



## **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” and further prevent an employer from retaliating against any such employee or such other party, including any Member, officer, employee, consultant or contractor of DASNY, for disclosing to a supervisor or a public body any activity, policy or practice of the employer that violates a law. It is the policy of DASNY to fully comply with these laws and to provide alternatives and procedures for employees to freely report information, anonymously or otherwise, concerning acts of potential wrongdoing, misconduct, malfeasance or unethical behavior by DASNY or any Member, officer, employee, consultant or contractor of DASNY without fear of retaliation or retribution by DASNY. The alternatives and procedures set forth herein are 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 discloses information to a Designated Individual concerning Inappropriate Behavior that he or she reasonably believes to be true and reasonably believes to constitute Inappropriate Behavior.

**“Inappropriate Behavior”**: Any act or acts of wrongdoing, misconduct, malfeasance, or unethical behavior by any Member, officer, employee, consultant or contractor of DASNY relative to, among other things, 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: the Whistleblower’s immediate supervisor or Managing Director, DASNY’s Director, Office of Professional Integrity, DASNY’s Ethics Officer, the General Counsel, the President or Chair of DASNY or the Whistleblower Hotline which shall be monitored directly by the Director, Office of Professional Integrity.

## **PROCEDURE**

(a) Any Whistleblower who has knowledge regarding Inappropriate Behavior is encouraged to disclose such information orally or in writing to a Designated Individual in a timely manner. All reasonable efforts shall be made to protect the anonymity and confidentiality of the Whistleblower, and the Whistleblower shall not be subject to any Personnel Action, harrassment or other retaliatory action by DASNY or any of its Members, officers or employees in violation of this Policy and Procedure or other State or federal law.

(b) Any Designated Individual who receives a complaint from a Whistleblower regarding Inappropriate Behavior shall: (1) review and investigate the information; and (2) if such review and investigation indicates the possibility that there has been an occurrence of Inappropriate Behavior, take appropriate corrective action and where appropriate refer such information to the appropriate Managing Director, DASNY's Director, Office of Professional Integrity, DASNY's Ethics Officer, the General Counsel, the President or the Chair of DASNY as the Designated Individual deems appropriate and necessary and based upon the nature of the Inappropriate Behavior. All 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. The Designated Individual shall, to the extent appropriate, notify the Whistleblower of the results of his or her review of the complaint.

(c) No Member, officer or employee of DASNY shall take any Personnel Action, harrassment or other retaliatory action against a Whistleblower who exercises his or her rights under this Policy and Procedure, or against such a person who exercises comparable rights under other State or federal law. Any Whistleblower who believes that he or she has been retaliated against for reporting or disclosing Inappropriate Behavior should file a written complaint in accordance with existing DASNY policies.

(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.

## **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 6, 2019