

PROCEDURE

Series:	Risk Management-QA	COA: GOV 8 CFOP: NA
Procedure Name:	Whistle Blower Protection	
Procedure Number:	RQ-501	
Reviewed Date:	03/12/12, 11/10/16, 12/13/19, 08/14/2020	
Revision #/Date:	01/08/13	
Effective Date:	10/15/2008	
Applicable to:	All BFP FOA Board of Directors, Officers and Staff	

SUBJECT: Whistle Blower Protection

PURPOSE: To meet the requirement of the Board of Directors in Policy Number (BFP) GOV-203, CARES GOV BC-1014 to provide protection for whistle-blowers (“employees”) who risk their careers by reporting suspected illegal activities within the organization.
Reference: Sarbanes-Oxley Act-2002 and section 448.102, Florida Statutes.

PROCEDURE:

General

BFP FOA’s Codes of Conduct (HR 201) requires directors, officers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the organization, BFP FOA staff must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

It is the responsibility of all directors, officers, and employees to comply with the aforementioned code of conduct and to report violations or suspected violations of a law, rule or regulation in accordance with this Whistleblower Procedure. A whistleblower shall be defined as any director, officer, or employee of the BFP FOA.

Reportable Violation

An activity, policy, or practice of the BFP FOA as the employer that is in violation of a law, rule or regulation.

Protection Afforded the Whistleblower

The BFP FOA will take no retaliatory personnel action against a whistleblower for the following action:



- (1) Disclosing, or threatening to disclose, to any appropriate BFP FOA representative or government authority, under oath, in writing, an activity, policy, or practice of the BFP FOA that is in violation of a law, rule, or regulation.

(However, this subsection does not apply unless the whistleblower has, in writing, brought the activity, policy, or practice to the attention of a supervisor or to the appropriate agency within the BFP FOA as prescribed and has afforded the employer a reasonable opportunity to correct the activity, policy, or practice.)

- (2) Providing information to, or testifying before, any appropriate BFP FOA representative, government authority, person, or entity conducting an investigation, hearing, or inquiry into an alleged violation of a law, rule, or regulation by Brevard Family Partnership.
- (3) Objecting to, or refusing to participate in, any activity, policy, or practice of the BFP FOA which is in violation of a law, rule, or regulation. (no written notice by employee required)

Reporting Violations

A whistleblower must report any suspected activity, policy, or practice of the BFP FOA that is in violation of a law, rule, or regulation within two (2) business days of the event’s occurrence or within two (2) business days of becoming aware of a suspected activity.

If an employee does not wish to go through the BFP FOA’s internal process, they may directly file a complaint with the Office of Chief Inspector General, Agency inspector General, the Florida Commission on Human Relations or the Whistle-blower’s Hotline number at 1-800-543-5353.

Internal Reporting of Violation

The first step in reporting a violation is for the whistleblower, in writing, to submit the alleged activity, policy, or practice in question to the attention of their immediate supervisor. Once notice has been given in writing, the supervisor has up to thirty (30) working days to investigate, and, if needed, correct the activity, policy or practice reported.

If the whistleblower is not comfortable reporting the alleged violation to their supervisor or they are not satisfied with the supervisor’s response, the next step should be as follows: The alleged violation is submitted in writing by the whistleblower to the Contracts and Compliance Manager at Brevard Family Partnership. Once notice has been given in writing, the Contracts and Compliance Manager has up to thirty (30) working days to investigate, and, if needed, correct the activity, policy or practice reported.

For suspected fraud, or when the whistleblower is not satisfied with the results of the first two steps of resolution cited above, this individual should contact the appropriate FOA Chair of the Board of Directors’ Audit Committee directly in writing. Once notice has been given in writing, the Chair will notify the Audit Committee immediately of the complaint. The Board Audit Committee will investigate the activity, policy or practice reported and will resolve the matter accordingly.

No whistleblower will be required to submit in writing their objection to or refusal to participate in any activity, policy or practice of the BFP FOA which is in violation of a law, rule or regulation.

The Audit Committee of the Board of Directors will address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing.

No investigation need take place if the information disclosed in writing does not demonstrate reasonable cause to suspect that an employee or agent of BFP FOA has violated any federal, state, or local law, rule, or regulation, thereby creating a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty.

On a quarterly basis, all whistleblower reports, including their resolutions, will be delivered to the appropriate FOA Board of Directors' Audit Committee for review and, if required, further action.

Notice

At all times, the appropriate contact information for Whistleblower reporting will be posted for all directors, officers, and staff to access.

Recording Reported Violations

All whistleblower claims must be made in writing. This written claim can be in the form of a letter or memo on 8 ½" by 11" paper or an electronic email. Post-It-Notes, phone text messages or other such mediums of writing are prohibited.

Acknowledgement of receipt of a submitted claim must also be in writing within the same parameters as outlined above. Each BFP FOA representative receiving a claim must submit an acknowledgement of receipt of such claim. Upon receipt of a claim from the whistleblower, the submitted document must be timed and date stamped. This date will start the thirty (30) work-day review period where applicable.

All determinations of submitted claims must be made in writing on appropriate agency letterhead and signed/dated by the BFP FOA representative responding to the claim. This written decision will be forwarded to the corresponding whistleblower by certified mail, return receipt. Two original copies of the decision document will be made: one to be returned to the whistleblower and one for the appropriate agency whistleblower file.

All aforementioned documents, in addition to any corresponding research or evidence documentation, will be maintained in a Whistleblower file uniquely named and numbered. A file for the respective whistleblower claim shall be created immediately when first received by the BFP FOA representative receiving the initial claim. To create the file, the whistleblower unique name and file number will be acquired. Each whistleblower file will be maintained in a secure file once completed.

Upon notice that a whistleblower file must be created, a time chart for each file will be created. The Compliance Committee Chair will give notice to the BFP FOA Representative when five (5) working days remain on any applicable thirty (30) workday review period. On the thirtieth (30th) day, the Chair will acquire the completed file from the BFP FOA representative processing the claim. If the file is incomplete or a determination of the issue has not been made, the Chair of the Compliance Committee shall notify the BFP FOA Chief Executive Officer (CEO) for resolution. If the reported violation concerns the actions of the CEO, then the Chair shall defer to the appropriate agency Chair of the Audit Committee for resolution.



If a whistleblower appeals a decision of a specific claim, a new file need not be created. All documentation of the escalated claim will be added to the current file. The resubmitted claim will need to be time and date stamped.

Any claim being processed by a BFP FOA Audit Committee has no time limit for resolution. However, the Chair of the Compliance Committee will maintain regular contact with the Chair of the Audit Committee as a reminder that the claim is still open and unresolved.

Each file in its entirety will make up the whistleblower report submitted to the Audit Committee for quarterly review.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of a law, rule or regulation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of a law, rule or regulation. 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. Such conduct by a whistleblower will result in disciplinary action up to and including termination of employment as vetted through the disciplinary process practiced at Brevard Family Partnership.

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.

Training

Annually the management of Brevard Family Partnership will provide training to all directors, officers and staff on this procedure. Annually, an acknowledgement form is completed and signed by each director, officer, and staff whereby they acknowledge they have not only received but understand this procedure. This form is maintained in each director, officer, and employee personnel file.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

A handwritten signature in blue ink that reads "Philip J. ScarPELLI".

PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership Family of Agencies

APPROVAL DATE: 9/15/2020



Whistleblower Protection Procedure # RQ-501 Acknowledgement Form

If any director, officer, or employee reasonably believes that some policy, practice, or activity of Brevard Family Partnership (BFP) is in violation of law or government regulation, a written complaint must be filed by that employee as outlined in the Whistleblower Protection Procedure.

It is the intent of BFP to adhere to all laws and regulations that apply to the organization and the underlying purpose of this procedure is to support the organization's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of BFP and provides BFP with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described in the Whistleblower Protection Procedure is only available to employees that comply with this requirement.

In addition, I understand at any time I may directly contact the **Office of Chief Inspector General, Agency Inspector General, the Florida Commission on Human Relations or the Whistleblower's Hotline number at 1-800-543-5353.**

My signature below indicates my receipt and understanding of this procedure. I also verify that I have been provided with an opportunity to ask questions about this procedure.

Recipient Signature

Date