

## **Whistle-Blower Policy**

(Adopted February 27, 2009)

### **Statement of Policy**

In keeping with the policy of maintaining the highest standards of conduct and ethics, the State Bar of Wisconsin will investigate any suspected fraudulent or dishonest use or misuse of State Bar of Wisconsin's resources or property by employees, officers, board members, consultants or volunteers. State Bar of Wisconsin is committed to maintaining the highest standards of conduct and ethical behavior and promotes a working environment that values respect, fairness and integrity. All employees, officers, board members and volunteers shall act with honesty, integrity and openness in all their dealings as representatives for the organization. Failure to follow these standards will result in disciplinary action, including possible termination of employment, dismissal from one's volunteer duties and possible civil or criminal prosecution.

This policy is intended to encourage and enable employees, officers, board members, consultants and volunteers to report suspected fraudulent or dishonest conduct (i.e. to act as a "whistle-blower," as defined below), pursuant to the procedures set forth below.

### **Definitions**

Baseless Allegations: Allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to disciplinary action by State Bar of Wisconsin, and/or legal claims by individuals accused of such conduct.

Fraudulent or Dishonest Conduct: A deliberate act or failure to act in a manner that violates the law or breaches one's duty of loyalty to State Bar of Wisconsin and its constituents, with the intention of obtaining an unauthorized benefit (whether that benefit is tangible or intangible). Examples of such conduct include, but are not limited to:

- forgery or alteration of documents;
- unauthorized alteration or manipulation of computer files;
- fraudulent financial reporting;
- pursuit of a benefit or advantage in violation of State Bar of Wisconsin's *Conflict of Interest policy*;
- misappropriation or misuse of State Bar of Wisconsin resources, such as funds, supplies, or other assets;
- authorizing or receiving compensation for goods not received or services not performed; or
- authorizing or receiving compensation for hours not worked

Whistle-Blower: An employee, officer, board member, consultant or volunteer who informs a supervisor, Chair of the Audit Committee, Human Resources & Administration Manager, Assistant Executive Director, Executive Director or the President about an

activity relating to State Bar of Wisconsin which that person reasonably believes to be fraudulent or dishonest.

## **Rights and Responsibilities**

It is the responsibility of all employees, officers, board members, consultants and volunteers to comply with this policy and to report violations or suspected violations in accordance with this policy.

### 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 it is suspected that the wrongful conduct has been committed by a volunteer, to the staff member supporting the volunteer's work. If for any reason a person finds it difficult to report his or her concerns to a supervisor, or to the staff member supporting a volunteer's work, the person may report the concerns directly to the Chair of the Audit Committee, Human Resources & Administration Manager, Assistant Executive Director, Executive Director or the President. 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. As indicated below, State Bar of Wisconsin cannot guarantee that a reporter's identity will remain anonymous, but State Bar of Wisconsin will protect the confidentiality of all communications to the extent that it can do so consistent with the integrity of its investigation (including but not limited to the rights of the person accused) as well as its legal and ethical obligations.

### Investigation

Any employee in a supervisory or management position is required to immediately report suspected violations of the policy to the Chair of the Audit Committee, Human Resources & Administration Manager, Assistant Executive Director, Executive Director or the President. All relevant matters, including suspected but unproved matters, will be reviewed and analyzed. Appropriate corrective action will be taken, if necessary. Certain matters may warrant investigation by an independent person such as auditors and/or attorneys. State Bar of Wisconsin will comply with all legal and ethical obligations requiring disclosure of suspected wrongdoing to third parties.

- Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Supervisors, while appropriately concerned about "getting to the bottom" of such issues, should therefore immediately refer matters brought to their attention to one of the individuals named in the prior paragraph of this policy rather than conducting an independent investigation on their own or contacting the individual who is suspected of wrongdoing. Consistent with applicable law, questions from third parties, including the media, should be directed to the Chair of the Audit Committee, Human Resources &

Administration Manager, Assistant Executive Director, Executive Director or the President.

### Whistle-Blower Protection

State Bar of Wisconsin will protect whistle-blowers as defined below.

- State Bar of Wisconsin will use its best efforts to protect whistle-blowers against retaliation. Whistle-blowing complaints will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and by applicable law. Generally this means that whistle-blower complaints will only be shared with those who have a need to know so that State Bar of Wisconsin can conduct an effective investigation, determine what action to take based on the results of any such investigation, and, in appropriate cases, consult with law enforcement personnel. Should disciplinary or legal action be taken against a person or persons as a result of a whistle-blower complaint, such persons may also have a right to know the identity of the whistle-blower.
- Employees, consultants and volunteers of State Bar of Wisconsin may not retaliate against a whistle-blower for informing management of activity which that person believes, with a good faith basis for believing, is fraudulent or dishonest. Retaliation includes activity undertaken with the intent of adversely affecting the terms or conditions of the whistle-blower's employment, including but not limited to threats of physical harm, loss of job, punitive work assignments, or impact on salary or fees. Whistle-blowers who believe that they have been retaliated against may file a written complaint with the Chair of the Audit Committee, Human Resources & Administration Manager, Director of Finance & Administration, Executive Director or the President.

Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken, up to and including termination of employment 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.

- Whistle-blowers making baseless allegations (as described earlier in the definitions section of this policy) will themselves be subject to potential discipline, up to and including termination.