

COLD SPRING HARBOR LABORATORY

WHISTLEBLOWER POLICY

Amended and Restated: February 3, 2022

1.0 PURPOSE

This Whistleblower Policy (“Policy”) outlines reporting procedures and protections made available by Cold Spring Harbor Laboratory (the “Laboratory”) to its trustees, officers, employees, former employees, independent contractors, students, and volunteers who, in good faith, seek to or actually report activities or suspected activities that are reasonably believed to be illegal, fraudulent, dishonest or in violation of the Laboratory’s policies. This Policy is not a general grievance procedure, and employment-related concerns should be reported and resolved in accordance with the personnel policies set forth on the Laboratory’s Human Resources webpage

<http://intranet.cshl.edu/administration/human-resources/cshl-policy-abstract>.

2.0 POLICY

2.1 Definitions.

“Employee” means an individual who performs services for and under the control and direction of the Laboratory for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of the Laboratory’s business who are not themselves employers.

“Whistleblower” means a trustee, officer, employee, student or volunteer of the Laboratory who in good faith reports an activity or suspected activity that is reasonably believed to be illegal, fraudulent, dishonest or in violation of an adopted policy of the Laboratory, an executive order, or a judicial or administrative decision, ruling or order, to one or more of the parties specified in this Policy. A whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal, fraudulent or dishonest activities, or activities in violation of the Laboratory’s adopted policies, include but are not limited to violations of federal, state or local laws; billing or assisting in billing the Laboratory for services not performed or for goods not delivered; misuse or misappropriation of grant or other Laboratory funds; and other fraudulent financial reporting.

“Retaliatory Action” means an adverse action taken by the Laboratory or its agent to discharge, threaten, penalize or in any other manner discriminate against any employee exercising their rights under this policy or NY Labor Law 740,

including (i) adverse employment actions or threats to take such adverse employment actions against an employee in the terms or conditions of employment, including but not limited to discharge, suspension or demotion; (ii) actions or threats to take such actions that would adversely impact an employee's current or future employment, or (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member.

- 2.2 Reporting.** If an employee, trustee, officer, student or volunteer of the Laboratory has knowledge of or suspects illegal, fraudulent or dishonest activity, or activity that violates any of the Laboratory's adopted policies, they should contact their immediate supervisor at the Laboratory (if applicable), the Chief Operating Officer or General Counsel of the Laboratory, or the Chair of the Laboratory's Audit & Risk Committee (AuditChair@cshl.edu), or they should submit an anonymous report to the Whistleblower Hotline (1-844-390-9805) or www.cshl.ethicspoint.com).

In order to avoid baseless allegations, the whistleblower must reasonably believe that there is a violation of law or policy or reasonably believe that there is a substantial and specific danger to public health or safety.

The Laboratory encourages whistleblowers to provide their identity when making a report in order to facilitate an investigation. However, anonymous reports may be made through the Whistleblower Hotline.

- 2.3 Protections.** Wherever possible, the confidentiality of the whistleblower will be maintained. However, the identity of the whistleblower may have to be disclosed to conduct a thorough investigation, to comply with the law or to provide accused individuals an opportunity to defend themselves. The Laboratory strictly prohibits intimidation, harassment, discrimination, retaliatory action or adverse employment consequences against anyone who in good faith makes a report pursuant to this Policy or who participates in the investigation of a complaint pursuant to this Policy. This includes reports made to any elected governmental body, court, governmental agency, law enforcement, federal, state, or local department of an executive branch of government, or any division, board, bureau, office, committee, or commission of any of the public bodies.

Any whistleblower who believes that they have been subject to intimidation, harassment, discrimination, retaliatory action or adverse employment consequences should immediately report such to their direct supervisor at the Laboratory (if applicable), or the Chief Operating Officer or the General Counsel of the Laboratory. A whistleblower's right to protection does not include immunity for any personal wrongdoing that is alleged and investigated.

The Chief Operating Officer and the General Counsel, or an independent third

party designated by them, will promptly investigate all reports of illegal, fraudulent or dishonest activities or activities in violation of an adopted policy of the Laboratory, unless such investigation would impede or interfere with an external investigation being conducted by law enforcement or other government agency.

2.4 Administration. The Chief Operating Officer and the General Counsel will administer this Policy and report to the Board or an authorized Committee thereof. A person who is the subject of a whistleblower report will not be present at or participate in any Board or committee deliberations or voting related to such report, provided that the Board or committee may request that the person present information as background or answer questions prior to the commencement of deliberations or voting. Trustees who are employees of the Laboratory will not participate in any Board or committee deliberations or voting relating to administration of this Policy.

3.0 DISTRIBUTION

A copy of this Policy will be distributed to all trustees, officers, current employees and students of the Laboratory and to all volunteers who provide substantial services to the Laboratory. Distribution for these purposes includes posting this Policy on the Laboratory's website and in a conspicuous, easily accessible and well-lit location at the Laboratory.

4.0 RECORDS

All records relating to any reported concern and to the investigation and resolution thereof will be retained by the Laboratory on a strictly confidential basis for a period of seven years (or otherwise as required under the Laboratory's record retention policies in effect from time to time). All such records are confidential to the Laboratory and such records will be considered privileged and confidential.

Like all other policies of the Laboratory, this Policy is not to be considered an employment contract or guarantee of any kind. The Laboratory reserves the right to interpret, revise, supplement or rescind policies as it deems appropriate.