

SNAG Whistleblower Policy

Introduction

SNAG is committed to the highest standards of openness, probity, and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the organization to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organization then this information should be disclosed internally without fear of reprisal.

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalized by their employers as a result of publicly disclosing certain serious concerns. SNAG has endorsed the provisions set out below so as to ensure that no board members, staff, or volunteers/members should feel at a disadvantage when raising legitimate concerns.

It should be emphasized that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by SNAG, nor should it be used to reconsider any personal matters which have already been addressed in the **Grievance Policy**. Set forth below is SNAG's policy with respect to reporting good-faith concerns about the legality or propriety of SNAG's actions regarding the Whistleblower Policy.

Rational

The Whistleblower Policy is designed to enable employees/staff, board members, and volunteers/members to raise concerns internally and at a high level, and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately, but might then lead to the invocation of other procedures e.g. disciplinary.

These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety Criminal activity

- Improper conduct or unethical behaviour
- Attempts to conceal any of these

Retaliation

SNAG will not permit any negative or adverse actions to be taken against any employee or individual for making a good-faith report of a possible violation of its Whistle Blower Policy or applicable law, even if the report is mistaken, or against any employee or individual who assists in the investigation of a reported violation. Retaliation in any form will not be tolerated. Any act of alleged retaliation should be reported immediately to the Executive Director and will be promptly investigated. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within SNAG prior to seeking resolution outside the organization.

Confidentiality

SNAG will treat all communications under this policy in a confidential manner except to the extent necessary to conduct a complete and fair investigation, or for review of SNAG operations by SNAG's Board, its Finance Committee, SNAG's independent public accountants, and SNAG's legal counsel.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of SNAG.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the Executive Director, Committee Chair, or President takes note of the complaint and passes the information to the appropriate designated person as soon as possible:

- Complaints of malpractice will be investigated by the Executive Director or Committee Chair, with the assistance or supervision of Legal Counsel, unless the complaint is against the ED or Chair or is in any way related to them. In such

cases, the complaint should be passed to the President and Legal Counsel for referral to a non-interested party or outside director.

- In the case of a complaint, which is any way connected with but not against the Executive Director, the President may act as the alternative investigating officer, or may refer the inquiry to Legal Counsel, and may make that decision unilaterally or after consultation with the Executive Committee.
- Complaints against the President should be passed to the Executive Director who will consult the President Elect, Legal Counsel, and other Executive Committee members.
- The complainant also has the right to bypass the line management structure and take their complaint directly to the President. The President has the right to refer the complaint back to the Executive Director, Executive Committee, or Committee Chair if he/she feels that they, without any conflict of interest, can more appropriately investigate the complaint.

If there is evidence of criminal activity then the Executive Director, Committee Chair or President should inform appropriate authorities. SNAG will ensure that any internal investigation does not hinder a formal police investigation.

Timeline

Due to the varied nature of these sorts of complaints, which may involve internal or outside investigators (ED, Committee Chair or President) and/or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer (ED, Committee Chair, or President or other person as determined by the President), should as soon as practically possible send acknowledgement of the concern to the complainant and thereafter report back to them in writing regarding the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, of the progress (but not the details) of the investigation and when it is likely to be concluded. At the conclusion of the inquiry, the complainant will be provided a summary of the inquiry and the recommendation(s) made to the Executive Committee by the Investigator.

Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.

- The investigating officer should inform the staff, board member or volunteer against whom the complaint is made as soon as is practically possible.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals/bodies.
- A judgment concerning the complaint and validity of the complaint will be made by the investigating officer. This judgment will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the President, President Elect, and Executive Committee.
- The President, President Elect, and Executive Committee will decide what action to take. If the complaint is shown to be justified, they will invoke disciplinary or other appropriate procedures.
- The complainant should be kept informed of the progress of the investigation and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the SNAG Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the President or Executive Committee.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, SNAG recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons such as Auditors, or, where justified, elsewhere.

Illustrative Types of Concerns

The following is a partial list of the kinds of improprieties that should be reported:

- Supplying false or misleading information on SNAG's financial or other public documents, including its Form 990,
- Providing false information to or withholding material information from SNAG's board or accounting firm,
- Destroying, altering, mutilating, concealing, covering up, falsifying, or making a false entry in any records that may be connected to an official proceeding, in violation of federal or state law or regulations,
- Altering, destroying, or concealing a document, or attempting to do so, with the intent to impair the document's availability for use in an official proceeding or otherwise obstructing, influencing, or impeding any official proceeding, in violation of federal or state law or regulations,
- Embezzling, self-dealing, private inurement (i.e., SNAG earnings inuring to the benefit of a director, officer, staff, or volunteers) and private benefit

(i.e., SNAG assets being used by anyone in the organization for personal gain or benefit),

- Paying for services or goods that are not rendered or delivered,
- Using remarks or actions of a sexual nature that are not welcome and are likely to be viewed as personally offensive, including sexual flirtations; unwelcome physical or verbal advances; sexual propositions; verbal abuse of a sexual nature; the display of sexually suggestive objects, cartoons, or pictures; and physical contact of a sexual or particularly personal nature,
- Using epithets, slurs, negative stereotyping, and threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, or disability,
- Circulating or posting written or graphic material in the workplace that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, gender orientation, sexual orientation, nationality, age, or disability,
- Discriminating against an employee or potential employee due to a person's race, color, religion, sex, sexual orientation, gender orientation, national origin, age, physical or mental impairment, or veteran status,
- Violating SNAG's Code of Ethics, Conflict-of-Interest Policy, Harassment Policy, or Equal Employment Opportunity Policy,
- Facilitating or concealing any of the above or similar actions.

Questions

If you have any questions regarding this policy, please contact the Executive Director.