



# NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

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*Our future is riding with us!*

**RESOLUTION NO: 2015-003**  
**SUBJECT: WHISTLEBLOWER POLICY**  
**ADOPTED: June 6, 2015**

## **PURPOSE**

New York Association for Pupil Transportation (NYAPT) is committed to operating in furtherance of its purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its Board members, officers, employees, or volunteers. NYAPT is committed to ensuring that an environment exists for employees to report suspected violations of the law or fraud and has set up a mechanism to ensure that complaints are investigated in a timely manner and an employee bringing a complaint is free from retaliation.

## **POLICY**

NYAPT is dedicated to the fair and accurate accounting of financial matters of NYAPT and expects all employees to act in accordance with the highest ethical standards in the performance of their duties on behalf of NYAPT. NYAPT relies on employees to abide by the intent and spirit of this policy and to report any suspected violations of this policy or other questionable financial, accounting or audit matters or potential legal violations of state and/or federal laws without fear of retaliation.

NYAPT has established procedures for the confidential, anonymous submissions of concerns or complaints by employees regarding questionable ethical, business, accounting, or auditing matters. NYAPT may take disciplinary action (up to and including termination) against an employee who in management's assessment has engaged in retaliatory conduct in violation of this policy. In addition, NYAPT will not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel or a court truthful information relating to the commission or possible commission by NYAPT or any of its employees of a violation of any applicable law or regulation.

All directors, officers, employees and volunteers who provide substantial services to NYAPT shall receive a copy of this policy. Supervisors will be trained on this policy and have knowledge of its prohibition against retaliation.

## **PROCEDURES**

### **Filing a Complaint:**

Any employee who has complaints or concerns with respect to ethical behavior, accounting controls, auditing matters, violations of state or federal laws or policies of NYAPT is strongly encouraged to report such a complaint or concern to the NYAPT Compliance Officer.

To file a complaint or concern with the Compliance Officer, an individual should provide details in writing by sending information to:

Compliance Officer

266 Hudson Street

Albany, NY 12210

Or e-mail to \_\_\_\_\_

As many details as possible should be included with the complaint, such as a description of the questionable activity, the names of the individuals involved, the names of possible witnesses, dates, times, places, and any other available details. NYAPT encourages any employee to come forward with information. Retaliation is prohibited against the individual bringing the complaint or concern to the Compliance Officer. However, any individual who reports a complaint anonymously and confidentially will be protected.

Individuals should avoid making false statements and should not engage in any activity that is either unlawful or unreasonable.

Supervisors and managers who receive such complaints must consult with the Compliance Officer prior to taking action. The Compliance Officer, in conjunction with the Board's Audit Committee, has the authority and responsibility for undertaking the investigation; the Audit Committee will be advised of all complaints and will provide guidance regarding the handling of complaints relating to ethical or accounting practices.

### **ALTERNATIVE REPORTING PROCESS**

If the Executive Director is the subject of possible unethical or improper conduct, the complainant is to file the report with the Chairperson of the Board's Audit Committee.

### **HANDLING OF REPORTED VIOLATIONS**

Reports made to anyone other than the Compliance Officer shall be forwarded to the Compliance Officer by the person receiving the complaint within 48 hours of receipt. Any person receiving an oral report of a complaint or suspected violation shall document that report in writing by the end of the workday on which the person received the report. For all complaints received, the Compliance Officer will notify the sender and

acknowledge receipt of the reported violation or suspected violation within five (5) business days of receipt. All reports will be promptly reviewed upon receipt.

If the Compliance Officer concludes that no action is required he/she shall make a brief record of his/her decision in that regard and the rationale for the decision. If the complaint appears to involve a human resources issue, the matter may be referred to the Executive Director for review and appropriate action. In such cases the Executive Director shall report the disposition of the complaint to the Compliance Officer in writing.

If the Compliance Officer concludes it is appropriate to investigate the complaint or alleged violation further, (s)he shall conduct or cause to be conducted such investigation as (s)he deems appropriate.

For any such matter the Compliance Officer may call upon the Counsel for assistance in investigating the complaint or alleged violation. In cases involving any violation of law or regulation, or in any case that may trigger a disclosure obligation to a governmental agency or other outside entity, the Compliance Officer shall involve the Counsel in the investigation. In cases deemed appropriate by the Counsel, outside counsel may be engaged to assist in the investigation.

The investigation of any complaint or alleged violation by, involving, or implicating the Compliance Officer shall be investigated by the Counsel and the Compliance Officer shall be removed from any responsibility relating to the conduct of such investigation.

Upon completion of any investigation, the Compliance Officer, with the assistance of the Counsel if appropriate, or the Counsel, in cases relating to complaints involving the Compliance Officer, shall make a written report of the investigation including recommendations for any corrective action deemed necessary and the necessity of making disclosures to governmental agencies or other outside entities. The results of the investigation shall be reported to the Counsel and the Executive Director. The Executive Director shall take all necessary action to implement the investigator's recommendations to the extent deemed appropriate.

#### Compliance Officer

The Compliance Officer for NAPT. may be reached at:

266 Hudson Street

Albany, NY 12210

Or by email at: \_\_\_\_\_

#### **CONFIDENTIALITY**

Violations or suspected violations may be submitted anonymously, either in writing or orally (writing may include email). All reports of violations or suspected violations, and any investigation prompted by the report, will be kept confidential to the extent possible, consistent

with the need to conduct an adequate investigation. In some circumstances it may be necessary to disclose the name of the person making the complaint or reporting the violation.

### **NO RETALIATION**

No director, officer, employee, or volunteer who in good faith reports a violation or a suspected violation of the Code of Ethics, corporate policy, or applicable laws or regulations shall suffer harassment, retaliation or adverse employment consequence. Any director, officer, employee or volunteer who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment

### **ACTING IN GOOD FAITH**

Anyone filing a complaint concerning a violation or suspected violation of the Code of Ethics, corporate policy, or laws or regulations must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. 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

### **OVERSIGHT AND ADMINISTRATION OF THE WHISTLEBLOWER AND EMPLOYEE PROTECTION POLICY**

The Board shall oversee the implementation of and compliance with the Whistleblower Policy. The Executive Director shall administer the Policy and report to the Board of Directors.

A copy of this policy shall be distributed to all directors, officers, employees, and to volunteers who provide substantial services to the NAFT of 25 or more hours per week.

*My signature below indicates my receipt and understanding of this policy. I also verify that I have been provided with an opportunity to ask questions about the policy.*

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (please print)