

# Whistleblower Protection Policy

In keeping with the policy of maintaining the highest standards of conduct and ethics, FIRST will investigate any suspected fraudulent or dishonest use or misuse of FIRST's resources or property by staff, board members, consultants, or volunteers. Staff, board members, consultants, and volunteers are encouraged to report suspected fraudulent or dishonest conduct (i.e., to act as "whistleblower"), pursuant to the procedures set forth below.

## Reporting

A person's concerns about possible fraudulent or dishonest use or misuse of resources or property should be reported to a board member or the FIRST Secretariat. Alternately, to facilitate reporting of suspected violations where the reporter wishes to remain anonymous, a written statement may be submitted to one of the individuals listed above.

## Definitions

### Baseless Allegations

Allegations made with reckless disregard for their truth or falsity or allegations that were made maliciously or not in good faith. Individuals making such allegations may be subject to disciplinary action by FIRST and/or legal claims by individuals accused of such conduct.

### Fraudulent or Dishonest Conduct

A deliberate act or failure to act with the intention of obtaining an unauthorized benefit. A non-exhaustive list of examples of such conduct include the following:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Pursuit of a benefit or advantage in violation of FIRST's conflict-of-interest policy

- Misappropriation or misuse of FIRST resources, such as funds, supplies, or other assets
- Authorizing or receiving compensation for goods not received or services not performed, or paying for services or goods that are not rendered or delivered
- Authorizing or receiving compensation for hours not worked
- Supplying false or misleading information on FIRST's financial or other public documents, including its Form 990 (Annual Information Return)
- Providing false information to or withholding material information from FIRST's board or auditors
- 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 or otherwise obstructing, influencing, or impeding any official proceeding, in violation of federal or state law or regulations
- Embezzling, self-dealing, or otherwise obtaining an unlawful private benefit (i.e., FIRST assets being used by anyone in the organization improperly for personal gain).

## **Whistleblower**

An employee, consultant, or volunteer who informs a supervisor or the Chair about an activity relating to FIRST which that person believes to be fraudulent or dishonest.

## **Responsibilities and Investigations**

### **Board Members and FIRST Secretariat**

Board Members and the FIRST Secretariat are required to report suspected fraudulent or dishonest conduct to the Chair. 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 with the investigation

- Violations of a person's rights under law

Due to the important, yet sensitive, nature of the suspected violations, effective professional follow-up is critical. Supervisors should not perform any investigative or other follow-up steps on their own. Accordingly, a supervisor who becomes aware of suspected misconduct should report it to the Chair, but should not without prior permission take steps on his or her own to do any of the following:

- Contact the person suspected to further investigate the matter or demand restitution
- Discuss the case with attorneys, the media, or anyone other than the Chair
- Report the case to an authorized law enforcement officer without first discussing the case with the Chair

## Investigation

All relevant matters, including suspected but unproved matters, will be reviewed and analyzed by an appropriate person designated by the Chair or the Board. This may include an investigation by legal counsel and/or accountants in some instances. All investigations will be kept confidential to the extent feasible. Appropriate corrective action will be taken, if necessary, and findings will be communicated to the reporting person and his or her supervisor.

## Whistleblower Protection

- FIRST will use its best efforts to protect whistleblowers against retaliation. Whistleblowing complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that whistleblower complaints will only be shared with those who have a need to know so that FIRST can conduct an effective investigation, determine what action to take based on the results of any such investigation, and in appropriate cases, with law enforcement personnel. (Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such persons may also have the right to know the identity of the whistleblower.)

- Employees, consultants, and volunteers of FIRST may not retaliate against a whistleblower for informing management about an activity which that person believes in good faith to be fraudulent or dishonest with the intent or effect of adversely affecting the terms or conditions of the whistleblower's employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or fees. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Chair. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Whistleblowers must be cautious to avoid baseless allegations (as described earlier in the definitions section of this policy). Allegations that are baseless and not made in good faith may result in disciplinary action.