

Santa Clara FireSafe Council

Whistleblower Policy and Procedures

Policy

1. If any officer, director, employee or contractor reasonably believes that some policy, practice, or activity of the Santa Clara FireSafe Council (SCFSC) is in violation of law, a written complaint may be filed by that person with the President or the Executive Director.
2. It is the intent of SCFSC to adhere to all laws and regulations that apply to the organization, and the underlying purpose of this Policy is to support the organization's goal of legal compliance. The support of all officers, directors, employees and contractors is necessary to achieving compliance with various laws and regulations. The protection described below is only available to officers, directors, employees or contractors that bring the alleged unlawful activity, policy, or practice to the attention of President or the Executive Director and provides them with a reasonable opportunity to investigate and correct the alleged unlawful activity.
3. SCFSC will not retaliate against an officer, director, employee or contractor who, in good faith, has made a protest or raised a complaint against some practice of SCFSC or of another individual or entity with whom SCFSC had a business relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of public policy.
4. SCFSC will not retaliate against an officer, director, employee or contractor who discloses or threatens to disclose to an SCFSC officer or director or to a public body any activity, policy, or practice of SCFSC that that person reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning health, safety, welfare, or protection of the environment.

Procedures

1. The SCFSC President and/or Executive Director are responsible for investigating any whistleblower communications and reporting promptly to the SCFSC Officers and Directors that:
 - a. A whistleblower communication has been received.
 - b. A whistleblower investigation has started.
 - c. A whistleblower investigation has been completed and the results.If either the President or the Executive Director is the subject of the investigation, the other should conduct the investigation, and request another Officer or Director to assist if needed.
2. The SCFSC President or Executive Director should encourage, but not require, the whistleblower to identify his or herself and to communicate the report in writing. Any communication which uses the word "whistleblower," or words to that effect, should be considered a whistleblower communication. The SCFSC President or Executive Director may, at their discretion, consider other communications to be whistleblower communications.
3. During a whistleblower investigation, the subject of any whistleblower communication should be given an opportunity to hear and read the complete communication and all investigation materials, to respond and to question the whistleblower if his or her identity is known. This policy and procedure and any investigation should not compromise any of the subject's rights under law or SCFSC policies and practices.

Example

Many examples are obvious but, for example, what should we do if our Executive Director receives an anonymous voice mail on our SCFSC phone line that just says, “The treasurer is out of town and I suspect that some funds are missing” with no Caller ID to identify the caller?

This is a serious report even though it may not fall under this policy because we don’t know if the caller is an officer, director, employee or contractor.

The procedure to be followed as outlined above is (and can be modified as appropriate for the circumstances by the investigators):

1. The Executive Director should report the call to the Officers and Directors following Procedure 1 and the President and Executive Director should investigate it and ask the Treasurer to check on all our funds.
2. The Treasurer may respond with a printout and summary of all our accounts to show that we have all our funds OK (or that something has happened).
3. The investigators will consider this and ask for more proof if they want to and/or they can go to the bank with or without the treasurer and check everything or ask the bank to investigate any transactions.
4. The investigators will conclude their investigation and report that everything checked out OK (or whatever the result is) and that the caller is unknown and is not entitled to any protection under this policy because there is no evidence that he or she is an officer, director, employee or contractor.

Why accept anonymous reports? A serious report like this should still be investigated even if it is anonymous.