

HOBART AND WILLIAM SMITH COLLEGES WHISTLEBLOWER POLICY

Whistleblower Policy

This Whistleblower Policy (the “Policy”) is intended to encourage and enable employees and others, including former employees and independent contractors, to raise concerns related to the Colleges. The Colleges expect their employees to carry out their duties and responsibilities in compliance with all laws, regulations, local ordinances, executive orders and judicial and administrative decisions, rulings and orders applicable to the Colleges, as well as the Colleges’ internal policies and procedures. Intentional and unintentional violations may occur and should be reported. Indeed, it is the responsibility of all Trustees, Officers, employees and volunteers to report violations or suspected improper activities to the Colleges. Procedures to assist and encourage individuals to come forward are described below. Reports regarding matters of Sexual Misconduct within the scope of the College’s Sexual Misconduct Policy will be handled under the terms of that policy, rather than this policy. Readers of this Policy are encouraged to review New York State Labor Law Section 740 as well as this Policy.

Compliance

Individuals should follow all Colleges’ policies and procedures in carrying out their duties and responsibilities for the Colleges. An individual who becomes aware of a potential or actual violation of Colleges’ policies or procedures or the law should report it, regardless of whether the individual is personally involved in the violation.

Procedures for Reporting Violations or Suspected Violations

Reports under this Policy may be made orally (e.g., face-to-face or by phone) or in writing (e.g., by letter or email). Generally, individuals should share questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, this is an individual’s supervisor or the Colleges’ official who has responsibility for overseeing compliance with a particular policy or procedure. If an individual is uncomfortable reporting to his or her supervisor or the Colleges’ official with oversight, or such a report would be inappropriate given the circumstances, the individual may report as follows or as otherwise permitted by law:

- Vice President for Finance and Administration/Audit Committee of the Board of Trustees: concerns about illegal or fraudulent practices, financial misconduct, inappropriate expenditures, internal controls, accounting practices, auditing matters or conflicts of interest;
- Director of Human Resources: concerns about employment matters, labor relations, discrimination, sexual harassment, workplace safety; or
- Provost and Dean of Faculty: concerns about academic fraud, scientific research or faculty misconduct

Anonymous Reporting

Individuals may choose to report suspected violations anonymously. An anonymous report may be sent in a sealed envelope to the Chair of the Audit Committee of the Board of Trustees in care of the President’s Office, Hobart and William Smith Colleges, Geneva, NY 14456. The sealed envelope will be delivered, unopened, to the Chair of the Audit Committee. Anonymous reports should contain as much specific information as possible to allow for proper assessment and investigation.

Administration of Policy

The Vice President and General Counsel is designated as the administrator of this Policy. As the administrator, he or she shall report to the Audit Committee of the Board of Trustees any instance of

alleged intimidation, harassment, discrimination or other retaliation in violation of this Policy, and shall report at least annually to the Audit Committee on matters pertaining to the Policy, including whether any material change has been made to the procedures outlined above.

Handling of Reported Violations

All reports will be forwarded to the Vice President and General Counsel, who will promptly forward copies to the chair of the Audit Committee and, depending upon the nature of the report, to the: Vice President for Finance and Administration, Director of Human Resources and/or the Provost and Dean of Faculty. However, if a report of a suspected improper activity involves any of the individuals named herein, then such individual shall be excluded from such notification.

Depending on the nature of the reported improper activity, either the Vice President for Finance and Administration, Director of Human Resources and/or the Provost and Dean of Faculty shall consult with the Vice President and General Counsel (or where appropriate, outside counsel) to make an initial assessment of whether an investigation is appropriate, and the form that it should take. An investigation will begin only if the reported information, if true, would constitute improper conduct and is specific enough to be investigated. The individual making the report will be given an opportunity to provide more specific information if improper conduct is alleged in the report, but more specific information would be required for a proper investigation. Depending on the nature of the report, any investigation will be conducted by the Vice President for Finance and Administration, Director of Human Resources and/or the Provost and Dean of Faculty.

Communications regarding the investigation and any resolution of the reported suspected improper activity shall be accessible to individuals with access to the original report. The Chair of the Audit Committee shall be kept apprised of all findings and resolutions related to all reported suspected improper activity and shall report on the same to the Audit Committee at the Audit Committee's next regularly scheduled meeting.

If a suspected improper activity is reported directly to the President and/or the Chair of the Audit Committee then the President and/or the Chair of the Audit Committee shall immediately direct that an investigation be undertaken and a report compiled.

In the case of non-anonymous reports, either the Vice President and General Counsel will notify the sender and acknowledge receipt of the concern within ten business days. No response will be provided in the event of an anonymous report.

No Retaliation

No Trustee, officer, employee, former employee, independent contractor, or volunteer of the Colleges who in good faith reports any action or suspected action taken by or within the Colleges that he or she reasonably believes to be illegal, fraudulent or in violation of any adopted or legally required policy of the Colleges shall suffer intimidation, harassment, discrimination or other retaliation, adverse employment consequences, or any other forms of retaliatory behavior prohibited by New York State Labor Law Section 740.

Any employee who retaliates against someone who has made a good faith report under this Policy is subject to discipline up to and including termination of employment. Any employee who believes he or she is being retaliated against should immediately report his or her concern to the Director of Human Resources, Vice President and General Counsel for investigation.

Acting in Good Faith

Anyone filing a report concerning a violation or suspected violation should be acting in good faith pursuant to New York Not-for-Profit Corporation Law Section 715-b.

Anyone filing a report concerning a violation or suspected violation should reasonably believe the information disclosed constitutes or is indicative of a violation of law or policy pursuant to New York State Labor Law Section 740.

Any individual who acts in bad faith under this policy commits a serious disciplinary offense.

Confidentiality

An individual who makes a report pursuant to this Policy may request that the report be handled on a confidential basis. While confidentiality cannot be guaranteed, reasonable steps to protect confidentiality, when requested, will be taken to the extent consistent with the need to conduct an adequate investigation and review. As discussed above, individuals may also submit reports anonymously.

Distribution of Policy

This Whistleblower Policy shall be posted on the Colleges' publicly available website. Copies will be posted prominently outside of the Office for Human Resources, and provided to new employees during orientation activities. Any individuals who desire a "hard copy" may request one through the Vice President and General Counsel. In addition, the Colleges' will promote ongoing awareness of the Policy and its requirements and protections as part of their normal compliance training and communication.