

## **FOOD BANK OF WNY** **WHISTLEBLOWER POLICY**

The Food Bank of Western New York (Food Bank) requires directors, employees and significant volunteers, to observe all laws and regulations that apply to the organization and to practice honesty and integrity in fulfilling their responsibilities.

The Food Bank's reputation and standing in the community is one of its key assets. Management and the Board of Directors are interested in hearing immediately of any concerns of any employee, volunteer or other stakeholder relative to any issue which may threaten this asset.

The organization is committed to achieving compliance with all federal and state laws, regulations governing charitable organizations and corresponding standards and practices.

This policy is intended to provide an avenue to raise concerns with the reassurance that the Food Bank will provide protection from intimidation, harassment, discrimination or other retaliation for whistleblowing in good faith.

The Whistleblower Policy is intended to cover serious concerns that could have an impact on the Food Bank from such actions that:

- May lead to incorrect financial or poundage reporting
- Are unlawful
- Are not in line with Food Bank policy
- Otherwise amount to unethical conduct.

### **SAFEGUARDS**

Intimidation, Harassment, Discrimination or Retaliation will not be tolerated. This Whistleblower Policy is intended to encourage and enable directors, volunteers, employees and other stakeholders in the organization to raise concerns. With this goal in mind, no one who in good faith reports a concern, shall be subject to intimidation, harassment, discrimination, retaliation or, in the case of an employee, adverse employment consequences. Moreover, anyone who retaliates against someone who has reported a concern in good faith is subject to discipline up to and including dismissal from the volunteer position or termination of employment.

Confidentiality. Reasonable effort will be made to protect the complainant's identity, subject to the Food Bank's need to investigate and address the complaint. The person submitting a complaint should include a telephone number in the submission at which he or she may be contacted if it is determined that contact is appropriate and necessary. 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 dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Anonymous Allegations. The policy encourages directors, employees, volunteers and other stakeholders in the organization to put their names to allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Claims may be submitted anonymously, but it is hoped that these will be in writing.

Concerns expressed anonymously will be investigated, but consideration will be given to:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

Malicious Allegations. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense and may result in disciplinary action up to and including dismissal from the volunteer position or termination of employment.

Oversight. The Audit Committee of the Board of Directors shall oversee the adoption of, implementation of, and compliance with this Whistleblower Policy. If no such Audit Committee exists, then the Board shall assign this oversight responsibility to another Committee of the Board comprised solely of Independent Directors, as defined in the New York Not-for-Profit Corporation Law, or to the Board. Only directors who qualify as Independent Directors may deliberate and vote on matters pertaining to this Policy.

Compliance Officer. The Compliance Officer for purposes of this Whistleblower Policy shall be the President & CEO. Should the Compliance Officer be the subject of the report, then the Audit Committee shall appoint another member of the Committee to perform the Compliance Officer's role regarding the allegations. The Compliance Officer shall be responsible for administering the Whistleblower Policy, overseeing an investigation, and reporting to the Audit Committee and Executive Committee of the Board. The Compliance Officer shall report to the Board at least annually on compliance activity.

Distribution of Policy. Copies of this Whistleblower Policy shall be distributed to all directors, officers, employees, and to volunteers who provide substantial services to the Food Bank.

## **PROCEDURE**

### Reporting

The Food Bank's open door environment suggests that directors, employees, volunteers or other stakeholders share their questions, concerns, suggestions or complaints with an immediate supervisor or someone in management whom they are comfortable approaching. Supervisors and managers are required to report suspected violations to the Compliance Officer (e.g., the President & CEO) who has specific responsibility to investigate all reported violations. For suspected fraud, or when the individual is not satisfied or comfortable with the open door environment, individuals should contact a member of the Board's Audit Committee.

A concern may be presented verbally or in writing as best fits the situation. The Compliance Officer will be responsible for investigating, and making appropriate recommendations to correct the activity. The Audit Committee will be informed of all concerns and will have specific and exclusive responsibility to oversee the investigation of all concerns. If, for any reason, the original receiver of the information does not promptly respond to the concern, the reporting individual should directly report the concern to the next person(s) in authority (as outlined above).

The Compliance Officer will maintain a log of concerns or complaints, tracking their receipt, investigation and resolution and shall prepare a periodic summary report for the Audit Committee. The log will be maintained in accordance with the Organization's document retention policy.

### Timing

The earlier a concern is expressed, the easier it is to take action.

The individual(s) reporting the concern will receive an acknowledgement of the concern within five business days.

All reports will be promptly investigated and appropriate corrective action will be recommended to members of the Board's Executive Committee, if warranted by the investigation. In addition, action

taken must include a conclusion and/or follow-up with the complainant for complete closure of the concern.

The Food Bank has the authority to retain outside legal counsel, accountants, private investigators, or any other resources deemed necessary to conduct a full and complete investigation of the allegations.

### **GOOD FAITH**

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper practice, or a violation of laws and regulations.

### **APPROVAL**

Revised:	June 2014
Approved by Board of Directors:	June 25, 2014
Revised:	August 2015
Approved by Board of Directors:	August 26, 2015

