

Whistleblower Policy

The William H. Miner Agricultural Research Institute encourages all trustees, employees, students and volunteers, acting in good faith, to report suspected or actual wrongful conduct. The Institute is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an illegal order as defined in this policy.

Institute trustees, employees, students, or volunteers may not retaliate against an individual who has made a protected disclosure or who has refused to obey an illegal order. Institute trustees, employees, students, or volunteers may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate supervisor or other appropriate administrator or supervisor within the operating unit, or other appropriate Institute official about matters within the scope of this policy.

It is the intention of the Institute to take whatever action may be needed to prevent and correct activities that violate this policy.

DEFINITIONS

Wrongful conduct	A serious violation of Institute policy; a violation of applicable state and federal laws; or the use of Institute property, resources, or authority for personal gain or other non-Institute-related purpose except as provided under Institute policy.
Protected disclosure	<p>Communication about actual or suspected wrongful conduct engaged in by an Institute trustee, employee, student, volunteer, agent, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or Institute policy. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct to:</p> <ol style="list-style-type: none">1. The disclosing individual's supervisor, either verbally or in writing, or2. Any office listed in this policy under Procedure Section – Reporting Violations, either verbally or in writing, or3. The appropriate governmental unit, law enforcement office or ethics commission after first providing a written communication about the wrongful conduct to the appropriate Institute administrator as identified in Procedure Section – Reporting Violations of this policy. <p>Individuals who wish to be protected by the New York Whistleblower Protection Act must provide a written report that provides sufficient detail to identify and describe the violation.</p>
Retaliation	Intimidation, harassment, discrimination or adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

POLICY DETAILS

I. Intent of Policy

- A. This policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated Institute official or public body. More specifically it:
 1. Encourages individuals to disclose wrongful conduct engaged in by others to the appropriate

- Institute official so that prompt, corrective action can be taken by the Institute,
2. Informs individuals how allegations of wrongful conduct can be disclosed,
 3. Protects individuals from intimidation, harassment, discrimination, or adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self-report their own misconduct are not afforded protection by this policy) and
 4. Provides individuals who believe they have been subject to reprisal or false allegations a fair process to seek relief from these acts.
- B. Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy. This policy is also intended to protect individuals against false allegations of wrongful misconduct.
- C. Nothing in this policy is intended to interfere with legitimate employment decisions.

II. Regulations

- A. **Acting in good faith.** Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the policy.
- B. **False allegation.** Any employee or volunteer who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including termination. Any student who makes false allegations in the non-employment setting will be referred to his or her home institution for disciplinary investigation and Miner Institute shall have the right, where it appears reasonably likely that an allegation was intentionally false, to bar students from Miner Institute pending home institution findings. Allegations that are not substantiated yet are made in good faith are not subject to corrective action.
- C. **Retaliation.** No individual who makes a protected disclosure will suffer intimidation, harassment, discrimination, retaliation, or adverse employment consequences. Any person who retaliates against any individual who makes a protected disclosure is subject to discipline up to and including termination. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the Institute prior to seeking resolution outside the Institute.
- D. **Confidentiality.** Protected disclosures may be made on a confidential basis by the complainant. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- E. **Handling Protected Disclosures.** The Offices (listed in Procedure Section I – Reporting Violations below) receiving the protected disclosure will notify the disclosing individual (if her or his identity is known) and acknowledge receipt of the reported violation or suspected violation within ten working days for most issues and within 24 hours for alleged criminal or environmental violations. All reports will be promptly investigated within 45 calendar days and appropriate corrective action will be taken if warranted by the investigation.

PROCEDURE

III. Reporting Violations

- A. Individuals should share their questions, concerns, suggestions, or complaints with an Institute administrator who can address them properly. In many cases the individual's supervisor is in the best position to address an area of concern. If an individual is not comfortable speaking with the supervisor, or is not satisfied with the supervisor's response, individuals should take their concerns to Vice President of Administration & Finance or the President.

- B. Supervisors who receive protected disclosures are required to contact Vice President of Administration & Finance or the President.

IV. Responsibilities

A. Investigation. After receiving a report the Vice President of Administration & Finance or the President shall refer the matter to the Office of Human Resources or a Special Committee of the Board of Trustees where appropriate. The Office of Human Resources or Special Committee of the Board shall:

1. Accept and investigate protected disclosures regarding employment matters and take action as needed.
2. Accept and investigate complaints of retaliation for making protected disclosures and take action as needed.
3. Maintain findings of wrongful conduct or false allegations in the individual's personnel file.
4. Refer matters to the President, Vice President of Administration & Finance or to the Board of Trustees, where appropriate, to take remedial action.

B. Deliberation and Remedial Action.

1. The President, Vice President of Administration & Finance or Board of Trustees, as appropriate, shall review the findings of the Committee or Office of Human Resources.
2. The subject of the complaint shall not be present at or participate in any board or executive level deliberations on the matter relating to the report or findings; provided, however, that the subject of the report may be asked to provide information or answer questions prior to deliberation.
3. The Board of Trustees, President or Vice President of Administration & Finance shall take remedial action to address the issues raised in the report.

C. Employee Responsibilities.

1. Be knowledgeable about this policy.
2. Report violations or suspected violations of the policy to the individual's direct supervisor or to the appropriate administrator as noted above.