

# WHISTLEBLOWER POLICY

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## BACKGROUND AND PURPOSE

Associated Students of San Francisco State University (AS) requires directors, officers, employees, and interns/ volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the AS, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

## POLICY STATEMENT

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that AS can address and correct inappropriate conduct and actions. It is the responsibility of all board members, officers, employees and interns/ volunteers to report concerns about

violations of AS’s Code of Ethics or suspected violations of law or regulations that govern AS’s operations.

**APPLICABILITY TO THE POLICY**

All Associated Students staff and Board of Directors members, and any and all affiliated individuals who conduct business on behalf of AS should be aware of this policy.

**DEFINITIONS**

Term	Definition
<b>Assistant Executive Director of Human Resources (AEDHR)</b>	This position oversees the development and implementation of human resources policies, programs, and services. The AEDHR engages in the strategic planning process and fosters a workplace environment consistent with the values and mission of AS delivering value added services to management and employees.
<b>Associated Students (AS)</b>	The student government of San Francisco State University which serves as the official voice of students. AS promotes an enriched co-curricular student life experience and is dedicated to the empowerment of SF State’s diverse student body through a commitment to social justice and shared governance. AS provides and supports services and programs, maintains fiduciary responsibility, and engages in campus-wide collaborations and external advocacy efforts.
<b>Board of Directors (BOD)</b>	The student body of elected or appointed members who oversee and approve the activities of Associated Students at San Francisco State University.
<b>Compliance Coordinator</b>	Under the supervision of the AEDBAF, this position performs all work related to the management of organizational priorities related to audit services, risk management, contracts administration, as well as policies and procedures. They are responsible for the creation of policies related to these functional areas, training of all staff affected by them, as well as comprehensive testing and monitoring to ensure general compliance.
<b>Executive Director (ED)</b>	This position provides executive leadership, management, oversight, and strategic guidance in support of AS. Additionally, the Executive

	Director ensures the appropriate implementation of AS policies and procedures as well as provides supervision to ensure and improve the quality of operations and programs within the organization.
<b>Good Faith</b>	A sincere belief or motive without any malice or the desire to defraud others
<b>Retaliation</b>	Following a report by a whistleblower, an individual takes adverse actions against the whistleblower through actions including, but not limited to, reprimanding the employee or giving a performance evaluation that is lower than it should be; transferring the employee to a less desirable position; engaging in verbal or physical abuse; threatening adverse action; increasing scrutiny; spreading false rumors; or making the person's work more difficult.
<b>Whistleblower</b>	An employee who reports an activity that they consider to be illegal or dishonest to one or more of the reporting individuals specified in this policy

## STANDARDS AND PROCEDURES

### 1. No Retaliation

It is contrary to the values of AS for anyone to retaliate against any Board member, officer, employee, or volunteer who, in good faith, reports an ethics violation or a suspected violation of law, such as, but not limited to, a complaint of discrimination, suspected fraud, suspected violation of any regulation governing the operations of AS. An employee, Board member, or intern/ volunteer who retaliates against someone who has reported a violation in good faith is subject to discipline up to, and including, termination of employment, removal from the AS Board of Directors, or dismissal from their AS affiliated internship.

Instances believed to be in retaliation towards a potential whistleblower shall be determined by the Executive Director (ED) in consultation with the Assistant Executive Director of Human Resources (AED HR). If either the ED or AED HR are suspected to be the parties committing the retaliation, the determination will be made by the executive staff in collaboration with either the ED or AED HR, whichever is not implicated in the potential instance(s) of retaliation.

Instances of Board member retaliation are to be determined by the ED and AED HR and would represent a violation of the terms and conditions of their contracts as seated Board members. If a Board member is determined to be acting in retaliation against a whistleblower, the Board should move to remove that Board member.

## **2. Reporting Procedure**

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

AS has an open door policy and encourages employees share their questions, concerns, suggestions, or complaints with their supervisor. If an employee has knowledge of, or a concern of, illegal or fraudulent activity, the employee is to contact their immediate supervisor. If the employee is not comfortable speaking with their supervisor or is not satisfied with their supervisor's response, they are encouraged to speak with the AED HR, the organizations' Compliance Coordinator, or the organizations Executive Director. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing to the AED HR, who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or the Assistant Executive Director of Human resources, Compliance Coordinator, or Executive Director.

## **3. Accounting and Transparency**

The Assistant Executive Director of Human Resources is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. They will advise the Executive Director and the Board of Directors of all complaints and their resolution, as well as report at least annually to the Board of Directors on compliance activity relating to accounting or alleged financial improprieties.

The AED HR shall immediately notify the AS Finance Committee of any concerns or complaint regarding corporate accounting practices, internal controls or auditing and work with the committee until the matter is resolved.

## **4. Acting in Good Faith**

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **5. Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### **6. Handling of Reported Violations**

The Assistant Executive Director of Human Resources will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

## **FORMS**

No Forms.

## **WHISTLEBLOWER POLICY APPROVAL AND REVISION HISTORY**

Whistleblower Policy was Approved by the AS Board of Directors on

06/12/2019