Whistleblower Policy

1. Purpose

The Burchfield Penney Art Center (the "Corporation") is committed to high standards of ethical, moral, and legal business conduct. This policy provides an avenue for trustees, employees, volunteers, artists, independent contractors, and vendors (collectively "Covered Persons") to raise concerns while ensuring protection from retaliation.

This Whistleblower Policy is intended to protect Covered Persons who submit complaints regarding the following matters (collectively, "Prohibited Activity"):

- Financial misconduct, including but not limited to incorrect financial reporting or misuse of funds;
- Unlawful activity or violations of laws, rules, or regulations;
- Violations of Corporation policies, including the Conflict of Interest Policy; or
- Any other fraudulent or unethical conduct.

The Ethics Committee of the Corporation shall oversee this policy.

2. Safeguards

A. Prohibition of Retaliation

No Covered Person who in good faith submits a complaint concerning any action or suspected action taken by or within the Corporation that is a Prohibited Activity shall suffer intimidation, harassment, discrimination, retaliation, or, in the case of employees, adverse employment consequences. Any employee who retaliates against such a person is committing a violation of this policy which may result in disciplinary action, up to and including termination.

B. Confidentiality

To the extent possible, all complaints and investigations shall be handled confidentially, except where disclosure is required by law or necessary for a thorough investigation.

C. Anonymous Complaints

While Covered Persons are encouraged to submit complaints with their identity attached for effective follow-up, anonymous complaints will be accepted and investigated as appropriate based on the extent of the information provided.

D. Good Faith Complaints & Bad Faith Allegations

Complaints must be made in good faith, with reasonable belief that the disclosed matter represents a Prohibited Activity. No action will be taken against a Covered Person who makes a complaint in good faith but is later found to be mistaken. 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 offence.

3. Complaint & Investigation Procedures

A. How to Submit a Complaint

A Covered Person may submit a complaint to the Corporation's designated compliance team (each a "Designated Official") at the following email address: [bpaccompliance@gmail.com]. The designated compliance team will consist of the Board Chair, Ethics Committee Chair, and the Executive Director. Any Designated Official receiving such a complaint shall (a) notify the sender within five (5) business days that the complaint has been received, and (b) promptly provide written notice of the complaint to the Ethics Committee and the other members of the compliance team. If there are allegations against one or more trustees, such Designated Official shall ensure that written notice of the complaint is made to at least one other trustee who is not named in the complaint.

B. Timing & Evidence

1. Complaints should be submitted as close as possible to the event at issue to allow for timely action.
2. While Covered Persons are not expected to prove the allegations, they should provide supporting evidence when available.

C. Investigation Process

1. The Ethics Committee or trustee appointed by the Board Chair will review the initial complaint to determine whether an investigation is warranted.
2. If an investigation is warranted, the Ethics Committee will discuss with the Board Chair or 1st Vice Chair the anticipated nature of the investigation and the resources needed.
3. Findings of any independent investigation will be reported to the Executive Committee of the Board of Trustees.
4. Corrective action, if warranted, will be taken promptly, and the complainant will be informed of the resolution, if appropriate.

No person shall be present at, or otherwise participate in, any deliberations or voting upon Whistleblower Policy matters if such presence or participation is prohibited by law, including Section 715-b of the NPCL. As of the date of this policy, any person who is the subject of a whistleblower complaint may not be present at or participate in board or committee deliberations or vote on the matter relating to such complaint, provided that nothing in this subparagraph shall prohibit the board or committee from requesting that the person who is subject to the complaint present information as background or answer questions at a committee or board meeting prior to the commencement of deliberations or voting relating thereto.

4. Policy Distribution & Oversight

The Whistleblower Policy will be posted on the Corporation's website at the following link:

https://burchfieldpenney.org/about

5. Amendments

This policy may be amended, modified, or replaced, in whole or in part, by the Board of Trustees of the Corporation.

Approvals & Revisions

Approved 10/15/2014
Revised & Approved 5/27/2026