

# **ADOPT: Whistleblower Policy (Amend Code of Ethics)**

It is recommended that all organizations have a whistleblower policy to help catch malfeasance by Association personnel before it becomes serious. We have recent experience of this need.

However, the Code of Ethics currently in place is only for the Board. Most solid Whistleblower Policies rely on a Code of Ethics that applies to a ALL Association personnel. The only change to the original Code of Ethics is list of all Association Personnel.

*The Committee recommends that the Code of Ethics be amended to include, in addition to Board members: Officers, committee members, volunteers, management, and staff. The Committee then recommends that the Whistleblower Policy be adopted.*

## **Code of Ethics**

**Board members, Officers, committee members, volunteers, management, and staff SHOULD:**

- Strive at all times to serve the best interests of the association as a whole regardless of their personal interests.
- Use sound judgment to make the best possible decisions for the association, taking into consideration all available information, circumstances, and resources.
- Act within the boundaries of their authority as defined by law and the governing documents of the association. (By-Laws, CC&R's, Rules and Regulations, Policies)
- Provide opportunities for residents to comment on decisions facing the association.
- Perform their duties without bias for or against any individual or group of owners or non-owner residents.
- Disclose personal or professional relationships with any company or individual who has or is seeking to have a business relationship with the association.
- Conduct open, fair and well-publicized elections.
- Always speak with one voice, supporting all duly adopted board decisions—even if the board member was in the minority regarding actions that may not have obtained unanimous consent.

**Board members, Officers, committee members, volunteers, management, and staff SHOULD NOT:**

- Reveal confidential information provided by contractors or share information with those bidding for association contracts unless specifically authorized by the board.
- Make unauthorized promises to a contractor or bidder.
- Advocate or support any action or activity that violates a law or regulatory requirement.
- Use their positions or decision-making authority for personal gain or to seek advantage over another owner or non-owner resident.
- Spend unauthorized association funds for their own personal use or benefit.
- Accept any gifts, directly or indirectly, from owners, residents, contractors or suppliers.
- Misrepresent known facts in any issue involving association business.
- Divulge personal information about any association owner, resident or employee that was obtained in the performance of board duties.
- Make personal attacks on colleagues, office staff, maintenance and landscaping crews or residents.
- Harass, threaten or attempt through any means to control or instill fear in any board member, owner, resident, employee, volunteer, or contractor.
- Reveal to any owner, resident or other third party the discussions, decisions and comments made at any meeting of the board properly closed or held in executive session.

## **Whistleblower Policy**

### **I. General**

The HOA's Code of Ethics requires the Board, officers, employees, and volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of HOA, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

### **II. Reporting Responsibility**

It is the responsibility of all Board members, officers, employees, and volunteers to comply with and to report violations or suspected violations of the Code of Ethics, HOA policies, or laws in accordance with this policy.

### **III. No Retaliation**

No Board member, officer, employee, or volunteer who in good faith reports a violation of the Code, HOA policies, or law shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within HOA prior to seeking resolution outside HOA.

### **IV. Reporting Violations**

Board members, officers, employees, and volunteers should share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, employees and volunteers should report to the HOA General Manager. However, if an employee or volunteer is not comfortable speaking with the Executive Director or is not satisfied with the response, that employee or volunteer is encouraged to report to any officer of the Board.

### **V. Acting in Good Faith**

Any good faith report, concern or complaint is fully protected by this policy, even if the report, question or concern is, after investigation, not substantiated. Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code, HOA policy, or law. Any allegations that prove not to be substantiated and have been made maliciously or with knowledge that they were false will be treated as a serious disciplinary offense.

### **VI. Confidentiality**

Upon the request of the complainant, HOA will use its best efforts to protect the confidentiality of the complainant for any good faith report. 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.

### **VII. Handling of Reported Violations**

All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation. The complainant will be informed that follow-up has or is occurring within two weeks after the General Manager or Board Officer has received the complaint or report. The General Manager and the entire Board shall be informed of all such complaints or reports.