16. WHISTLEBLOWER POLICY

16.1 YFA officials are obligated to comply with all relevant legal requirements in carrying out their responsibilities. A failure to meet this obligation—whether intentional or inadvertent—can have adverse consequences for the reputation and operation of YFA. The purpose of this Whistleblower Policy (“WB Policy”) is to establish a procedure by means of which any such failures can be brought to the attention of YFA, so that appropriate corrective action can be taken.

16.2 Definitions

16.2.1 The term “misconduct” means an action taken by a YFA official in carrying out his or her YFA responsibilities that is in violation of a legal requirement.

16.2.2 The term “YFA official” means a YFA Officer, a member of the Executive Board, a member of a YFA committee, and any other person designated by governance to represent YFA.

16.2.3 The term “person” means a member of YFA, an employee of YFA, a consultant or vendor who does or seeks to do business with YFA, and any other representative of YFA.

16.2.4 The term “WB Officer” means the person who is responsible for the implementation of the WB Policy.

16.2.5 The term “whistleblower” means a person who notifies the WB Officer of an action that he or she has reasonable cause to believe constitutes misconduct.
16.3 **WB Officer**

16.3.1 The YFA Vice President for MJC shall serve as the WB Officer, and shall in that capacity be responsible for the implementation of the WB Policy. The WB Officer shall monitor the implementation of the WB Policy, and make periodic reports regarding its implementation to the YFA Executive Board. The WB Officer shall recommend to the YFA Executive Board such modifications in the Policy as from time to time may be deemed appropriate.

16.4 **Notifying YFA of Alleged Misconduct**

16.4.1 Any person who has reasonable cause to believe that a YFA official has engaged or is about to engage in misconduct, should notify the WB Officer in writing. That person (the whistleblower) shall identify himself or herself in the notice to the WB Officer, but the WB Officer shall, if requested to do so by the whistleblower, treat the notice as anonymous and shall not, except in response to a legal mandate, reveal the whistleblower’s name. If the WB Officer is unavailable, and the whistleblower believes that a delay in providing notification can have adverse consequences for YFA, he or she may notify the YFA Vice President for Columbia who shall, as soon as possible hereafter, turn the matter over to the WB Officer.

16.4.2 If, based on information provided by the whistleblower and other relevant information, the WB Officer has reason to believe that a YFA official has engaged or is about to engage in misconduct, the WB Officer shall conduct an expeditious investigation of the alleged misconduct, and shall submit to the YFA Officers a written opinion setting forth its conclusions as to whether the YFA official has engaged or is about to engage in misconduct, and, if so, what should be done to correct the situation.

16.4.3 After consulting with the YFA Executive Board, the WB Officer shall arrange for such action to be taken as he or she deems appropriate to correct the situation.

16.4.4 If the WB Officer concludes that any person has made an allegation of misconduct, or has participated in an investigation of alleged misconduct, in bad faith or without reasonable cause, the WB Officer, after consulting with the YFA Executive Board, shall arrange an appropriate disciplinary action to be taken against that person.

16.5 **Protection of Persons Who Provide Evidence of Alleged Misconduct**

16.5.1 Except as otherwise provided in Section 16.4.4 above, no person shall be subject to any form of direct or indirect retaliation by a YFA official, a YFA employee, or other YFA representative because he or she (1) is a whistleblower, (2) has participated in an investigation of alleged misconduct, or (3) has in good faith in any other way been involved in the implementation of the WB Policy.

16.5.2 If any person believes that he or she has been subject to retaliation in violation of the Section 16.5.1 above, that person shall report such retaliation to the WB Officer. The WB Officer shall investigate the matter and if the WB Officer concludes that a YFA official, Year employee, or other YFA representative has engaged in retaliation, the WB Officer, after consulting with the YFA Executive Board, shall arrange for appropriate
disciplinary action to be taken against said YFA official, YFA employee, or YFA representative.

16.6 Miscellaneous

16.6.1 Nothing in the WB Policy shall be interpreted or applied to deprive any person of any right that he or she may have under the YFA governing documents, a contract with YFA, or a statute. To the extent that the WB Policy is inconsistent with any such right, the right in the YFA governing document, contract with YFA, or statute shall take precedence.

16.6.2 Any person who believes that a YFA official has engaged or is about to engage in misconduct is encouraged to exhaust the WB Policy before attempting to deal with the matter in any other forum.

16.6.3 All information and documents involved in the implementation of the WB Policy shall be treated as confidential, and the WB Officer shall make such information and documents available to others only on an “as needed” basis. To the extent relevant, all privileges, including the attorney/client and attorney work product privileges, shall apply to information and documents involved in the implementation of the WB Policy.