



Elizabeth River Trail Foundation Policy on Reporting Suspected Misconduct, Ethical and Legal Violations

Introduction

The Elizabeth River Trail Foundation (ERTF) requires its trustees, officers, and employees to observe high standards of business and personal ethics in the performance of their duties on ERTF's behalf.

The ERTF is committed to protecting individuals from interference when making a "Protected Disclosure" (see Definitions below) and from retaliation for having made a Protected Disclosure or for having refused to follow an illegal instruction.

The principal objective of this Whistleblower Policy (this "Policy") is to encourage and enable ERTF representatives, without the fear of retaliation, to raise concerns regarding suspected unethical and/or illegal conduct or practices on a confidential and, if desired, anonymous basis, so that The ERTF can address and correct inappropriate conduct and actions.

This Policy is not intended to be the method for reporting violations of The ERTF's applicable human resources policies, problems with colleagues, co-workers, or supervisors, or for reporting issues related to alleged employment discrimination or sexual or any other form of unlawful harassment, all of which should be handled in accordance with The ERTF's Conduct Policies. Those policies found in The ERTF Policies are designed to address individual grievances and personal complaints. Notwithstanding the foregoing, this Policy is intended to be a method for reporting a violation of the protective procedures set forth in any such policy.

The ERTF will exercise its authority to take whatever action may be needed to prevent and correct activities that are found to constitute wrongful conduct.

Definitions

Wrongful Conduct Concern ("Concern") - A serious violation of ERTF policies; a violation of applicable local, Virginia State, and Federal laws; or the use of ERTF property, resources, or authority for personal gain or other non-ERTF-related purposes.

Protected Disclosure - Communication about actual or suspected wrongful conduct engaged in by an ERTF staff member, volunteer, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under ERTF policies and/or applicable laws. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct promptly.

Reporting Concerns

Concerns should be reported either verbally or in writing as soon as practicable to any one of the following:

1. Treasurer;
2. Board Chair;
3. Board Vice Chair

Information involving all the above individuals may be reported to the entire Executive Committee via email.

In addition, The ERTF has developed an alternative, confidential method of reporting instances of suspected wrongdoing, fraud, waste, and abuse. The email address reporting@elizabethrivertrail.org has been established as another way to report instances of suspected wrongdoing, fraud, waste, and abuse. You do not have to reveal your identity in your email, though it is strongly encouraged so that we may follow up on the information you have provided. Please note that reporting@elizabethrivertrail.org is not intended to be the primary means of reporting suspected misconduct. Instead, you are encouraged to use the normal reporting methods described above.

Handling Reporting Concerns

Individuals receiving reports shall report them immediately to the Treasurer who has the responsibility for investigating reports and informing the Chair of the Board of Directors regarding all reported concerns and the investigation thereof. The Executive Committee shall have the authority to monitor the investigation and engage outside auditors, independent counsel, or other experts to assist in the investigation and analysis of any accounting concerns. The Executive Committee shall make reports to the full Board of Directors of all reported concerns and the resolution thereof.

Investigations

The Treasurer will attempt to notify the disclosing individual (when identity is known) to acknowledge receipt of the reported concern. All reports will be promptly investigated and appropriate corrective action will be taken when warranted by the investigation. The scope, manner, and parameters of any investigation undertaken shall be determined in consultation with the Executive Committee and other appropriate ERTF Officials.

Reporting Responsibility

It is the responsibility of all ERTF representatives to report in good faith concerns they may have regarding actual or suspected activities that may be illegal or in violation of The ERTF policies

with respect to, without limitation, fraud, theft, embezzlement, accounting or auditing irregularities, bribery, kickbacks, and misuse of ERTF assets, as well as any violations or suspected violations of high business and personal ethical standards.

No Retaliation

No ERTF representative who in good faith reports a concern shall suffer intimidation, harassment, retaliation, discrimination, or adverse employment consequences because of such report. Any employee of the ERTF who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including termination of employment or removal from the Board.

Acting in Good Faith

Anyone reporting a Concern must act in good faith and have reasonable grounds for believing that the information disclosed may indicate a violation of a law, ERTF policy, and/or ethical standards. Any allegations that prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

The ERTF takes seriously its responsibility to enforce this Policy and therefore encourages any person reporting a concern to identify him or herself so as to facilitate any resulting investigation. Notwithstanding the foregoing, in reporting a concern, ERTF representatives can request that their report be treated in a confidential manner including that The ERTF takes reasonable steps to ensure that the identity of the reporting person remains anonymous.

Concerns will be kept confidential to the extent possible, consistent with the need to conduct a thorough and complete investigation.

Records

The ERTF will retain on a strictly confidential basis for a period of three (3) years (or otherwise as required) all records relating to any reported concern and to the investigation and resolution thereof. All such records are confidential to The ERTF and such records will be considered privileged and confidential, subject only to a lawful subpoena or other recognized government authorities.

Distribution

The ERTF shall distribute a copy of this Policy to all ERTF Directors, Committee Members, employees, and all other persons who provide substantial service to The ERTF.

Adopted by the Board of Directors __4/17/2024_____