



## MIDLANDS COMMUNITY FOUNDATION SUSPECTED MISCONDUCT, DISHONESTY, FRAUD AND WHISTLE-BLOWER PROTECTION POLICY

### **I. Purpose**

Midlands Community Foundation (Foundation) is committed to the highest possible standards of ethical, moral, and legal conduct. Consistent with this commitment, this policy aims to provide an avenue for employees, Board members, consultants, and volunteers to raise concerns about suspected misconduct, dishonesty, and fraud and to provide reassurance that they will be protected from reprisals or victimization for whistle-blowing in good faith.

### **II. Reporting Concerns**

Every employee, Board member, consultant, and volunteer is responsible for reporting concerns relating to suspected misconduct, dishonesty, or fraud. Anyone filing a complaint must be acting in good faith and have reasonable grounds for believing the information disclosed indicates misconduct, dishonesty, or fraud. 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.

To report concerns:

- ◆ Put concerns in writing
- ◆ Place them in a sealed envelope
- ◆ Mail them to the President and/or Executive Director of the Foundation

If the misconduct implicates the President and/or Executive Director, or if the reporting individual is not comfortable speaking with or not satisfied with the response of the President and/or Executive Director, report the issue to a Board member of the Executive Committee. The envelope should be labeled as follows: "To be opened by Midlands Community Foundation Board Member of the Executive Committee only."

Report your concerns as soon as you are aware of them. The earlier a concern is expressed, the easier it is to take action.

### **III. Investigating Concerns**

Following the receipt of any complaints submitted, the Foundation's Executive Committee will investigate each matter so reported and take corrective and disciplinary actions where appropriate.

The Executive Committee may enlist Board and committee members, employees of the Foundation and/or outside legal, accounting, or other advisors as appropriate to conduct any investigation of complaints regarding financial reporting, accounting, internal accounting controls, auditing matters, or any other form of misconduct, dishonesty, or fraud. In conducting any investigation, the Executive Committee shall use reasonable efforts to protect the confidentiality and anonymity of the complainant.

The amount of contact between the complainant and the body investigating the concern will depend on the nature of the issue and the clarity of information provided. Further information may be sought from the complainant.

The complainant will receive follow-up on their concern within two weeks:

- ◆ Acknowledging that the concern was received;
- ◆ Indicating how the complaint will be processed;
- ◆ Giving an estimate of the time that it will take for a final response;
- ◆ Telling them whether initial inquiries have been made; and
- ◆ Telling them whether further investigations will follow, and if not, why.

Subject to legal constraints, the complainant will receive information about the outcome of any investigations.

The Executive Committee shall retain as a part of the records of the Committee such complaints or concerns for a period of at least seven years.

### **IV. Safeguards**

No employee, Board member, consultant, or volunteer who in good faith reports a violation shall suffer harassment, retaliation, or adverse employment consequences. An employee, Board member, consultant, or volunteer who retaliates against someone who has reported a violation in good faith shall be subject to discipline up to and including: termination of employment, or excused from the Board, or excused as a consultant or volunteer with the Foundation or its events, as determined by the Executive Committee. This policy is intended to encourage and enable employees, Board members, consultants, and volunteers to raise concerns within the organization prior to seeking resolution outside the organization.

Additionally, no employee, Board member, consultant, or volunteer shall be adversely affected because they refuse to carry out a directive which, in fact, constitutes corporate fraud or is a violation of state or federal law.

V. **Confidentiality and Anonymity**

Violations or suspected violations may be submitted on a confidential basis by the complainant; provided, however, such reports of violations may be subject to review by the Executive Committee and investigated as deemed appropriate and in accordance with law. Employees, Board members, consultants, and volunteers are encouraged to include their names in reports to assist with any investigation. Every reasonable effort will be made to protect the complainant's identity.

VI. **Definitions**

For purposes of this policy, the definition of misconduct, dishonesty, and fraud includes but is not limited to:

- ◆ Acts which are inconsistent with Midlands Community Foundation Policies and Procedures
- ◆ Theft or other misappropriation of Midlands Community Foundation assets
- ◆ Misstatements or other irregularities in Midlands Community Foundation records
- ◆ Incorrect financial reporting
- ◆ Misuse of Midlands Community Foundation resources
- ◆ Illegal activities
- ◆ Forgery or alteration of documents
- ◆ Any other form of fraud