

## Rotary Club of Livermore

Revision Number: \_\_\_\_\_

Revision Date: \_\_\_\_\_

Date of Policy Creation and Board Approval: \_\_\_\_\_

### 35. Whistleblower Policy

#### I. Purpose and Scope of this Policy

This policy shall apply to all members of the Rotary Club of Livermore. Livermore Rotary adheres to all state and federal laws for reporting perceived violations of state and/or federal law, and cooperates with the appropriate government agencies responsible for investigating reports of improper action. The intent of this policy is to:

1. Encourage reporting of perceived violations of state and federal law; and
2. Protect Livermore Rotarians who have reported such perceived violations

#### II. Definitions

As used in this policy, the following terms shall have the meanings indicated:

- A. **“Violation of State and/or federal law”** or **“Violation”** means: Any action by a Rotarian undertaken in the performance of the Rotarian’s duties:
  - (i) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a de minimis nature; or
  - (ii) Which is of substantial and specific danger to the public health or safety  
"Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.
- B. **“Retaliatory Action”** means any adverse change in the terms and conditions of membership in the Club, or hostile actions by another Rotarians towards a reporting Rotarian, that were encouraged by a Director or other officer of the Club.
- C. **“Emergency”** means a circumstance that if not immediately changed may cause imminent, substantial and specific danger to the public health or any persons or property.
- D. **“Club”** means the Rotary Club of Livermore.
- E. **“Rotarian”** means a member of the Rotary Club of Livermore.

#### III. Procedure for Reporting Perceived Violations

Rotarians who become aware of Violations should raise the issue first with a Director.<sup>1</sup> Where the reporting Rotarian reasonably believes the Violation involves a Director, the employee may raise the issue directly with the President of the Club or any person whom the President has designated to receive reports of Violations.

**The reporting Rotarian(s) must make a reasonable attempt to ascertain the correctness of the information furnished and may be subject to removal from the Club for knowingly furnishing false information.**

The Club requires, as part of this policy that, except in the case of an emergency, before an employee reports a Violation to any public official or entity, or any person who is not enumerated in this policy, the employee shall submit a written report of the Violation to a Director.

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<sup>1</sup>Hereinafter, “Director” shall be taken to mean a member of the Board of the Club, including the President, President-Elect and other Officers of the Club.

In the case of an emergency, the employee may report the Violation directly to the appropriate governmental agency with responsibility for investigating the Violation, as enumerated in this policy.

The Club shall take prompt and appropriate action to properly investigate the report of a Violation. Directors and Rotarians involved in the investigation shall keep the identity of the reporting Rotarian(s) confidential to the extent possible under law. After an investigation has been completed, the Rotarian(s) who reported the Violation shall be advised of a summary of the results of the investigation, and further action steps to be taken by the Club, if necessary.

Following the internal investigation, if it is found that the Violation reported did occur, and it rises to a level necessitating a report to, or involvement of a governmental agency enumerated in this policy, the President and/or other person(s) designated by the President shall be responsible to report the Violation and results of the investigation to the appropriate governmental agency enumerated in this policy in Article IV.

#### **IV. Governmental Agencies**

In the event of an emergency, a Rotarian may report a Violation directly to the Alameda County District Attorney's Office, at 510-268-7500, or the Alameda County Sheriff's Office, at 510-272-6868.

In the event that a Rotarian makes a report of a Violation to a Director, and after diligent investigation the Director deems that a violation has occurred, the Director, after direction from the Board of Directors, may report a Violation directly to the Alameda County District Attorney's Office, at 510-268-7500, or the Alameda County Sheriff's Office, at 510-272-6868.

#### **V. Protection against Retaliatory Actions**

Retaliatory action against a Rotarian who has reported a Violation will not be tolerated. "Retaliatory action" means any adverse change in the terms and conditions of membership of the Club, or encouragement of hostile actions by one Rotarian toward another.

Rotarians are prohibited from taking retaliatory action against another Rotarian because he or she has in good faith reported a Violation. Directors are also prohibited from using their official authority or influence to intimidate Rotarians in order to interfere with the right to disclose information concerning a Violation.

Rotarians who believe that they have been retaliated against for reporting a Violation should advise a Director, or his/her designee. The Club shall take prompt and appropriate action to properly investigate the report of retaliation. Directors involved in the investigation shall keep the identity of the reporting Rotarian(s) confidential to the extent possible under law. After an investigation has been completed, the Rotarian who reported the retaliatory action shall be advised of a summary of the results of the investigation, and further action steps to be taken by the Club, if necessary.

#### **VI. Responsibilities**

The acting President of the Club is responsible for implementing this policy (1) for reporting Violations, and (2) for protecting Rotarians against retaliatory actions. This includes ensuring that this policy and these procedures are permanently posted where all Rotarians will have reasonable access to them and that they are made available to any Rotarian upon request. Directors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate action, up to and including dismissal from the Club.