

WHISTLEBLOWER POLICY

Purpose

The Austin Chapter, The American Institute of Architects (AIA Austin) is open and accountable to its members and employees. The AIA Austin Board of Directors expects all AIA Austin volunteers and employees to obey the law and act ethically. It also expects employees to report honestly to their supervisors. It requires that volunteers and employees report any activity that they think might violate law, policy, or ethical standards.

This policy is intended to cover serious concerns that could affect AIA Austin. These include actions that:

- could lead to inaccurate financial reporting;
- are unlawful, such as fraud, theft, embezzlement, or other illegal activities;
- are inconsistent with policies or procedures of AIA Austin;
- otherwise amount to serious misconduct, such as unethical business conduct;
- inappropriate conduct, or concerns about employee health or safety risks that are caused by or are otherwise under the control of AIA Austin management;
- result in the destruction of documents in a manner inconsistent with the AIA Austin's Document Destruction and Retention Policy; or result in the inappropriate or illegal use of AIA Austin property (e.g., using AIA Austin property for personal gain).

The policy is intended to encourage and enable you and others to raise serious concerns within AIA Austin before seeking action from outside sources.

Protecting Your Confidentiality; No Retaliation

Every effort will be made to protect your confidentiality. While anonymous reports will be accepted, you are encouraged to identify yourself in order to strengthen the credibility of your report and to help the follow-up investigation. No one who in good faith reports a violation or who in good faith, cooperates in the investigation of a violation shall suffer harassment, retaliation or adverse employment consequences. Any individual within the organization who retaliates against another individual who has reported a violation in good faith or who, in good faith, has cooperated in the investigation of a violation is subject to discipline, including termination of employment or volunteer status. Malicious or knowing false reports, however, may result in disciplinary action, up to and including termination of your employment or service as a volunteer.

Reporting a Violation

All directors, officers, employees and volunteers of AIA Austin have a responsibility to report any action or suspected action taken within the organization that is illegal, unethical or violates any adopted policy of the organization.

You should follow these guidelines when reporting a violation under this policy:

- Where possible, if you are an employee, you should report the violation initially to your direct supervisor. In most cases, your supervisor should be in the best position to address an area of concern.
- If you are a volunteer, or if you are an employee who is not comfortable speaking with your supervisor about a violation, you are encouraged to speak with the Executive Director. If you are not comfortable speaking with the Executive Director, you may speak with the President of the Board of Directors.
- This policy requires every supervisor or other manager to report suspected violations to the Executive Director.
- Except under extraordinary circumstances, the President will be informed by the Executive Director each time a report is received. Other persons may also be notified on a need-to-know basis as determined by the Executive Director or the President.
- Anyone reporting a violation must act in good faith, without malice to the organization or any individual in the organization and have reasonable grounds for believing that the information shared in the report indicates that a violation has occurred. A person who makes a report does not have to prove that a violation has occurred; however, any report which the reporter has made maliciously or any report which the reporter has good reason to believe is false will be viewed as a serious disciplinary offense.

Reporting Violations Concerning Fraud or Financial Matters

If the violation you are reporting has to do with fraud or financial misconduct, you may follow the procedures shown above. In the alternative, you may contact the AIA Austin Treasurer.

Investigation and Report

The following guidelines apply to investigations:

The Executive Director has specific and exclusive responsibility to investigate all reported violations. If the Executive Director finds it appropriate to recuse herself or if the Board of Directors determines that it is not appropriate for the Executive Director to conduct the investigation, the organization will retain impartial outside counsel, consultants, or auditors to conduct the investigation as appropriate.

To the extent possible, your report will be acknowledged within five (5) business days. You will also be informed about next steps and about when you may expect to hear more about the investigation of your reported allegations.

The investigation will be conducted promptly and in a manner that protects the identity and role of the person making the complaint. (You should be aware, however, that legal requirements or other circumstances may make it impossible to fully protect confidentiality in some cases.) You will be notified within two (2) weeks if a broader investigation appears to be needed.

You are not expected to prove the truth of your allegations. You should, however, be prepared to be interviewed (unless your report is anonymous) and to submit whatever evidence is available to support the allegations.

The Executive Director or outside investigator will submit a written report, which will include a summary of the allegations and recommendations to members of the AIA Austin Executive Committee who have a reasonable need to review the report and/or to the Board of Directors, as appropriate. You will be informed about the results of the report. If the report does not recommend corrective action be taken, it should specify the reasons that corrective action is not necessary.

Where appropriate, corrective action will be taken. The action taken will depend on how serious the pertinent violation is and may include such things as a warning, a letter of reprimand, suspension with or without pay, or termination of employment. In the case of a volunteer, corrective action may include such things as limitations on the volunteer's opportunity to serve on AIA Austin committees.

Contacts of AIA Austin Officers

If the process described above is not followed after you have submitted a report, you may contact the President of the AIA Austin. If you are not comfortable contacting the President, you may contact the President-elect or a Vice President.

Effect of Policy

This policy is intended to supplement but not replace any applicable federal or state laws governing retaliation and whistleblower protections that are applicable to nonprofit organizations. Notwithstanding anything in this Policy to the contrary, this Whistleblower Policy is not an employment contract and does not modify the employment relationship between AIA Austin and any of its directors, officers, employees or volunteers, nor does it change the fact that all employees of AIA Austin are at will. Nothing contained in this Whistleblower Policy provides any director, officer, employee or volunteer of AIA Austin with any additional rights or causes of action not otherwise available under applicable law.

For More Information

If you have questions, please contact the Executive Director, Sally Ann Fly, Honorary AIA at 512.452.4332.