



WHISTLEBLOWER PROTECTION POLICY AND PROCEDURES

PURPOSE

To provide Jewish Family Service of Colorado (“JFS” or the “Agency”) board members, employees, volunteers and clients with a mechanism for reporting claims of interference in reporting misconduct (defined below) or retaliation subsequent to filing such report.

SCOPE

This policy covers JFS board members, employees, volunteers, and clients who in good faith report misconduct or suspected misconduct (“whistleblowers” or “reporting individuals”).

POLICY STATEMENT

It is the policy of JFS that:

- A reporting individual is free to lawfully disclose whatever information supports a claim of misconduct under the Fraud, Waste and Abuse Policy and Procedures.
- A reporting individual who in good faith reports misconduct or suspected misconduct under JFS's Fraud, Waste and Abuse Policy and Procedures shall not suffer harassment, retaliation or adverse action.
- Violations of this policy will not be tolerated.
- JFS will make reasonable efforts to:
 - a) Investigate complaints of retaliation or interference made by whistleblowers;
 - b) Take immediate steps to stop any alleged retaliation; and
 - c) Discipline any person associated with JFS found to have retaliated against or interfered with a whistleblower.

DEFINITIONS

Adverse Action – any action taken or threatened by JFS or its employees that negatively affects the terms or conditions of the whistleblower’s status at JFS including, but not limited to: employment, demotion, suspension, termination, transfer to a lesser position, denial of promotions, denial of benefits, threats, or denial of compensation as a result of the employees’ report of wrongdoing, or any manner of discrimination against an employee in the terms and conditions of employment because of any other lawful act done by the employee pursuant to this policy.

- any action taken or threatened by JFS or its employees that negatively affects a board member’s good standing with the board of directors as a result of the board member’s report of wrongdoing or of any other lawful act done by the board member pursuant to this policy.

- any action taken or threatened by JFS or its employees that negatively affects a volunteer’s good standing with JFS, its employees and board of directors as a result of the volunteer’s report of wrongdoing or of any other lawful act done by the volunteer pursuant to this policy.

- any action taken or threatened by JFS or its employees that negatively affects future services it provides to a client as a result of the client’s report of wrongdoing or of any other lawful act done by the client pursuant to this policy.

Allegation by Whistleblower – any disclosure, written or oral, to the JFS Audit Committee Chair, Chief Operating Officer, Director of Human Resources or other management personnel, that JFS or one of its employees has failed to respond adequately to an allegation of misconduct or has retaliated against or interfered with the individual who made an allegation of misconduct as defined in this policy.

Conflict of Interest – A conflict of interest exists when any individual charged with the responsibility of processing or investigating an allegation of retaliation or interference related to a whistleblower complaint has a direct personal relationship with either the whistleblower or alleged retaliator. Direct personal relationship includes a relationship with a member of the

immediate family; a direct employment relationship, or an employment relationship with a member of the immediate family (either currently, or in the past, directly supervised or was directly responsible to, the individual); or a financial relationship with the individual or a member of the immediate family.

Good Faith Disclosure of Misconduct - a whistleblower allegation of misconduct made with a belief in the truth of the allegation based upon the facts. An allegation is not in good faith if made with reckless disregard or willful ignorance of facts that would disprove the allegation.

Interference – any attempt by JFS, or any person associated with JFS, to prevent a whistleblower from reporting an allegation of misconduct, or to influence the nature of such a report.

Misconduct - any activity in violation of any state, federal, local law or regulation or JFS policy undertaken by a JFS board member, employee, or volunteer in the performance of the individual's official duties, whether or not such action is within the scope of his or her relationship to or within JFS. This includes but is not limited to misconduct as defined in JFS's Fraud, Waste and Abuse Policy and Procedures.

Retaliation - any adverse action or credible threat of an adverse action taken in response to a whistleblower's good faith allegation of misconduct or cooperation with an investigation of an allegation by any director or employee. It does not include an investigation into the whistleblower's alleged participation in the illegal conduct.

RETALIATION/INTERFERENCE REPORTING PROCESS

- A) Filing a Report - Anyone may file a confidential report alleging retaliation or interference. Reports should be filed with the Chair of the Audit Committee (see contact information below). Reports filed under this policy must be filed no later than 90 days from the date the whistleblower became aware of the alleged adverse action.
- B) Contents of a Report - The report must be in writing and should include specific information and pertinent documentation supporting the whistleblower's allegation of retaliation or interference. It should include:
 1. a copy of the report of misconduct or cooperation with the investigation of misconduct (if available to the whistleblower);
 2. a description of the alleged adverse action, interference with the filing of such a report or retaliation, or other misconduct;
 3. the date of the alleged retaliation or interference or discovery of the same;
 4. the name of the person(s) who allegedly interfered or retaliated;
 5. the name, address, and phone number of the whistleblower, or whistleblower's representative, if any; and
 6. a sworn statement, that the contents of the written complaint are true, or are believed by the whistleblower to be true.
- C) Report Review and Acknowledgement to the Whistleblower – The Audit Committee Chair shall forward the whistleblower's report to the Chair of the JFS board of directors within three business days of receipt. The Board Chair shall:
 1. review the allegation;
 2. determine whether an investigation is justified;
 3. notify the whistleblower in writing of the following within five business days of receipt of the report:
 - a) The date the allegation was received by the Audit Committee Chair,
 - b) whether the allegation is complete and provides sufficient information to permit an adequate investigation,
 - c) the mechanism for resolving the complaint of retaliation/interference, including the whistleblower's rights, requirements, process of investigation, the composition of the investigation panel and possible consequences associated with this process.
 - d) In the event that the complaint involves an allegation of misconduct involving funds provided by the government, the Board Chair will provide the whistleblower with a copy of relevant whistleblower protection regulations of the appropriate government funding agency, if any.

- D) The whistleblower may, within five working days, raise concerns about the proposed resolution process. If this occurs, the Board Chair shall exercise reasonable efforts to address those concerns in administering a resolution process.
- E) If the whistleblower has not responded to the Board Chair's notice of resolution process within five working days, the Board Chair will assume acceptance.
- F) The whistleblower must file any supporting documentation within ten business days from the initiation of an investigation.
- G) Notification of Whistleblower's Legal Rights – If the whistleblower declines the JFS proposed process according to these guidelines, he or she may pursue any other legal rights available for resolution of the retaliation complaint. A decision to implement an investigation does not bar the whistleblower from seeking redress against the JFS decision under federal or state law.

INTERIM PROTECTIONS

At any time before the merits of a whistleblower's complaint have been fully resolved, the whistleblower may submit a written request to the Board Chair to take interim actions to protect the whistleblower against an existing adverse action or credible threat of same by JFS or a person associated with JFS.

Based on the available evidence, the Board Chair shall consult with JFS's CEO and the Director of Human Resources to make a determination regarding the provision of interim protections. The whistleblower will be informed of the decision in writing. Documentation underlying the decision shall become part of the record of the allegation. When the whistleblower allegation is fully resolved, any temporary measures taken to protect the whistleblower may be discontinued or replaced with permanent remedies.

RESOLVING ALLEGATIONS OF RETALIATION/INTERFERENCE

For each whistleblower allegation received and judged to require an investigation, JFS will adhere to the investigation process described below for resolving the whistleblower complaint.

A) Timeliness - An investigation of whistleblower retaliation shall be timely, objective and thorough. In most cases, the process should be completed within 90 days of the date the report is filed, unless the whistleblower agrees to an extension of time.

B) Investigation Panel - A panel of at least three JFS Audit Committee members may be appointed by the Board Chair to conduct the investigation. The investigation panel may include members from outside JFS. No member shall have a personal or professional relationship causing a conflict of interest with the whistleblower or the alleged individual retaliator(s), and each shall be qualified to conduct a timely, objective and thorough investigation. The whistleblower will be provided an opportunity to review the membership of the investigation panel, and be afforded an opportunity to comment on it, with respect to any perceived conflicts of interest or bias among the panel's members.

C) Conduct of Panel - The investigation will include the collection and examination of all relevant evidence, including interviews with the whistleblower, the alleged retaliator(s), and any other individual(s) who can provide relevant and material information regarding the claimed retaliation. Individuals are expected to fully cooperate with the investigation. The investigation panel will use reasonable administrative means to obtain testimony, documents, and other materials relevant to the investigation.

D) Confidentiality - The confidentiality of all participants in the investigation shall be maintained to the maximum extent possible throughout the investigation.

E) Final Report from Panel - The conclusions of the investigation shall be documented in a written report from the investigative panel and made available to the whistleblower, the CEO, the Director of Human Resources, the Corporate Compliance Officer, and the Audit Committee Chair. The report shall include a detailed description of the investigative process, including findings of fact, a list of individuals interviewed, an analysis of the evidence, and recommendations. Record of the report will be maintained by the Corporate Compliance Officer in accordance with the established retention schedule.

F) Determination - Based upon this final report and a review of the evidence, the Board Chair makes a final determination as to whether retaliation or interference occurred.

G) Tracking - The Audit Committee will be responsible for maintaining a whistleblower tracking report (attached) to ensure that no reported misconduct goes unanswered and that resolutions of reported misconduct are documented. The Whistleblower Tracking Report will be reviewed by the Audit Committee at least quarterly.

SANCTIONS FOR RETALIATION/INTERFERENCE

If the Board Chair determines that retaliation or interference has occurred, he/she shall also determine what remedies are appropriate to satisfy JFS regulatory obligations to protect the whistleblower. The Board Chair, in consultation with the whistleblower, will take measures to protect or restore the whistleblower's position and reputation, including making any public or private statements, as appropriate. In addition, the Board Chair may provide protection against further retaliation by monitoring or disciplining the retaliator. If, however, the Board Chair determines that adverse action would have been taken relative to the whistleblower, even in the absence of the whistleblower's allegations or participation in the investigation, then no corrective action will be taken to adjust that adverse action.

NOTIFICATION OF FINAL DETERMINATION TO GOVERNMENTAL AGENCIES

When necessary, the appropriate governmental agency will be informed of the final outcomes of investigations. In cases involving misconduct involving projects specifically supported by the U. S. government or other governmental agencies, the Board Chair shall promptly notify the government official who is responsible for the contracted services of its conclusions and remedies, if any.

JFS shall make this policy available to its entire board of directors and staff by distributing it to active members and posting it on bulletin boards in all JFS locations as well as on its website. Clients and volunteers will be made aware of the existence of this policy via a disclosure distributed during intake.

TRAINING

Each staff member and board member will be required to review and sign an "acknowledgement of receipt" upon approval/revision of this policy. Fraud, Waste and Abuse will be discussed at staff meetings and during applicable training sessions.

Volunteers will be made aware of the existence of this policy via the volunteer handbook which is provided to all volunteers.

CONTACT INFORMATION

Reports can be made at any time to Barry Silvestain, Chairman of the Audit Committee, at the following address:

Barry Silvestain
Telephone at: 303-770-4905
Email: bhsilvest@gmail.com

Approved by the Audit Committee
Approved by the Board of Directors
Revised and approved by the Board of Directors

6/11/2008
8/25/2008
9/19/2011



Jewish Family Service

Improving lives. Rebuilding hope.

WHISTLEBLOWER PROTECTION POLICY AND PROCEDURES REPORT OF SUSPECTED MISCONDUCT - CONFIDENTIAL

Name of Reporting Individual: _____ Date: _____
Address _____ Phone: _____

Name of Reporting Individual's Representative _____ Date: _____
Address _____ Phone: _____

ALLEGATIONS:

- Adverse Action** – any action taken or threatened by JFS or its employees that negatively affects an employee, board member, volunteer or client
- Interference** – any attempt by JFS, or any person associated with JFS, to prevent a whistleblower from reporting an allegation of misconduct, or to influence the nature of such a report.
- Misconduct** - any activity in violation of any state, federal, local law or regulation or JFS policy undertaken by a JFS board member, employee, or volunteer in the performance of the individual's official duties, whether or not such action is within the scope of his or her relationship to or within JFS. This includes but is not limited to misconduct as defined in the JFS Fraud, Waste and Abuse Policy and Procedures.
- Retaliation** - any adverse action or credible threat of an adverse action taken in response to a whistleblower's good faith allegation of misconduct or cooperation with an investigation of an allegation by any director or employee. It does not include an investigation into the whistleblower's alleged participation in the illegal conduct.

Please attach a copy of the initial report of misconduct or evidence of cooperation with an investigation of misconduct (if available).

Description of adverse action, interference, misconduct or retaliation:

**WHISTLEBLOWER PROTECTION POLICY AND PROCEDURES
REPORT OF SUSPECTED MISCONDUCT - CONFIDENTIAL**

Date of the alleged activity or discovery of same: _____

Name of the person(s) who allegedly interfered or retaliated or otherwise violated the Whistleblower Protection Policy: _____

I swear that the above statements are complete and accurate based on the knowledge that I have.

Signature of Reporting Individual: _____ Date: _____

Individual receiving initial report of a Whistleblower Protection violation:

Chair of the Audit Committee Signature: _____ Date: _____

Other _____ Signature: _____ Date: _____

Reported to (within 3 business days):

Chairman of the Board Signature: _____ Date: _____

Response to Whistleblower (within 5 business days)

Signature: _____ Date: _____

Investigative action taken: _____

Conclusion:

- | | | |
|----------------------------------------------------|-------------|-----------|
| <input type="checkbox"/> Issue resolved | Date: _____ | By: _____ |
| <input type="checkbox"/> Corrective action taken | Date: _____ | By: _____ |
| <input type="checkbox"/> Concern dismissed | Date: _____ | By: _____ |
| <input type="checkbox"/> Concern withdrawn | Date: _____ | By: _____ |
| <input type="checkbox"/> Tracking Report completed | Date: _____ | By: _____ |

