

Leon County Research and Development Authority

Policy No. 11-7

Title: Whistleblower Policy 11-7
Date Adopted: August 2, 2011
Effective Date: August 2, 2011

1. PURPOSE

The purpose of Policy No. 11-7, “Whistleblower Policy,” is to provide employees of the Leon County Research and Development Authority’s (hereinafter referred to as the “Authority”) an opportunity to voice their concerns related to impropriety experienced or observed in the work place in an open and transparent manner without cause for retribution.

The Authority has endorsed the provisions set out below to ensure that no employee should feel at a disadvantage in raising legitimate concerns.

No employee who in good faith reports a matter pursuant to this policy shall suffer harassment, retaliation or adverse employment consequence. An employee, officer or Board member who retaliates against someone who has reported a matter in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable employees and others to raise serious concerns within the Authority prior to seeking resolution outside the Authority. When an individual discovers information, which they believe shows wrongdoing within the organization, then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management.

This policy is intended to assist individuals who believe they have discovered wrongdoing. It is not designed to question financial or business decisions taken by the Authority nor should it be used to reconsider any matters, which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is

reasonable to expect employees to use them rather than air their complaints outside the Authority.

2. SCOPE OF POLICY

This policy is designed to enable employees of the Authority to raise concerns internally and at a high level and to disclose information, which the individual believes, shows wrongdoing or impropriety. This policy is intended to cover concerns, which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice, impropriety, or fraud
- Failure to comply with a legal obligation or Florida Statutes
- Dangers to health and safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

a. Safeguards

This policy is designed to offer protection to those employees of the Authority who disclose such concerns provided the disclosure be made:

- In good faith
- In the reasonable belief of the individual making the disclosure that it tends to show wrongdoing or impropriety, and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case, malicious or false allegations could give rise to legal action on the part of the persons complained about.

b. Confidentiality

The Authority will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does

not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

c. Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Authority.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

d. Untrue Allegations

If an individual makes an allegation in good faith that is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

3. PROCEDURES FOR MAKING A DISCLOSURE

- a. On receipt of a complaint of wrongdoing or impropriety, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:
 - i. Complaints of wrongdoing or impropriety will be investigated by the Executive Director, unless the complaint is against the Executive Director or is in any way related to the actions of the Executive Director. In such cases, the complaint should be passed to the Chair of the Board of Governors for referral.

- ii. Complaints against the Chair shall be passed to the Authority's General Counsel who will nominate an appropriate investigating officer.
 - iii. The complainant has the right to bypass the line management structure and take their complaint directly to the Chair. The Chair has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.
- b. Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach the Authority's General Counsel, Martin Fitzpatrick who has been designated and trained as an independent point of contact under this procedure. He can advise the complainant of the possible internal and external avenues of complaint open to them:

Martin Fitzpatrick, General Counsel

Broad and Cassel Attorneys at Law

215 South Monroe Street, Ste. 400

Tallahassee, FL 32301

Phone: 850-681-6810

Email: mfitzpatrick@broadandcassel.com

- c. If there is evidence of criminal activity then the investigating officer should inform the police immediately. The Authority will ensure that any internal investigation does not hinder a formal police investigation.

4. TIMELINE

Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the police, it is not possible to lay down precise timelines for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of the investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation on at least a monthly basis, and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

5. INVESTIGATING PROCEDURE

- a. The investigating officer should follow these steps:
 - i. Full details and clarifications of the complaint should be obtained.
 - ii. The investigating officer should inform the person against whom the complaint is made as soon as is practicable. The person will be informed of their right to be accompanied by representative at any future interview or hearing held under the provision of these procedures.
 - iii. The investigating officer should consult with the Authority's General Counsel, and consider the involvement of the Authority's auditors and/or the police if appropriate.
 - iv. The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals.
 - v. A decision concerning the complaint and validity of the complaint will be made by the investigating officer. This decision will be detailed in a written report, provided to the Chair and General Counsel as appropriate, containing the findings of the investigations and reasons for the judgement.
 - vi. If the complaint is shown to be justified, then the Board will invoke disciplinary or other appropriate procedures.
 - vii. If appropriate, a copy of the outcomes will be passed to the Authority's auditor to enable a review of the procedures.

- b. If the complainant is not satisfied that their concern is being properly handled by the investigating officer, they have the right to raise it in confidence with the Chair or General Counsel.

- c. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Authority recognizes the lawful rights of employees and ex-employees to make disclosures to prescribed persons or, where justified, elsewhere.