

# National Association Of Criminal Defense Lawyers

## WHISTLEBLOWER POLICY

*Adopted by the Board of Directors on August 2, 2008, in Milwaukee, Wisconsin*

### **Purpose/Objective**

To set forth policies and establish procedures for the protection of whistleblowers from retaliation in accordance with federal applicable law.

Code of Conduct: The National Association of Criminal Defense Lawyers ("NACDL") requires that its officers and employees conduct their duties and responsibilities in accordance with high ethical standards and in compliance with its Code of Conduct (the "Code").

### **Reporting Responsibility**

NACDL is fully committed to providing a workplace that is open to and fosters communication concerning all aspects of its organization and operations, including compliance with all laws and ordinances. It is the responsibility of all directors, officers and employees to comply with the Code and to report improper activities or improper acts in accordance with this Whistleblower Policy. Toward that end, NACDL has adopted this policy to protect its employees from unlawful threats, discrimination, retaliation or discharge as a result of their lawful responsibility to report any conduct they reasonably believe to be fraud, misconduct or other violations. This policy is not intended to address claims or allegations of harassment, sexual or otherwise, or other types of discrimination in the workplace; those issues are covered in separate policies adopted by NACDL.

NOTE: A "whistleblower" is defined as anyone who makes a good faith effort to disclose information about "improper activities" or about significant threats to public health and safety.

Improper activities or improprieties refers to any action that violates state or federal law or regulation, including but not limited to corruption, bribery, theft or misuse of NACDL funds and/or property, fraudulent claims, coercion, willful omission to perform duty, economic waste, gross misconduct, gross incompetence or gross inefficiency, or any condition that may significantly threaten the health or safety of employees or the public.

Improper acts as defined by this policy exclude personnel actions, for which other remedies exist, from investigation. These types of actions include, but are not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, performance evaluations, reductions in pay, dismissals, suspensions,

demotions, violations of state civil service laws, labor agreement violations, reprimands or other disciplinary actions.

### **Acting in Good Faith**

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

### **Confidentiality**

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

### **Authority of the Audit Committee**

All reported concerns will be forwarded to the NACDL Audit Committee in accordance with the procedures set forth herein. The Audit Committee shall be responsible for investigating and making appropriate recommendations to the Board of Directors with respect to all reported concerns.

### **No Retaliation**

The Whistleblower Policy is intended to encourage and enable directors, officers and employees to raise concerns within NACDL for investigation and appropriate action. With this goal in mind, no director, officer or employee who, in good faith, reports a concern shall be subject to retaliation or, in the case of an employee, adverse employment consequences. Moreover, a director, officer or employee who retaliates against someone who has reported a concern in good faith is subject to discipline up to and including dismissal from the director or officer position or termination of employment.

### **Procedures for Reporting Concerns**

#### **Employees**

Employees should first discuss their concern with their immediate supervisor. If, after speaking with his or her supervisor, the individual continues to have reasonable grounds to believe the concern is valid, the individual should promptly report the concern to the Executive Director. In addition, if the individual is uncomfortable speaking with his/her supervisor, or the supervisor is a subject of the concern, the individual should report his/her concern directly to the Executive Director. If the Executive Director is the subject of the

concern, the individual should report his/her concern directly to the Chair of the Audit Committee.

If the concern was reported verbally to the Executive Director, the reporting individual, with assistance from the Executive Director, shall reduce the concern to writing. The Executive Director is required to promptly report the concern to the Chair of the Audit Committee, who has specific and exclusive responsibility to investigate all concerns. Concerns may also be submitted anonymously. Such anonymous concerns should be in writing and sent directly to the Chair of the Audit Committee.

### **Directors and Officers**

Directors and officers should submit concerns in writing directly to the Chair of the Audit Committee.

### **Handling of Reported Violations**

The Audit Committee shall address all reported concerns. The Chair of the Audit Committee shall immediately notify the Audit Committee, the President and the Executive Director of any such report. The Chair of the Audit Committee will notify the sender and acknowledge receipt of the concern within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted concerns.

All reports will be promptly investigated by the Audit Committee 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 complainant for complete closure of the concern.