

# CASA KANE COUNTY

## WHISTLE BLOWER POLICY

CASA Kane County ("**CASA**") requires its directors, officers, employees, and volunteers (each, a "**CASA Individual**") to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of CASA, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

### ARTICLE I PURPOSE

Section I.01 The purpose of this whistleblower policy (the "**Policy**") is to:

- (a) Encourage and enable CASA Individuals to raise concerns regarding suspected illegal or unethical conduct or practices or violations of CASA's policies on a confidential and, if desired, anonymous basis.
- (b) Protect CASA Individuals from retaliation for raising such concerns.
- (c) Establish policies and procedures for CASA to receive and investigate reported concerns and address and correct inappropriate conduct and actions.

### ARTICLE II REPORTING RESPONSIBILITY

Section II.01 **Reporting Responsibility.** Each CASA Individual has the responsibility to report in good faith any concerns about actual or suspected violations of CASA's policies or any federal, state, or municipal law or regulation governing CASA's operations (each, a "**Concern**"). Appropriate subjects to report under this Policy include but are not limited to financial improprieties, accounting or audit matters, ethical violations, or other similar illegal or improper practices, such as:

- (a) Fraud
- (b) Theft
- (c) Embezzlement
- (d) Bribery or kickbacks
- (e) Misuse of the CASA's assets
- (f) Undisclosed conflicts of interest
- (g) Violation of policies

Section II.02 **Acting in Good Faith.** Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed indicates a violation of law and/or ethical standards. Any unfounded allegation that proves to have been made maliciously, recklessly, or knowingly to be false will be viewed as a serious offense and result in disciplinary action, up to and including termination of employment or volunteer status.

Section II.03 **Other Types of Concerns.** CASA Individuals should use CASA's existing complaint procedures and mechanisms to report other issues not covered by Section 2.01 of this Policy, unless those channels are themselves implicated in wrongdoing. This Policy is not intended to provide a means of appealing the outcomes resulting from those other mechanisms.

### **ARTICLE III NO RETALIATION**

Section III.01 No CASA Individual who in good faith reports a Concern or participates in a review or investigation of a Concern shall be subject to harassment, retaliation, or, in the case of an employee, adverse employment consequences because of such report or participation. This protection extends to CASA Individuals who report in good faith, even if the allegations are, after an investigation, not substantiated.

**Section III.02** As an Illinois employer, CASA Kane County follows the Whistleblower Act, 740 ILCS 174/1 et. Seq.

Section III.03 No CASA Individual will be subject to liability or retaliation for disclosing a trade secret in compliance with 18 U.S.C. §1833 either:

- (a) In confidence to a federal, state, or local government official or to an attorney solely for the purpose of reporting or investigating a Concern; or
- (b) In a complaint or other document filed in a lawsuit or other proceeding under seal.

Section III.04 Any CASA Individual who retaliates against someone who in good faith has reported or participated in a review or investigation of a Concern will be subject to discipline, up to and including termination of employment or volunteer status.

Section III.05 Anyone who believes that a CASA Individual has been subject to harassment, retaliation, or adverse employment consequences as a result of making a good faith report or participating in a review or investigation of a Concern should contact the Compliance Officer listed in Article V of this Policy. Nothing in this Policy shall limit or alter the procedures and protections in CASA's anti-retaliation policy.

## **ARTICLE IV CONFIDENTIALITY**

Section IV.01 CASA encourages anyone reporting a Concern to identify himself or herself in order to facilitate the investigation of the Concern. However, Concerns may be submitted on a confidential and/or anonymous basis. CASA shall take reasonable steps to protect the identity of the CASA Individual and shall keep reports of Concerns confidential to the extent possible, consistent with the need to conduct an adequate investigation.

## **ARTICLE V REPORTING PROCEDURES**

Section V.01 **Prompt Reporting.** All Concerns should be reported as soon as practicable consistent with this Policy.

Section V.02 **Reporting Concerns.**

(a) Employees and volunteers should first discuss the Concern with their direct supervisors. The employee or volunteer should follow the procedures outlined in Section 5.02(b) if any of the following apply:

(i) The employee or volunteer reasonably believes that the supervisor will disregard or otherwise not fairly consider the Concern

(ii) The supervisor is a subject of the Concern

(iii) The employee or volunteer does not feel comfortable discussing the Concern with the supervisor

(b) The Concern may be reported to the Executive Director by conversation, email or regular mail

Jim Di Ciaula  
100 S. Third St., Suite 461  
Geneva, IL 60134  
jjimd@casakanecounty.org

(c) If not addressed, or the concern is regarding the Executive Director, Concerns should be reported in writing to the Chair of the Board of Directors (the "**Compliance Officer**"). When reporting Concerns, the CASA Individual should describe in detail the specific facts that support the report. The report may be sent to the Compliance Officer conversation, email or by regular mail to:

Kris Wano  
100 S. Third St., Suite 461  
Geneva, IL 60134  
kwano@sageprivatewealth.com

If the Compliance Officer is the subject of the Concern or the CASA Individual is not comfortable reporting the Concern to the Compliance Officer, the Concern may alternatively be reported in writing to CASA's Board Vice-Chair as follows:

Jim Chakires  
100 S. Third St., Suite 461  
Geneva, IL 60134  
jchakires@apexcpas.com

Section V.03 **Questions.** Any questions relating to the scope, interpretation, or operation of this Policy should be directed to the Compliance Officer.

**Section V.04 Investigation of Reported Concerns.**

(a) **Compliance Officer.** The Compliance Officer is responsible for:

- (i) Promptly investigating or overseeing the investigation of each reported Concern
- (ii) Advising the Finance & Legal Committee of each reported Concern
- (iii) Reporting compliance activity to the full Board of Directors at each regularly scheduled Board meeting

(b) **Acknowledgment of Receipt.** Any supervisor, manager, or Board member who receives a report of a Concern must promptly notify the Compliance Officer of such report in writing. The Compliance Officer shall notify the reporting individual and acknowledge receipt of each reported Concern within five (5) business days, unless the report was submitted anonymously or no return address is provided.

(c) **Investigation.** The Compliance Officer shall conduct a prompt, discreet, and objective review or investigation based on the submitted report. A full investigation may not be possible if a report made anonymously is vague or general. If deemed necessary in his or her sole discretion or upon the recommendation of the Finance & Legal Committee, the Compliance Officer may engage legal counsel, accountants, or other experts to assist in the investigation. The Compliance Officer may delegate the investigation responsibilities to any Board committee or other individual, including third parties, as long as:

- (i) The delegate is not a subject of the reported Concern

(ii) The delegation does not compromise the identity of the CASA Individual who reported anonymously or confidentially

(d) **Resolution.** The Compliance Officer shall:

(i) Recommend appropriate corrective action to the Finance & Legal Committee, if warranted by the investigation

(ii) Oversee the implementation of a resolution based on the determination of the Board

(iii) Follow up with the reporting individual, if possible, for closure of the reported Concern

(e) **Accounting and Auditing Matters.** The Compliance Officer shall immediately notify the Finance & Legal Committee of any Concerns regarding accounting practices, internal controls, or auditing, and shall work with the Committee and Board of Directors until the matter is resolved.

## **ARTICLE VI PERIODIC REVIEWS**

Section VI.01 To ensure that CASA operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its reputation or tax-exempt status, the Finance & Legal Committee shall conduct periodic reviews of this Policy. The Committee shall present any recommended changes, modifications, or deletions of the provisions of this Policy to the full Board of Directors at its regularly scheduled meeting following the Committee's review.

## **ARTICLE VII MISCELLANEOUS**

Section VII.01 CASA shall retain any records related to the investigation and resolution of a reported Concern as required by CASA's Records Retention and Destruction Policy. All such records are considered privileged and strictly confidential.

Section VII.02 This Policy shall be distributed to all CASA Individuals.

Section VII.03 This Policy, as amended, was adopted by the CASA's Board of Directors at its meeting on \_\_\_\_\_

## **ARTICLE VIII ACKNOWLEDGMENT**

Section VIII.01 I, \_\_\_\_\_ (CASA Individual name), acknowledge that on \_\_\_\_\_ (date), I received a copy of CASA Kane County's ( "**CASA**") Whistleblower Policy (this "**Policy**") and that I read it, understood it, and agree to comply with it. I understand that CASA has the maximum discretion permitted by law to interpret, administer, change, modify, or delete this Policy at any time with or without notice. No statement or representation by a supervisor or manager or any other employee, whether oral or written, can supplement or modify this Policy. Changes can be made only if approved in writing by the Board of Directors of CASA. I also understand that any delay or failure by CASA to enforce any policy or rule will not constitute a waiver of CASA's right to do so in the future. I understand that neither this policy nor any other communication by management representatives or any other employee, whether oral or written, is intended in any way to create a contract of employment.

**For employees only:** I understand that, unless I have a written employment agreement signed by an authorized representative of CASA, I am employed at will and this Policy does not modify my at-will employment status. If I have a written employment agreement signed by an authorized representative of CASA and this Policy conflicts with the terms of my employment agreement, I understand that the terms of my employment agreement will control.