

VLSP Whistleblower Policy

General

Volunteer Legal Services Project requires directors, officers, employees and volunteers¹ to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As representatives of VLSP, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

It is the responsibility of all directors, officers, employees and volunteers to report violations or suspected violations in accordance with the Whistleblower Policy.

No Retaliation

No director, officer, employee or volunteer who in good faith reports a violation of the Policy shall suffer harassment, retaliation or, in the case of employees, adverse employment consequence. 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 directors, officers, employees and volunteers to raise serious concerns within VLSP prior to seeking resolution outside VLSP.

Reporting Violations

The Policy addresses the VLSP's open door policy and suggests that directors, officers, employees and volunteers share their questions, concerns, suggestions or complaints with someone who can address them properly. In the case of employees and volunteers, a supervisor is in the best position to address an area of concern. However, if an employee or volunteer is not comfortable speaking with his or her supervisor or is not satisfied with his or her supervisor's response, such employee or volunteer is encouraged to speak with the Executive Director anyone in management whom he or she is comfortable approaching. Supervisors are required to report complaints received to the Executive Director, who has specific and exclusive responsibility to investigate all reported violations. Directors and officers are encouraged to share questions, concerns, suggestions or complaints with the Executive Director. For suspected fraud regarding the Executive Director, individuals should contact any member of the VLSP Board of Directors or Executive Committee.

Accounting and Auditing Matters

¹ N-PCL § 715-b(a) will state as of May 27, 2017: "Except as provided in paragraph (c) of this section, the Board of every corporation that has twenty or more employees and in the prior fiscal year had annual revenue in excess of one million dollars shall adopt, and oversee the implementation of, and compliance with, a whistleblower policy to protect from retaliation persons who report suspected improper conduct. Such policy shall provide that no **director, officer, employee or volunteer** who in good faith reports any action or suspected action taken by or within the corporation that is illegal, fraudulent or in violation of any adopted policy of the corporation shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence.

Notwithstanding the foregoing, the Finance and Audit Committee shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Executive Director and Finance and Audit Committee Chairperson shall immediately notify the Finance and Audit Committee of any such complaint and work with such committee until the matter is resolved.

Administration of Policy

The Executive Director shall administer this Policy and report directly to the Board of Directors. Directors who are employees of VLSP may not participate in any Board or committee deliberations or voting relating to administration of the Policy.²

Actions Regarding Whistleblower Complaints

The person who is the subject of a whistleblower complaint may not be present at or participate in Board or committee deliberations or voting on the matter related to such complaint; provided, however that nothing herein 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.³

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing that 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.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspect violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The Executive Director will notify the sender and acknowledge receipt of the reported violation or suspected violation within ten business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Distribution of Policy

A copy of this Policy shall be distributed to all directors, officers, employees and to volunteers who provide substantial services to VLSP.⁴

² This will be required under N-PCL § 715-b(b)(2) as of May 27, 2017.

³ This will be required under N-PCL § 715-b(b)(3) as of May 27, 2017.

⁴ This is required by N-PCL § 715-b(b)(3). There is no definition for “substantial services” in the N-PCL.