

## **WHISTLEBLOWER PROTECTION POLICY AND FRAUDULENT OR DISHONEST CONDUCT STATEMENT**

ACEP will investigate any possible fraudulent or dishonest use or misuse of the College's resources or property by staff members, members, or volunteers.

Any staff member found to have engaged in fraudulent or dishonest use or misuse of the College's resources or property is subject to disciplinary action by ACEP, up to and including dismissal. ACEP reserves the right to refer such matters for civil and criminal prosecution.

All members of the ACEP staff are encouraged to report possible fraudulent or dishonest conduct involving the resources or property of the College. A staff member should report his or her concerns to their supervisor. If for any reason a staff member finds it difficult to report his or her concern to their supervisor, the staff member can report it directly to the Senior Director, Staff Services. In the event that a staff member suspects the Senior Director, Staff Services of fraudulent or dishonest conduct, such matter should be reported to the Executive Director. If the staff member suspects a member or volunteer of fraudulent or dishonest activity, the Senior Director, Staff Services will notify the Executive Director and the President.

ACEP managers and supervisors are required to report any suspected fraudulent or dishonest conduct to the Senior Director, Staff Services. Once the Senior Director, Staff Services is aware of any suspected misconduct involving the use or misuse of the College's resources or property by staff, the Senior Director, Staff Services will investigate the allegations to ensure they are not baseless and will consult with appropriate parties of the College (including, but not limited to, the Executive Director, and President). If the suspected misconduct involves a member or volunteer, the Senior Director, Staff Services will notify the Executive Director and the President who will investigate the allegations.

All members of ACEP are encouraged to report any concern regarding fraudulent or dishonest conduct involving the resources or property of the College. A member should report his or her concerns to the President or any member of the Audit Committee.

For more information about definitions, rights and responsibilities, and procedures, please read the following:

### **Rights and Responsibilities**

Reasonable care should be taken in dealing with suspected misconduct to avoid:

- baseless allegations
- premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved in the investigation
- violations of a person's rights

Accordingly, a supervisor who is informed of suspected misconduct should:

- NOT contact the person suspected to further investigate the matter
- NOT discuss the issue with anyone other than the Senior Director, Staff Services

### **Whistleblower Protection**

ACEP staff members may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms and conditions of employment (including, but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages). A whistleblower who believes that

he/she has been retaliated against may file a written complaint with the Senior Director, Staff Services. If the whistleblower believes that he/she has been the subject of retaliation from the Senior Director, Staff Services, he/she may file a written complaint with the Executive Director.

ACEP will use its best efforts to protect whistleblowers against any form of retaliation, as described below. It cannot guarantee confidentiality, however, and there is no such “unofficial” or “off the record” reporting. ACEP will keep the whistleblower’s identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow ACEP or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of fraudulent or dishonest conduct is entitled to the information as a matter of legal right in disciplinary proceedings.

Whistleblowers must avoid baseless allegations (as described under the definitions section of this Policy).

### **Definitions**

**Whistleblower:** A staff member who informs a supervisor or the Senior Director, Staff Services (or the Executive Director) about an activity which that person believes to be fraudulent or dishonest.

**Fraudulent or Dishonest Conduct:** A deliberate act or failure to act with the intention of obtaining an unauthorized benefit from the College. Examples of such conduct include, but are not limited to:

- Forgery or alteration of any documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage in violation of the College’s Conflict of Interest Policy
- Misappropriation or misuse of ACEP resources, including funds, supplies, or other assets
- Authorizing or receiving compensation for services not received or services not performed
- Authorizing or receiving compensation for hours not worked
- Filing expense reports or travel reimbursement requests that are false or in violation of ACEP Policies

**Baseless Allegations:** Allegations made with disregard for their truth or falsity. People making such allegations may be subject to disciplinary action.

### **Contacts**

Questions regarding this policy should be directed to the Senior Director, Staff Services.