

## ISLAND SHAKESPEARE FESTIVAL WHISTLEBLOWER POLICY

Island Shakespeare Festival (ISF), a Washington nonprofit corporation (501c-3) will investigate complaints of fraudulent or dishonest use or misuse of our resources or property by directors, officers, managers, staff, contractors, volunteers, or any other agents of the organization. Any person found to have engaged in fraudulent or dishonest conduct will be subject to corrective action and may face civil action or referral to criminal prosecution if the conduct warrants such action.

### DEFINITIONS

**Baseless Allegations:** allegations made in bad faith or with reckless disregard for their truth or falsity.

**Fraudulent or Dishonest Conduct:** a deliberate act or failure to act with the intention of obtaining an unauthorized benefit (collectively referred to as "misconduct"). Examples of such misconduct include, but are not limited to:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage in violation of ISF's conflict of interest policy
- Misappropriation or misuse of ISF's resources, such as funds, supplies, or other assets
- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked or failing to account for unworked (but paid) hours as vacation, sick leave or other paid time off

**Complainant:** an employee or non-employee who informs the employee's immediate supervisor, the Artistic Director, or the president of the Board of Directors about conduct which that person in good faith believes to be fraudulent or dishonest.

### REPORTING POSSIBLE FRAUDULENT OR DISHONEST CONDUCT

All members of ISF's community are encouraged to report possible fraudulent or dishonest conduct.

An employee must report such concerns to the employee's immediate supervisor. If for any reason an employee finds it difficult to report a concern to the employee's immediate supervisor, the employee must report it directly to either the Executive Artistic Director or the president of the Board of Directors.

# ISF WHISTLEBLOWER POLICY

Non-employees should report their concerns to a manager in accordance with the concern resolution path. If for any reason the non-employee finds it difficult to report a concern to a manager, the non-employee should report it to either the Executive Artistic Director or the president of the Board of Directors.

## RIGHTS AND RESPONSIBILITIES OF COMPLAINANTS

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### COMPLAINANTS

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Complainants are responsible for being candid and providing all known information regarding suspected misconduct to the person who is designated by ISF to look into the complaint. Investigations may not proceed if the complainant refuses to be interviewed by the investigator or refuses to provide further information regarding the complaint. Complainants should not conduct investigation activities themselves, nor do they have the right to participate in investigation activities, unless requested by the investigator. Complainants must refrain from obtaining evidence relating to a complaint for which they do not have a right of access. Such improper access may itself be misconduct and may result in corrective action. Complainants should also refrain from discussing the investigation or their testimony with those not connected to the investigation.

A person who is concerned about suspected misconduct:

- Should not contact the person suspected to investigate the matter or demand restitution.
- Should not discuss the suspected misconduct with anyone other than the person's immediate supervisor, the Artistic Director, the president of the Board of Directors, ISF's legal counsel, or a duly authorized law enforcement officer.
- Should direct all inquiries from an attorney retained by the suspected individual to ISF's legal counsel.
- Should direct all inquiries from the media to the Artistic Director, the president of the Board of Directors, or ISF's legal counsel.

### PERSONS INTERVIEWED IN INVESTIGATIONS

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Any person who is not a complainant, but who is interviewed as part of an investigation, is expected not to discuss the nature of the evidence or any testimony given in the investigation except with the investigator, or unless otherwise authorized by the investigator.

### MANAGERS AND SUPERVISORS

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Managers and supervisors are responsible for maintaining systems of management control which detect and deter fraudulent or dishonest conduct. Failure by a manager or supervisor to establish and monitor such controls, or failure to report misconduct within the scope of this policy may result in corrective action against the manager or supervisor, up to and including

# ISF WHISTLEBLOWER POLICY

dismissal. The Artistic Director is available to assist management team members in establishing systems and recognizing misconduct.

ISF shall maintain files of investigations undertaken under this policy. If complaints of misconduct under this policy are oral, the supervisor, the Artistic Director, or the president of the Board of Directors who receives the complaint shall memorialize the substance of the complaint in writing and include that summary in the investigation file. Access to the investigation file should be limited to the investigation team and ISF's legal counsel.

Reasonable care should be taken in dealing with suspected misconduct to avoid:

- Baseless allegations
- Premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved in the investigation
- Violations of a person's rights under law.

## NO RETALIATION

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ISF will protect complainants who in good faith report suspected fraudulent or dishonest conduct as follows:

- ISF will use best efforts to protect complainants against retaliation. It cannot guarantee confidentiality, however, and there is no such thing as an "unofficial" or "off the record" report. ISF will keep the complainant's identity confidential to the extent practical. Confidentiality may not be maintained where: (1) the person agrees to be identified or otherwise self-discloses the person's identity; (2) identification is necessary to allow ISF or law enforcement officials to investigate or respond effectively to the complaint; (3) identification is required by law; or (4) the person accused of violating this policy is entitled to the information as a matter of legal right in disciplinary proceedings.
- ISF employees may not retaliate against a complainant with the intent or effect of taking an adverse personnel action. Adverse personnel actions may include, but are not limited to, workplace discipline, termination, demotions, or reductions in compensation. A complainant who believes that he/she has been retaliated against must report such action to either the complainant's immediate supervisor, the Artistic Director, or the president of the Board of Directors. A proven complaint of retaliation shall result in a proper remedy for the person harmed and disciplinary action against the retaliating person. This protection from retaliation is not intended to prohibit management from taking action, including disciplinary action, in the usual course of their duties based on valid performance-related factors.
- Complainants must be cautious to avoid baseless allegations (as defined above). It is improper for any person intentionally to make baseless allegations and any such action may be subject to corrective action.
- A complainant's right to protection from retaliation does not extend to immunity from any action that arises from the complainant's complicity in the matters that are the subject of the complaint or ensuing investigation.