



WHISTLEBLOWER PROTECTION POLICY AND PROCEDURE

POLICY STATEMENT

Public Authorities Law §2857, Civil Service Law §75-b, Labor Law §740, State Finance Law §191 and Executive Law §55(1), as well as certain federal laws, provide public employees and other parties, including any Member, officer, employee, consultant or contractor of the Dormitory Authority of the State of New York (“DASNY”), with protection against retaliation for engaging in various forms of “whistleblowing”. It is the policy of DASNY to fully comply with these laws, and to afford certain protections to individuals who in good faith report potential instances of Inappropriate Behavior to a Designated Individual within DASNY. The Whistleblower Protection Policy and Procedure set forth herein is intended to encourage and enable Whistleblowers to raise such concerns in good faith within DASNY and without fear of retaliation or adverse employment action. This Policy and Procedure is in addition to, and not a limitation on, any comparable whistleblowing rights and protections under State or federal law.

DEFINITIONS

For purposes of this policy, the following terms shall be defined as follows:

“Whistleblower”: Any Member, officer, employee, consultant or contractor of DASNY who in good faith discloses information to a Designated Individual concerning potential Inappropriate Behavior.

“Good Faith”: Information concerning potential Inappropriate Behavior is considered to be disclosed in “good faith” when the individual making the disclosure reasonably believes such information to be true and reasonably believes that the information constitutes potential Inappropriate Behavior.

“Inappropriate Behavior”: Any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority engaged in by any Member, officer, employee, consultant or contractor of DASNY that relates to DASNY (including by way of example and not limitation matters relative to DASNY's investments, travel, acquisition of real or personal property, the disposition of real or personal property and the procurement of goods and services).

“Personnel Action”: Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance of the Whistleblower in violation of this Policy and Procedure, or other State or federal law.

“Designated Individual” shall mean any of the following:

- DASNY’s Director, Office of Professional Integrity (including without limitation electronic notice through Whistleblower@dasny.org or oral notice through the Whistleblower Hotline, each of which are monitored directly by the Director, Office of Professional Integrity); or
- DASNY’s Ethics Officer; or
- DASNY’s General Counsel; or
- the President or Chair of DASNY; or
- the Whistleblower’s immediate supervisor or Managing Director if the Whistleblower is a DASNY employee.

PROCEDURE

SECTION I – REPORTING INAPPROPRIATE BEHAVIOR

(a) Any Member, officer, employee, consultant or contractor of DASNY who in good faith discovers or has knowledge of potential Inappropriate Behavior that relates to DASNY shall report such information to a Designated Individual at DASNY. Such report shall be made orally or in writing, and in a prompt and timely manner.

(b) Any good faith report by a Whistleblower of potential Inappropriate Behavior to a Designated Individual within DASNY pursuant to this Policy and Procedure will be investigated by the appropriate investigatory entity. All reasonable efforts shall be made to protect the anonymity and confidentiality of a Whistleblower, and the substance of his or her allegations will be kept confidential to the extent reasonably practicable. As provided in Section II of this Policy and Procedure, the Whistleblower shall not be subject to any Personnel Action or other retaliatory action by DASNY for the good faith disclosure of information concerning potential Inappropriate Behavior hereunder.

(c) Any Designated Individual who receives a complaint from a Whistleblower regarding potential Inappropriate Behavior shall: (1) review and compile the information without pre-investigating the matter; and (2) if such complaint indicates the possibility that there has been an occurrence of potential Inappropriate Behavior, refer such information in writing to DASNY’s Director, Office of Professional Integrity, DASNY’s Ethics Officer or DASNY’s General Counsel (with a copy to the appropriate Managing Director) as the Designated Individual deems appropriate and necessary and based upon the nature of the potential Inappropriate Behavior. The Designated Individual shall, to the extent appropriate, notify the Whistleblower of the results of his or her initial review of the complaint.

(d) Upon receipt, the party(ies) so notified by the Designated Individual(s) shall confer with the General Counsel or his or her designee, who shall review the complaint and refer the matter to the appropriate investigatory party in accordance with DASNY’s then-existing policies and procedures and other applicable law.

(e) All DASNY employees are responsible for cooperating in the investigation of alleged Inappropriate Behavior by providing any information they possess concerning the matters being investigated and being candid about such matters.

SECTION II – NO RETALIATION OR INTERFERENCE

(a) No Member, officer or employee of DASNY shall take any Personnel Action or other retaliatory action against a Whistleblower who makes a good faith disclosure to a Designated Individual of information concerning potential Inappropriate Behavior under this Policy and Procedure, or against such a person who exercises comparable rights under other State or federal law. A Whistleblower who believes that he or she has been retaliated against by DASNY for reporting or disclosing potential Inappropriate Behavior should file an additional written complaint with DASNY’s Director, Office of Professional Integrity (including without limitation electronically through Whistleblower@dasny.org, or orally through the Whistleblower Hotline, each of which are monitored directly by the Director, Office of Professional Integrity), with a copy to DASNY’s General Counsel.

(b) Allegations of Personnel Action, harassment or other retaliation against a Whistleblower or interference with an individual seeking to disclose in good faith potential instances of Inappropriate Behavior in accordance with this Policy and Procedure will be thoroughly investigated by the appropriate investigatory entity and treated as a separate matter, irrespective of the outcome of the initial complaint.

(c) Any DASNY employee found to be in violation of this Policy and Procedure is subject to discipline, up to and including termination from employment. In the event such a violation is attributable to a DASNY consultant or contractor, all rights against such consultant or contractor are expressly reserved.

(d) This Whistleblower Policy and Procedure shall be provided to all current employees of DASNY and shall be included in the informational package provided to employees upon commencement of employment with DASNY. This Policy and Procedure shall also be conspicuously posted on DASNY’s website.

SECTION III - OTHER RIGHTS NOT AFFECTED

Nothing in this Policy and Procedure shall either:

1. alter, abrogate or impair any rights or remedies that a Whistleblower may have under any other federal or State statute or any collective bargaining agreement; or
2. preclude a Whistleblower or Designated Person from disclosing Inappropriate Behavior directly to the Independent Authorities Budget Office, Office of Inspector General or law enforcement agency charged with the responsibility of investigating Inappropriate Behavior.

Adopted: March 4, 2020