

## Studio Channel Islands Art Center Whistleblower Policy

The SCIART Whistleblower Policy (1) encourages directors, officers, employees, interns and volunteers to come forward with credible information on illegal, improper or unethical practices; (2) specifies that the organization will protect the person from retaliation; and (3) identifies where such information can be reported.

**1. Encouragement of reporting.** The organization encourages complaints, reports or inquiries about illegal practices or serious violations of the organization's policies, including illegal or improper conduct by the organization itself, by its leadership, or by others on its behalf. Appropriate subjects to raise under this policy would include financial improprieties, accounting matters, ethical violations, or other similar illegal or improper practices or policies. Other subjects such as employee or contractor disputes, alleged discrimination or harassment are not a part of this policy but should be brought to the attention of the board president or board governance committee.

**2. Protection from Retaliation.** The organization prohibits retaliation by or on behalf of the organization against employees or volunteers for making good faith complaints, reports or inquiries under this policy, or for participating in a review or investigation under this policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken. The organization reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints, reports or inquiries or who otherwise abuse this policy.

**3. Where to report.** Complaints, reports or inquiries may be made under this policy on a confidential or anonymous basis. They should describe in detail the specific facts demonstrating the basis of the complaints, reports or inquiries and any attempts made to address the concerns prior to reporting.

They should be directed to the current President or board governance committee; if the President is implicated in the complaint, report or inquiry, it should be directed to the Executive Director and vice-versa.

The governance committee will conduct a prompt, discreet, and objective review or investigation. Officers, volunteers, and staff must recognize that the organization may be unable to fully evaluate a vague or general complaint, report, or inquiry that is made anonymously.

The State of California requires all employers to post the Attorney General's Whistleblower Hotline 1-800-952-5225 for the reporting of possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility to the organization's shareholders, investors, or employees. The Attorney General refers all calls to the appropriate government authority for review and possible investigation.

## **WHISTLEBLOWERS ARE PROTECTED**

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

### **Who is protected?**

Pursuant to [California Labor Code Section 1102.5](#), employees are the protected class of individuals.

"Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. ([California Labor Code Section 1106](#))

### **What is a whistleblower?**

A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a local, state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.

Even if an employee does not engage in such protected activity, but their employer believes they did or will engage in protected activity in the future, they are perceived to be a whistleblower and are protected.

### **What protections are afforded to whistleblowers?**

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower or is perceived to be a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised their rights as a whistleblower in any former employment.

Under [California Labor Code Section 1102.5](#), if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages and civil monetary penalties, and take other steps necessary to comply with the law.

**How to report improper acts**

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.**

The Attorney General will refer your call to the appropriate government authority for review and possible investigation.