

## **WHISTLEBLOWER POLICY**

### **HAWAII EDUCATION ASSOCIATION (HEA)**

(A Hawaii nonprofit corporation)

In keeping with the policy of maintaining the highest standards of conduct and ethics, Hawaii Education Association (HEA) (hereafter, the "Corporation") will investigate any suspected fraudulent or dishonest use or misuse of the Corporation's resources or property. Board members, officers, staff, consultants, and volunteers are encouraged to report suspected fraudulent or dishonest conduct pursuant to the procedures set forth below.

This policy is intended to supplement but not replace State and federal laws and agreements governing whistleblower protection, including the Hawaii Whistleblowers' Protection Act.

#### **Reporting**

A person's concerns about possible fraudulent or dishonest use or misuse of resources or property should be reported to his or her supervisor or, if suspected by a volunteer, to the person supporting the volunteer's work. If, for any reason, a volunteer finds it difficult to report his or her concerns to the person supporting the volunteer's work, the volunteer may report the concerns directly to the President or Board of Directors. Alternatively, to facilitate reporting of suspected violations where the person wishes to remain anonymous, a written statement may be submitted to one of the persons listed above.

Examples of activities and situations that may present fraudulent or dishonest use or misuse of resources or property include but are not limited to the following:

- Forgery or alteration of documents;
- Unauthorized alteration or manipulation of computer files;
- Fraudulent financial reporting;
- Pursuit of a benefit or advantage in violation of the Corporation's conflict of interest policy;
- Misappropriation or misuse of the Corporation's resources, such as funds, supplies, or other assets;
- Authorizing or receiving compensation for goods not received or services not performed.

## **Baseless Allegations**

Persons making allegations with reckless disregard for their truth or falsity may be subject to disciplinary action by the Corporation and/or legal claims by persons accused of such conduct.

## **Investigation**

All relevant matters, including suspected but unproved matters, will be reviewed with documentation of the receipt, retention, investigation, and treatment of the complaint. Appropriate corrective action will be taken, if necessary, and findings will be communicated to the reporting person. Investigations may warrant investigation by independent persons such as auditors and/or attorneys.

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, and violations of a person's rights under the law

## **Whistleblower Protection**

The Corporation will use its best efforts to protect reporting persons against retaliation. Complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that complaints will only be shared with those who have a need to know so that the Corporation 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 complaint, such persons may also have the right to know the identity of the reporting person.)

This policy will not be construed to diminish or impair the rights of persons to the continued protection of confidentiality of communications where statute or common law provides such protection. The Corporation may consult with its expert or legal advisor in this regard to ensure proper compliance.

Board members, officers, staff, consultants, and volunteers of the Corporation may not retaliate against a person for informing the Corporation about an activity which that person believes to be fraudulent or dishonest with the intent or effect of adversely affecting the terms or conditions of the person's relationship with the Corporation, including but not limited to, loss of position, threats, or otherwise discriminate against the person regarding the person's compensation, terms, conditions, location, or privileges of such relationship.

Persons who believe that they have been retaliated against may file a written complaint with the President or Board of Directors. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated.

**CERTIFICATION**

I hereby certify that I am an authorized officer of the Corporation and that the Board of Directors adopted this policy on December 10, 2016, and the policy is currently effective.

Date: 12/20/16

*June Motakawa* President  
Authorized Officer (signature and office held)

## HAWAII EDUCATION ASSOCIATION

### WHISTLE BLOWER POLICY

(Effective \_\_\_\_\_)

#### Purpose

The purpose of this policy is to encourage and enable members, employees and others to raise serious concerns within the Hawaii Education Association (the Organization) prior to seeking resolution outside the Organization. "Serious concerns" include, but may not be limited to violations of law or regulation, unsafe conditions, dishonest or deceptive acts, or unethical behavior.

#### Policy

1. **Raising Questions and/or Concerns.** The Organization shall maintain an open door policy. Members, employees and others are encouraged to share their questions, concerns, suggestions or complaints with the President or other members of the Board of Directors (the Board) who can address them properly.

For suspected fraud and concerns regarding corporate accounting practices, internal controls or auditing, individuals should contact the Organizations attorney or accountant directly.

2. **No Retaliation.** No person, who in good faith reports any violation of law or regulation, unsafe conditions, dishonest or deceptive acts, or unethical behavior related to the Organization, shall suffer retaliation or adverse consequence as a result of his/her report.
3. **Discipline.** Any person who engages in retaliation in violation of this policy shall be subject to discipline as determined by the Board.

#### Reporting Retaliation

It is the responsibility of all directors, managers, and staff to report suspected retaliation to the President or any other director. The procedures for reporting or complaining or retaliation are as follows:

1. **Reports and Complaints to the President.** The Executive Committee is responsible for coordinating the investigation and resolution of all reports from witnesses and/or victims concerning alleged retaliation. The Executive Committee shall immediately notify the other directors of the filing or any report or complaint. Reports and/or complaints of retaliation should be in writing and will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

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2. **Investigations.** All reports shall be promptly investigated by the Executive Committee, who may retain a qualified outside investigator to conduct an investigation.
3. **Remedial Action.** The designated investigator shall prepare a written report of he/her findings, along with any recommendations for remedial action, and submit the report to the President. The written report shall be given to the Board for final review and decisions on remedial action. All remedial actions shall be documented.

Records

A record of complaints, investigative reports, and remedial actions shall be kept by the Board Secretary. Such records are considered confidential and shall only be disclosed pursuant to written authorization by the President or as required by law.

