



## MOHONK PRESERVE

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### WHISTLEBLOWER POLICY

*Adopted by Board of Directors June 14, 2009; Rev. 6/22/2014*

Any and all employees, Board of Directors, officers, and volunteer committee members are encouraged to bring matters of concern forward if they believe there are practices or activities going on that are unethical, fraudulent, illegal, improper, immoral, and/or in violation of any adopted policies or procedures. It is the culture of our organization to want to know about and address any such disconcerting practices that are observed or perceived.

**Purpose** – The purpose of the Mohonk Preserve’s Whistleblower Policy is to provide protection for the Mohonk Preserve’s directors, officers, employees, volunteers, contractors, and vendors for reporting unethical, fraudulent, or illegal behavior/practices, and/or persons whose actions should be reported.

**Definition** – What/who is a “whistleblower”? A “whistleblower” is someone who, in good faith, believes that his/her employer, co-worker, or volunteer is engaged in unethical, fraudulent, or illegal behavior/practices and reports this behavior/practice to appropriate individuals within or outside of the organization.

**Retaliation** – The Mohonk Preserve has a zero-tolerance policy regarding retaliation of any kind against a whistleblower who, in good faith, comes forward with information they believe is unethical, fraudulent, or illegal. Such whistleblower will not experience abuse, harassment, threats, discrimination, or any adverse employment or other consequences as a result of their coming forward. Anyone found to have participated in such retaliatory actions will be subject to disciplinary action, which may include termination. Furthermore, a whistleblower cannot be subject to retaliation for a claim brought in good faith, even if after investigation the claim is found to be erroneous.

**Anonymity** – Any person reporting unethical, fraudulent, or illegal behavior/practices under the terms of this policy may do so anonymously. While this policy allows for anonymity it must be pointed out that doing so may hinder an investigation of a complaint. It may also negate the Preserve’s ability to follow-up with or report back to the complainant as to the status of the investigation.

**Confidentiality** – To the extent feasible, reports of unethical, fraudulent, or illegal behavior/practices will be kept confidential at all times. All written complaints and associated documentation will be maintained in a secure and locked location.

**Good Faith** – It is understood that people will only report those concerns that they have reason to believe to be true. All whistleblowers need to understand that they have a responsibility to not falsely accuse individuals of wrongdoing.

**Process** – This policy shall be distributed annually to all staff, Board, and volunteers.

All matters of concern relevant to this policy that any whistleblower wishes to bring forward shall be brought confidentially and promptly to their immediate supervisor or volunteer leader, who shall promptly inform the appropriate Deputy Executive Director or Executive Director.

In the event the matter of concern has to do with the conduct of the immediate supervisor, the whistleblower is uncomfortable addressing the issue with their immediate supervisor, or the whistleblower feels the supervisor has not properly addressed the issue, the whistleblower shall have the right to directly and promptly inform the Executive Director.

If the matter in question involves the conduct of the Executive Director, the whistleblower is uncomfortable addressing the issue with the Executive Director, or the whistleblower feels the Executive Director has not properly addressed the issue, the whistleblower shall have the right to bring the matter confidentially and promptly to the Audit Committee.

In the event, after exhausting all internal options, the whistleblower reporting the matter is uncomfortable or feels the issue would not be properly addressed internally (i.e. within the Mohonk Preserve's organizational structure) the whistleblower shall have the right to report the issue externally to the Preserve's legal counsel.

Upon being notified of such a concern the Executive Director (or as the case may be, the Audit Committee, or legal counsel) shall promptly and thoroughly investigate the matter and take such action as is necessary to address and remediate the situation. In the event the matter is reported externally to the Preserve's legal counsel said actions will be recommended by legal counsel to the Mohonk Preserve's Audit Committee. If necessary as determined during the investigation, such outside authorities or experts whose assistance may be necessary to properly resolve the matter may be consulted. At a minimum, the "Disciplinary Action Standards of Conduct" section of the Employee Handbook shall apply to remediation of the situation.

**Documentation** – All complaints should preferably be in writing with as much detail relating to the concern as possible. Whistleblowers will be afforded the opportunity to discuss the concern with the appropriate investigator(s) identified above under "Process" to allow for additional information to be collected. In the event the concern is conveyed anonymously, investigators will be restricted to acting upon written information received. As noted under "Confidentiality" above, all written complaints and associated documentation will be maintained in a secure and locked location.

Finally, it should be noted that many existing laws and statutes both at the state and federal levels already contain whistleblower and/or retaliation provisions, providing protection for those who, in good faith, come forward to report unethical, fraudulent or illegal behavior/practices.