

JMMF Reporting and No Retaliation Policy

Updated July 31, 2024

I. Purpose

The purpose of this JMMF Reporting and No Retaliation Policy (“Policy”) is to encourage and enable independent contractors, volunteers, board members, and/or other stakeholders of the Jimmy Miller Memorial Foundation (JMMF) to report any suspected wrongdoing, including but not limited to violations of laws, regulations, policies, ethical standards, and/or any potential improper conduct without fear of retaliation. This policy is particularly important given our work with the vulnerable populations that we work with as their safety and well-being are of utmost priority.

The Jimmy Miller Memorial Foundation (JMMF) supports an “open door” policy and encourages all independent contractors, volunteers, board members, and/or other stakeholders to bring forward any concerns and/or complaints involving any suspected wrongdoing, as defined under this policy, without fear of retaliation.

By fostering a culture of transparency and accountability, we aim to maintain the highest standards of ethical conduct and ensure the safety and well-being of all parties we serve, specifically minors.

II. Scope

This policy applies to all independent contractors, volunteers, board members, and other stakeholders of JMMF.

III. Definitions

Reporting Party: An individual who makes a report in good faith of any suspected wrongdoing, violation of policy, law or regulation or has comments, questions or suggestions for improvement related to a perceived violation of law, policy or regulation.

Wrongdoing: Includes but is not limited to alleged violations of law, regulations, harassment, policies, the Volunteer Code of Conduct (“Code”), unethical conduct, abuse, neglect, or any other actions or conduct that could potentially harm anyone participating in a JMMF session or event.

Incident: Refers to one or more violations or suspected violations of applicable law, regulations, policies, the Code, unethical conduct, abuse, neglect, harassment, or policies and procedures, or related matters.

Harm: Any act or conduct that can be damaging to one's physical being and mental health, anything considered dangerous or threatening to the safety of/to the recipient or to any of JMMF's assets.

Retaliation: Any adverse action taken against the individual reporting suspected wrongdoing.

IV. Reporting Procedures

1. Initial Reporting:

- Reports of suspected or perceived wrongdoing or an Incident should in general be made first to your immediate supervisor. While a verbal communication may initiate the process, please follow up in writing to your immediate supervisor with a cc: to the CEO of JMMF via email at andy@jimmymillerfoundation. If your immediate supervisor is involved in the alleged wrongdoing or Incident, or you are not comfortable discussing the situation with your immediate supervisor, please contact the CEO directly. If the CEO is involved, contact the President of the Board of Directors (currently Jeff Miller) directly at jeffmillernz@gmail.com
- Reports can be made anonymously to info@jimmymillerfoundation.org, although providing your contact information will assist in facilitating a proper investigation and follow up.

2. Content of Report:

- The report should include specific details of the violation, including date(s), times, locations, names of persons involved, any witnesses, a description of the alleged wrongdoing or Incident, how the Reporting Party became aware of the suspected wrongdoing or Incident, any actions already taken relating to the wrongdoing or Incident, and any other relevant information, documentation or data that will help in the investigation.

3. Acting In Good Faith:

- Anyone reporting an alleged or perceived wrongdoing must be acting in good faith, truthful and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations which prove to have been made in bad faith, maliciously and/or knowingly to be false will be viewed as a serious disciplinary offense, and action, including termination and legal measures, against the Reporting Party may be taken.

4. Confidential:

- All reports of alleged wrongdoing are to be considered strictly confidential in nature and not to be discussed with any parties, whether public or private, outside of those listed above in the reporting process. Any violation of this confidentiality policy may be in violation of the Confidentiality provisions of JMMF's Independent Contractor Agreement and repercussions may include termination of the Agreement and/or legal action.

V. The Steps of the Investigation

For the purpose of educating all involved parties and allowing the reporter to anticipate the steps involved, the following outlines the immediate steps taken in the investigation of a report.

1. Receipt of Report:

- Upon receipt of a report, the immediate supervisor or CEO will acknowledge receipt to the reporting party (if the report is not anonymous).

2. Investigation Process:

- The CEO will conduct a preliminary review of the report to determine the level of investigation required. The CEO will evaluate if other members of JMMF's Leadership Team need to be notified and/or involved and will seek their input.
- If a full investigation is warranted, it will be conducted promptly and thoroughly by the CEO and, if necessary, the ad hoc Leadership Team.
- The CEO and/or Leadership Team, in their discretion, may consult with a third impartial party and or human resources specialist or consulting firm or a legal representative maintaining confidentiality to the greatest extent possible.
- If an investigation is not needed and the incident can be addressed directly, the CEO and a third party will address the issues with the accused and act on protocols that may include education, meetings, therapy, remediation, suspension or possible termination of the relationship.
- All parties, including the Reporting Party, must fully cooperate with the investigation in a truthful and expeditious manner.

3. Findings and Actions:

- The findings of the investigation will be shared with the reporting party and based on the nature of the alleged wrongdoing or Incident, may be shared with the JMMF Board of Directors and other stakeholders at the discretion of the CEO and the Leadership Team.
- Appropriate corrective actions will be taken based on the findings, which may include disciplinary action, including suspension and potentially termination, and/or legal action, if necessary.

VI. Protection Against Retaliation

1. Prohibition of Retaliation:

- JMMF strictly forbids and will not tolerate retaliation of any kind. JMMF will not, in relation to the reporting of any Incident under the Policy, permit or tolerate any form of retaliation against a reporting party. Forms of retaliation can include, but are not limited to the following: discharge, demotion, transfer, suspension, threats, intimidation, harassment or any other form of discrimination by any person or group, directly or indirectly, against any Reporting Party, witness or interviewee who, truthfully and in good faith:
 - reports a suspected wrongdoing or Incident in accordance with this Policy while maintaining the confidential provisions of this Policy;
 - lawfully provides information or assistance in an investigation regarding any conduct which the Reporting Party reasonably believes constitutes a violation of applicable laws, the Code or JMMF policies;
 - files, causes to be filed, testifies, participates in or otherwise assists in a proceeding related to a violation of applicable laws, the Code or any other JMMF policies;
 - provides a law enforcement officer with information regarding the commission or possible commission of an offense, unless the individual reporting is one of the violators;
 - or assists in the investigation of the suspected wrongdoing or Incident.

2. Reporting Retaliation:

- Any individual who believes they have been subjected to retaliation should report it to the CEO, or if the CEO is involved in the alleged wrongdoing or Incident, to the President of the Board of Directors.
- In accordance with the previous reporting provisions of this Policy, a verbal communication can initiate the investigation process but a written (e-mail is acceptable) report should quickly follow and include details as outlined in Section IV.2 above
- Reports of retaliation will be investigated promptly, and corrective action will be taken as necessary.

VII. Non-Immunity

The rights of a Reporting Party for protection against retaliation does not include immunity:

- For any personal wrongdoing or Incident that is alleged and investigated. In other words, just because you may report an alleged violation, that does not protect you from disciplinary action, suspension, termination or legal action if you have violated applicable laws, the terms of JMMF's Independent Contractor Agreement, the Code, JMMF policies or any liability and release waivers.
- Reporting a potential wrongdoing or Incident does not preclude you from fulfilling your duties and services as outlined in your Independent Contractor Agreement, unless the CEO agrees in writing that the reported wrongdoing or Incident would reasonably prevent you from fulfilling your duties and services.

VIII. Confidentiality

1. Confidential Handling:

- All reports and investigations will be handled in a confidential manner to the fullest extent possible, consistent with the need to conduct a thorough investigation and take appropriate corrective action.
- All reports and investigation results will be strictly confidential, protecting the identity and data of all parties involved to the greatest extent possible, and the CEO will determine access to such reports and results of the investigation on a "need to know" basis.

IX. Distribution

1. Policy Distribution:

- This policy will be posted on JMMF's website under the Volunteer section and will be attached to JMMF's volunteer signup form in the online platform and volunteers will need to check a box confirming they have read and understand the policy.
- The policy will also be emailed to all independent contractors, board members, and other stakeholders.

X. Policy Review

This policy will be reviewed annually by JMMF Leadership and shared with the Board of Directors to ensure its effectiveness and compliance with applicable laws and regulations. Any necessary revisions will be made and communicated to all stakeholders.

XI. Approval

This Policy was approved by the JMMF CEO and Leadership Team on July 31, 2024

XII. Questions/Concerns

Any questions or concerns related to this Policy should be directed to the CEO at andy@jimmymlerfoundation.org