuals must also understand that PBCCNY may be unable to fully evaluate a vague or general complaint, report or inquiry that is made anonymously.

### **VII. Other Relevant Information:**

- Internal Revenue Service Form 990
- The Non-Profit Revitalization Act of 2013
- PBCCNY Employee Handbook

A copy of this Policy is distributed to all directors, officers, employees and volunteers who provide substantial services to PBCCNY.