

Whistleblower Policy Coastal Pines Technical College Foundation, Inc.

The Coastal Pines Technical College Foundation ("CPTC Foundation" or "Foundation") is committed to facilitating open and honest communications relevant to its governance, finances, and compliance with all applicable laws and regulations.

The Foundation's assets and activities must be directed toward the accomplishment of educational and charitable purposes and not diverted or manipulated to serve private interests. To this end, the Board of Trustees adopts this Whistleblower Policy in order to encourage and empower the Foundation's directors, officers, employees, delegated Coastal Pines Technical College (CPTC) support staff, and volunteers to report misuse, inappropriate allocation or diversion of the Foundation's charitable resources, including, but not be limited to, the following:

- theft
- unauthorized reimbursement of personal expenses
- financial reporting that is knowingly or intentionally misleading
- misallocation of federal, state or philanthropic grant proceeds (i.e., use for a purpose other than as stated in the grant agreement)
- improper or undocumented financial transactions
- improper destruction of records
- improper use, including unauthorized or undocumented personal use, of Foundation assets
- violations of the CPTC Foundation's conflict-of-interest policy
- other improper occurrences regarding cash, financial procedures, or reporting
- other violations of the Foundation's policies and procedures or federal, state or local law

Each violation above referred to hereafter as "Misuse."

Obligation to Report

The Foundation Board encourages any person who has a concern regarding the Foundation's governance, finances, or compliance with all applicable laws and regulations to raise the concern. Actual, suspected, or threatened Misuses shall be promptly reported to the Executive Director (who may be a paid employee or delegated CPTC support staff member) or her/his designee, or in the case of a report concerning the Executive Director, to the college president or Chair of the Board of Trustees or any Board member (each a "Responsible Officer"). If the person making the report (the "Whistleblower") so requests, the Whistleblower's identity shall be kept confidential.

Furthermore, a Whistleblower may submit a report anonymously, in writing. Anonymity will be maintained to the extent possible. However, the Whistleblower should be aware that, in some instances, preserving anonymity could make it more difficult to investigate the report and ensure appropriate resolution of the reported Misuse.

Contact Information

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For all correspondence, mark envelope:

"TO BE OPENED BY ADDRESSEE ONLY: PERSONAL AND CONFIDENTIAL"

Reporting Procedure

Informal Reporting Procedure

Whistleblowers are encouraged to discuss their concerns with the Executive Director, Board Chair, or College President prior to submitting a formal complaint of Misuse. If the concern cannot be resolved informally, the Whistleblower may submit a formal written complaint.

Formal Reporting Procedure

- a. The Whistleblower must submit a written report of Misuse.
- b. The Responsible Officer will record the date and time when the complaint or report is received and will maintain a chronological log of all related activity and conversation.
- c. The complaint should be submitted in writing within **twenty (20)** business days after the occurrence of the Misuse, or within **twenty (20)** business days after the Whistleblower becomes aware of the problem. Business day is defined as any day that the Foundation Office is open to the public. **All complaints to a Responsible Officer will be investigated regardless of when they are reported; however, timeliness is of essence in order to conduct the most accurate and fair investigation.**
- d. The report must contain the following information:
 - i. an explanation of the specific concern;
 - ii. the time, date and place when the event occurred;
 - iii. the identity of any witnesses with knowledge about the event;
 - iv. the policy or procedure that has been violated, if any, and
 - v. a description of the resolution that the Whistleblower is seeking.

Formal Resolution Procedure

The Responsible Officer shall respond to the complaint within a reasonable time period of the date after the Whistleblower's complaint is submitted, typically within **twenty (20) business days**, depending on the complexity of the complaint. The response shall indicate one of the following:

- a. that the subject matter of the complaint is not appropriate for resolution under this procedure. In this instance, the Responsible Officer shall explain the specific reasons for this determination;
- b. that the complaint was not reported in a timely manner and, as a result of the delay, did not afford the Foundation a reasonable opportunity to investigate the allegation(s) of Misuse;

- c. that the Whistleblower's complaint will be reported to the appropriate legal and law-enforcement authorities and investigated pursuant to the procedure governing reports of illegal action; or,
- d. that the subject matter of the complaint is appropriate for resolution under this procedure.

If the subject matter of the complaint is appropriate for resolution under this procedure and further investigation by the Responsible Officer is deemed necessary (see d above), the Responsible Officer shall take the following steps:

1. Take appropriate action to investigate the reported Misuse (which may involve Step 2 below).
2. Interview the complainant and the person or persons about whom the Whistleblower has complained within a reasonable time period of receiving the complaint or report of Misuse, which in most cases will not exceed **sixty (60) business days**, depending on the nature of the investigation. The Responsible Officer may also conduct an additional fact-finding investigation after the conclusion of the interviews.
3. Issue a written recommendation as to the appropriate resolution of the complaint within a reasonable time period, not to exceed **thirty (30) business days** after the activities in 2 above have concluded. The recommendation shall be forwarded to the complainant and to the subject(s) of the Misuse. All materials/documents associated with the report shall be maintained in the Foundation Office.
4. If, after such investigation, the Responsible Officer reaches the conclusion that no Misuse has occurred, the Responsible Officer shall forward a final written report to the Board of Directors and meet with the Whistleblower (unless the report was made anonymously) for the purpose of providing a copy of the Responsible Officer's report and discussing the report, including decisions regarding the report and recommended resolutions.
5. Any reported Misuse that is believed to be credible and does not exceed \$1,000 may be resolved by the Executive Director and the Foundation Executive Committee, with a report to the Board of Directors as outlined in Section 2 above.
6. Any reported Misuse that is believed to be credible and exceeds \$1,000 shall be forwarded to the Board of Trustees. The Board shall review the allegations or complaints to determine whether or not sufficient credible evidence exists for further inquiry.
 - A. If the Board determines that sufficient credible evidence does not exist, then the complaint or allegations shall be dismissed by the Board.
 - B. In the event that the Board determines that sufficient credible evidence may exist, the person against whom the complaint or allegations were made (Accused) shall be afforded the opportunity of an informal hearing before the Board. If a hearing is requested, the following procedure shall apply:

1. The Accused shall be given notice of a minimum of ten days in advance of the hearing date, time, and location.
2. The Accused shall be notified of the right to have an attorney present at the hearing.
3. The notice shall contain a summary of the specific allegations or complaints made against the Accused.
4. The notice shall contain a list of potential witnesses who may testify against the Accused.
5. The notice shall inform the Accused of his/her right to have witnesses present to testify on his/her behalf.
6. The decision reached by the Board shall be reduced to writing and mailed to the Accused by certified mail within a reasonable time following the close of the hearing.

C. In the event that the Accused is dissatisfied with the decision of the Board, the Accused may request non-binding arbitration pursuant to the Georgia Arbitration Code," §O.C.G.A. 9-9-1 seq. The request for arbitration must be in writing and must be tendered to the Chair of the Foundation Board within **thirty (30) days** of the Accused's receipt of the written decision of the Board. The cost of arbitration shall be divided evenly between the Foundation and the Accused.

The Foundation Board shall ultimately determine whether a Misuse has occurred, with an affirmative finding requiring a two-thirds majority vote of the disinterested directors. If the Board determines that a Misuse has occurred, it shall consider and take appropriate action which may include, but not be limited to: (a) requiring the return of any misappropriated assets or funds; (b) removal or dismissal of the person who committed the Misuse; and (c) reporting the Misuse to the appropriate legal and law-enforcement authorities.

Other General Considerations

- The investigation and resolution of complaints which are submitted pursuant to this procedure shall be confidential to the extent possible. Information concerning the nature, scope and resolution of any such Misuse shall be made available to hearing officers and investigating parties only. Otherwise, the information will remain confidential.
- If the Whistleblower submits more than one concern, those reports of Misuse or concerns may be consolidated and resolved at the same time. If multiple Whistleblowers file concerns that are substantially similar, all such concerns may be consolidated into one proceeding.
- A copy of the Whistleblower Policy and Reporting Procedure shall be made available to all persons electronically upon request or through other means as determined by the Foundation Office.

- All materials/documents relating to a grievance shall be maintained perpetually or until which time the statute of limitations expires from the official date of the final, non-appealed decision of an arbitrator or from the final resolution of the matter, as agreed and documented by all parties. The official date is defined as the date by which the resolution, order, or decision is supplied by registered mail to the complainant.

No Retaliation

Every trustee, officer, employee, delegated CPTC support staff member, or volunteer who has a reasonable belief or suspicion that a Misuse has occurred should feel free to raise the concern, in good faith, without fear of retaliation. It shall be considered a violation of this Policy for any trustee, officer, employee, delegated CPTC support staff member, or volunteer to retaliate, encourage, or permit retaliation against a person for reporting an actual, suspected, or threatened Misuse. Whistleblowers will not be disciplined, demoted, suspended, harassed, terminated, or otherwise face retaliation for bringing concerns, in good faith, to the attention of the Foundation and providing the Foundation a reasonable opportunity to investigate and take appropriate action. The report will be investigated and even if determined not to be waste, fraud, or abuse, the individual making the report will not be retaliated against.

Any trustee, officer, employee, delegated CPTC staff member, or volunteer who engages in retaliation will be subject to disciplinary action, which may include, but not be limited to, removal and/or dismissal. Reports of retaliation should be made pursuant to the reporting procedures of this Policy.

This Policy is intended to be used in good faith and in a judicious manner. Reports that are not made in good faith, or are otherwise made for purposes of harassing or annoying another party, may result in institutional disciplinary action or legal action.

Adopted March 29, 2010
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Next Review January 2019