

WHISTLEBLOWER and ANTI-RETALIATION POLICY

Effective Date: October 1 , 2024

The Whistleblower and Anti-Retaliation Policy (the “Policy”) is intended to support a strong culture of integrity and ethical conduct within the American Friends of DVI (AFDVI) community by encouraging, valuing, and protecting good faith reporting of any alleged violation of any applicable law, policy, or any potential ethics issue.

AFDVI has zero tolerance for retaliation of any kind against people who raise concerns in good faith and/or cooperate in a sanctioned investigation. All Protected Individuals, Good Faith Reporters, and other reasonable parties (i.e. witnesses, victims, etc.) are protected under this Policy.

Section 1. Application

This Policy, as well as the protection it provides, applies to the following individuals (“Protected Individuals”):

1. Directors
2. Members
3. Employees
4. Committee Members
5. Volunteers
6. Contractors

Section 2. Violations

Alleged Violations covered under this policy include, but are not limited to, the following:

1. a) Compliance with AFDVI Bylaws, Policies and Procedures
2. b) Compliance with AFDVI Bylaws, Policies and Procedures
3. c) Compliance with State and Federal Laws
4. e) Compliance with all applicable accounting and financial practices

If a Protected Individual is unsure about whether a matter might be a policy violation or is unsure about their reporting responsibility for a particular type of matter, please start by reviewing the applicable policy.

In addition, if a Protected Individual suspects any criminal activity against a person or property, please report this directly to law enforcement immediately.

Section 3. Retaliation.

3.01. Definition. Retaliation includes, but is not limited to, any adverse or discriminatory action, or the threat of an adverse or discriminatory action carried out against a Protected Individual as a result of any communication, including but not limited to, the filing of a formal complaint by the Protected Individual (or a parent or legal guardian of the Protected Individual) relating to the allegation of emotional, physical or sexual misconduct or any other alleged Violation covered under this Policy to AFDVI, any law enforcement agency or government entity, or employees of these organizations.

In addition, no Protected Individual nor AFDVI shall take or threaten to take any action against an individual as a reprisal for disclosing information to, or seeking assistance from, the AFDVI Executive Council or law enforcement. Similarly, no Protected Individual nor AFDVI shall retaliate against an employee or contractor 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).

3.02. No Retaliation

AFDVI has zero tolerance for Retaliation against a Whistleblower or any Protected Individual who makes good faith reports or cooperates with investigations of alleged Violations. The AFDVI community has the right to report alleged Violations and USLA encourages the reporting of such allegations. AFDVI has an open-door policy and encourages Protected Individuals to share questions, concerns, and/or suggestions.

Section 4. Reporting an Alleged or Suspected Violation

4.01. Encouragement of reporting. AFDVI encourages good faith Complaints about illegal activity or serious violations of AFDVI's policies, including illegal or improper conduct by AFDVI itself, by its leadership, or by others on its behalf.

4.02. Protection from retaliation. AFDVI prohibits retaliation by or on behalf of AFDVI against Protected Individuals for making good faith Complaints. Retaliation is prohibited "before, during, and after" the process of resolving reports of alleged abuse or misconduct. This protection extends to those whose allegations are made in good faith but prove to be mistaken. However, persons who make bad faith, knowingly false, or vexatious Complaints, or who otherwise abuse this policy, may themselves be subject to discipline.

4.03. Confidentiality. Cooperation of the Good Faith Reporter and/or the Whistleblower can be helpful to reach the right resolution. However, if the individual does not agree to be identified, reports will be treated as confidential as possible. Be advised that some information may be required to be disclosed by law, statute, or policy (i.e. identification is necessary for law enforcement, AFDVI, or other oversight body representatives to investigate or respond effectively to a report, identification is required by law, or the individual accused of policy violations is entitled to the information as a matter of legal right in disciplinary proceedings). As AFDVI has an obligation to investigate alleged Violations, please remember there is no such thing as an "unofficial" or "off the record" report.

4.04. Where to report. Complaints may be made under this policy on a confidential or anonymous basis.

Complaint should describe in as much detail as possible the facts demonstrating the bases for the Complaints, reports or inquiries. They should be directed to AFDVI's Secretary; however, if the Secretary is implicated in the Complaint it should be directed to the Treasurer. AFDVI may engage outside independent legal counsel on a pro bono basis to conduct a prompt, discreet, and objective review or investigation and to report on the same to the President of the Board of Directors.

The President may decide to dismiss the complaint prior to a full investigation or adjudication on such grounds they deem appropriate, including, but not limited to, the complaint does not fall within the jurisdiction of AFDVI, there is insufficient evidence, or a relevant party (excluding the Respondent) has declined to participate.

4.05. Retaliation remedy. A proven complaint of retaliation shall result in a proper remedy for the individual harmed and the initiation of disciplinary action against the retaliating individual, up to and including dismissal or removal from membership. This protection from retaliation is not intended to prohibit the Board of Directors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

4.06. Employment Suspension/Termination. If it is found that an AFDVI employee has retaliated against a Protected Individual, the employee will be immediately terminated or suspended without pay.

Section 5. Definitions

Good Faith Reporter. An individual who acts with honesty and good intent when reporting an alleged Violation of this Policy.

Protected Individual. Defined in Section 1 (Application) of this Policy. **Retaliation.** Defined in Section 3 (Retaliation) of this Policy.

Whistleblower. A Protected Individual, Good Faith Reporter, or other reasonable party (i.e. witnesses, victims, etc.) who reports an alleged Violation as defined in Section 2 of this Policy. All Whistleblowers acting in good faith are protected under this Policy.

Section 7. Points of Contact.

Individuals in need of further information, guidance and/or enforcement in relation to this Policy may contact the following:

AFDVI Secretary Dr. Saul Pressner

saultooth@aol.com

AFDVI Treasurer Dr. Don Simkin

dsimkin@hvc.rr.com