

Maine Chapter – American College of Emergency Physicians

WHISTLEBLOWER PROTECTION POLICY

Adopted: _____, 2023
Revised: _____

Introduction

The Maine Chapter – American College of Emergency Physicians (MEACEP) adopts the following Whistleblower Protection Policy in order to strengthen its existing policies and procedures, maintain and exemplify "best practices," and comply with applicable laws¹ and regulations.

The Whistleblower Policy

MEACEP is committed to facilitating open and honest communications relevant to its governance, finances, and compliance with all applicable laws and regulations, including safety regulations. MEACEP requires directors, officers, members and volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Directors, officers, members and volunteers of MEACEP must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

This Whistleblower Protection Policy ("the Whistleblower Policy") reflects the practices and principles of behavior that support this commitment. It is important that MEACEP and its Board be apprised about unlawful or improper workplace behavior including, but not limited to, any of the following conduct:

- theft;
- financial or safety reporting which is fraudulent, intentionally misleading or negligent in any manner;
- improper or undocumented financial transactions;
- forgery or alteration of documents;
- unauthorized alteration or manipulation of computer files;
- improper destruction of records;
- improper use of MEACEP assets, including, but not limited to its property, facilities, funds, supplies, and other assets;
- improper access and or use of confidential information;
- authorizing or receiving compensation for goods not received or services not performed;
- violations of MEACEP's Whistleblower Policy;
- any other improper occurrence regarding cash, financial procedures, safety or reporting;
- any abuse of, or discrimination against a Corporation member; and

¹ Non-profit organizations are required by federal law to adopt a Whistleblower Protection Policy (Public Company Accounting Reform and Investor Protection Act of 2002, "Sarbanes-Oxley"). This is one of two requirements of Sarbanes-Oxley that apply to non-profits, which are otherwise not subject to that federal legislation.

- a failure by MEACEP to provide reasonable accommodation for disability or religious belief.

We request the assistance of any director, member or volunteer who has a reasonable belief or suspicion about any improper transaction. MEACEP values this input, and each director, member, or volunteer should feel free to raise issues of concern in good faith, without fear of retaliation. Directors, members and volunteers will not be disciplined, expelled, or be retaliated against in any way for asking questions or raising concerns about conduct of this sort.

MEACEP will investigate any possible fraudulent or dishonest use or misuse of MEACEP's resources, or abuse, discrimination or a failure to provide reasonable accommodation by Directors, members, or volunteers. MEACEP will take appropriate action against anyone found to have engaged in fraudulent, dishonest, abusive or discriminatory conduct, including expulsion from MEACEP, or civil or criminal prosecution, when warranted.

Therefore, all members of MEACEP, directors and volunteers are encouraged to report possible fraudulent, abusive, discriminatory, or dishonest conduct (i.e., to act as a "whistleblower"), pursuant to the procedures set out below.

Reporting Responsibility

Every director, member or volunteer of MEACEP has an obligation to report in accordance with this Whistleblower Policy (a) questionable or improper accounting, financial or auditing matters, and (b) violations and suspected violations of MEACEP's policies or any unlawful or improper conduct involving MEACEP's property, equipment or facilities (hereinafter collectively referred to as "Concerns").

Authority of Board

All reported Concerns will be forwarded to the Board in accordance with the procedures set forth herein. The Board shall be responsible for investigating and making appropriate decisions with respect to all reported Concerns.

No Retaliation

This Whistleblower Policy is intended to encourage and enable directors, members and volunteers to raise Concerns within MEACEP for investigation and appropriate action. With this goal in mind, no director, member or volunteer who, in good faith, reports a Concern shall be subject to retaliation or expulsion. Moreover, a volunteer or member who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including dismissal from the volunteer position or expulsion from MEACEP.

REPORTING CONCERNS

Members, Directors and Volunteers

Members, directors and volunteers should first discuss their Concern with the President. In addition, if the individual is uncomfortable speaking with the President, or the President is a subject of the Concern, the individual should report his or her Concern directly to MEACEP's Board of Directors or to another Officer of the Board of Directors.

If the Concern is related orally to the President, the reporting individual, with assistance of the President, shall reduce the Concern to writing. The President is required to promptly report the Concern to the Board of Directors, which has specific responsibility to investigate all Concerns. If the President, for any reason, does not promptly forward the Concern to the Board, the reporting individual should directly report the Concern to the Board of Directors. Concerns may also be submitted anonymously. Such anonymous Concerns should be in writing and sent directly to the President and the Board of Directors.

Handling of Reported Concerns

The President shall immediately notify the Board of Directors of any such report. The President will notify the reporter and acknowledge receipt of the Concern within five (5) business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted Concerns. The Board shall address all reported Concerns at a Board Meeting.

All reports will be promptly investigated by the Board, or any other appropriate Committee of the Board of Directors and appropriate corrective action will be recommended to the Board of Directors, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the reporter for resolution of the Concern.

The Board has the authority to retain outside legal counsel, accountants, private investigators, any other resource, or refer to another appropriate Committee of the Board of Directors, as deemed necessary to conduct a full and complete investigation of all reported Concerns.

Acting in Good Faith

Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of MEACEP's policies. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or expulsion from membership. Such conduct may also give rise to other actions, including civil lawsuits.

RIGHTS AND RESPONSIBILITIES OF MEMBERS AND VOLUNTEERS

Whistleblower Protection

MEACEP will protect whistleblowers as follows:

1. MEACEP will use its best efforts to protect whistleblowers against retaliation. All complaints by whistleblowers will be handled with sensitivity, discretion and

confidentiality to the extent allowed by the circumstances and the law. Generally, this practice means that whistleblower concerns will only be shared with those who have a need to know in order to conduct an effective investigation. Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such person(s) may also have a right to know the identity of the whistleblower.

2. A whistleblower shall not be subject to retaliation. No punishment for reporting Concerns will be allowed, even if the claims are unfounded; a reasonable belief or suspicion that unlawful or improper workplace behavior has occurred is enough to create a protected status for the whistleblower. No action can be taken against the whistleblower with the intent or effect of adversely affecting the terms or conditions of the whistleblower's membership in the organization, including, but not limited to threats of physical harm, loss of membership or harm to reputation. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Board. Any complaint of retaliation will be promptly investigated, and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation does not prohibit the Operations Manager from acting in the usual scope of their duties and based on valid safety-related factors.
3. Whistleblowers must be cautious to avoid baseless allegations, which are allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to expulsion by MEACEP, and/or legal claims by individuals accused of such conduct.

Notification

This Whistleblower Policy is to be communicated to all new members, volunteers and directors as a part of their orientation. In addition, each year, after the annual election of the officers and directors, the Secretary will have the responsibility of updating the contact information below for each of these individuals.

President
Email
Phone

Vice President
Email
Phone

Secretary/Treasurer
Email
Phone