

Appendix 5- ACSM & Regional Chapter Whistleblower Policy

Whistleblower: A member, volunteer, contractor, or employee who informs a manager, supervisor, the Executive Vice President, or the Human Resources Officer of ACSM about an activity which that person believes to be fraudulent or dishonest.

Policy:

ACSM will investigate any possible fraudulent or dishonest use or misuse of ACSM resources or property by management, staff, volunteers, or members (the ACSM community). Anyone found to have engaged in a fraudulent or dishonest conduct is subject to disciplinary action by ACSM.

The ACSM community is encouraged to report possible fraudulent or dishonest conduct. Members, volunteers and contractors should report possible fraudulent or dishonest conduct to the EVP or the Human Resources Officer of ACSM. An employee should report his or her concerns to a supervisor, Human Resources Officer, or Chief Operating Officer. If for any reason an employee or volunteer finds it difficult to report his or her concern as outlined, the employee or volunteer should report it directly to the EVP.

Supervisors

Supervisors are required to report suspected fraudulent or dishonest conduct to the Chief Operating Officer, Human Resources Officer or the EVP. In addition, supervisors are responsible for maintaining a system of management controls which detect and deter fraudulent or dishonest conduct. Failure by a supervisor to report misconduct within the scope of this policy may result in adverse personnel action against the supervisor, up to and including dismissal. The EVP is available to assist management in recognizing improper conduct.

Reasonable care should be taken in dealing with suspected misconduct to avoid:

- Baseless allegations.
- Premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation.
- Violations of a person's rights under law. Accordingly, supervisor faced with suspected misconduct:
 - Should not contact the person suspected to further investigate the matter or demand restitution.
 - Should not discuss the case with anyone other than the EVP or the Human Resources Officer, as appropriate.
 - Should direct all inquiries from any attorney retained by the suspected individual to the EVP or the Human Resources Officer.
 - Should direct any inquiries from the media to the EVP or the Human Resources Officer.

Whistleblower Protection

ACSM will protect Whistleblowers as follows:

- ACSM will use its best efforts to protect Whistleblowers against retaliation, as described below. It cannot guarantee confidentiality, however, and there is no such thing as an "unofficial" or "off the record" report. ACSM will keep the Whistleblower's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow ACSM or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of policy violations is entitled to the information as a matter of legal right in disciplinary proceedings.

- ACSM employees may not retaliate against a Whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or other contractual rights (including but not limited to, threats of physical harm, loss of job, punitive work assignments, impact on salary or wages, or impact on contractual payments). Whistleblowers who believe that they have been retaliated against may file a written complaint with the EVP or, if the Whistleblower believes that he or she has been retaliated against by the EVP, with the Human Resources Officer. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including dismissal, against the retaliating person. This protection from retaliation is not intended to prohibit the EVP, or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Whistleblowers must be cautious to avoid baseless allegations (as described earlier in the definitions section of this policy).