

Jersey Shore Council, Boy Scouts of America
MEMORANDUM

To: Executive Board Members
All Staff

From: Jim Gillick for Rich Gilchrest
Vice President of Administration

***Subject: 2016 Employee, Director and Officer Conflict of Interest Policy
Whistleblower Policy***

Date: January 19, 2016

As employees, directors and officers of the Jersey Shore Council we represent Scouting in our community and are held to a high standard. We have an obligation to represent Scouting and our Council in a fully transparent and trustworthy manner.

Enclosed please find two governance documents that outline our conflict of interest and whistleblower policies. By the nature of our positions with the organization we are required to be free of conflicts as well as to provide and follow procedures that ensure reporting of misconduct without fear of retribution.

Please review the enclosed policies and acknowledge that you have done so by signing the form provided and returning it to my attention. If you have concerns relating to these policies adopted by our board or your compliance to them, please feel free to contact our Scout Executive, Jim Gillick at (732) 349-1037 x12, or myself at 732-773-1172

Thank you for your cooperation in this important matter.

**Jersey Shore Council
Boy Scouts of America**

Complete, sign and return this form directly to:

Jersey Shore Council, BSA
1518 Ridgeway Road
Toms River, NJ 08755

To: Rich Gilcrest

I have received a copy of the Boy Scouts of America's Employee, Director and Officer Conflict of Interest and Whistleblower policies and have read and understand them.

I further affirm that:

1. I am in compliance with the aforementioned Conflict of Interest policy;
2. I will remain in compliance with the aforementioned Conflict of Interest policy;
3. I have reported any breach of the Conflict of Interest policy of which I am aware; and
4. I understand that it is my obligation to report any breaches of the Conflict of Interest policy of which I am aware either through the open door policy, directly to the Scout Executive or Vice President of Administration in writing

The above statements are correct

The above statements are correct except as indicated below:

I will report promptly through the aforementioned channels any such matter which may develop in the future.

Name

Signature

Date



Employee and Director, and Officer, Conflict of Interest Policy

It is imperative that employees of the Boy Scouts of America conduct themselves with a degree of honesty and integrity which is beyond reproach or even suspicion.

While it is not possible to anticipate every situation and prescribe a precise rule for each, it is possible to set forth certain basic, general principles to be observed by employees at all times. The essence of this policy is that employees, directors and officers shall always deal with others doing, or seeking to do business with the Boy Scouts of America in a manner that excludes all consideration of personal advantage. According, every employee, director, and officer of the Jersey Shore Council is subject to the following policy:

1. INTEREST IN ANY OTHER BUSINESS ORGANIZATION

Employees, directors and officers of the Jersey Shore Council or members of their immediate families shall not have any interest, direct or indirect, in any other business which in any degree conflicts with the employee's primary obligations to the Boy Scouts of America. In this regard, employees, directors and officers or members of their immediate families should not possess a significant financial interest in, or receive remunerations from, any business that does, or seeks to do, business with the Boy Scouts of America. In addition should not conduct business on behalf of the Boy Scouts of America with members of their immediate family, or a business organization with which the employees, directors and officers or members of their immediate families have any association which could be construed as significant in terms of potential conflict of interest. Employees, directors and officers or members of their immediate family should not do business with other employees of the Jersey Shore Council on the basis of their mutual association with the Boy Scouts of America.

2. TRANSACTIONS BETWEEN BSA AND "DISQUALIFIED PERSONS"

No employee who is a "disqualified person" with respect to BSA under Section 4958 of the Internal Revenue Code may enter into any transaction with BSA, if such transaction would constitute an "excess benefits transactions" under the aforementioned Internal Revenue Code.

3. GIFTS, FAVORS, ENTERTAINMENT, AND PAYMENTS TO EMPLOYEES, DIRECTORS AND OFFICERS

Employees, directors and officers shall not seek or accept any gifts, payments, fees, services, valuable privileges, vacations or pleasure trips, loans (other than conventional loans from lending institutions) or other favors from any person or business organization that does, or seeks to do, business with the Boy Scouts of America. In the application of this policy:

- a.) Employees, directors and officers may accept common courtesies of nominal value usually associated with accepted business practices for themselves and members of their families.
- b.) An especially strict standard is expected with respect to gifts, services, or consideration of any kind from suppliers. Entertainment at the expense of the suppliers beyond that contemplated by (a) above should not be accepted under any circumstances.
- c.) It is never permissible to accept a gift in case or cash equivalent of any amount.
- d.) This policy does not preclude the acceptance of gifts that will benefit the Boy Scouts of America rather than an individual employee.
- e.) This policy does not preclude the acceptance of courtesies extended to employees of the Boy Scouts of America in their official capacities, such as gratis hotel rooms for business (but not for personal use) in connection with meetings.
- f.) This policy will be communicated to persons and organizations doing, or seeking to do, business with the Boy Scouts of America.

4. CONFIDENTIAL INFORMATION

Unless authorized by the Scout Executive, employees, directors and officers shall not disclose, directly or indirectly, confidential or proprietary information of the BSA or its employees, or use such information for personal gain. Such information should be shared with other BSA employees only on a need-to-know basis. Individuals who have separated from the BSA employment may not subsequently disclose, directly or indirectly, confidential or proprietary information acquired during BSA employment or use such information for personal gain.

5. OBLIGATION TO DISCLOSE

Any employee, director or officer who believes that his or her personal actions or interests, or the actions of others, may violate this policy must discuss the matter with the Scout Executive. Additional interpretations of this policy and definitions of words and phrases used herein will be made upon request to the Scout Executive.

6. SANCTIONS

Any employee, director or officer whose actions or interests violate this policy is subject to immediate termination, if such is determined to be in the best interest of the BSA.

It is the responsibility of every employee of the Boy Scouts of America to be aware of and to observe these standards. Accordingly, you are asked to sign and return the accompanying Statement relating to these standards. Statements will be held in complete confidence. The Employee Statement will be re-executed on an annual basis.

Whistle Blower Policy

1. Introduction

This policy is to provide the opportunity to employees to report to management unethical and improper practices or any other wrongful conduct in the council and to prohibit management personnel from taking any adverse personnel action against those employees.

2. Definitions

A. Improper practice is an activity by an employee that is undertaken in the performance of the employee's official duties, whether or not that action is within the scope of his or her employment, and that

- a. Is in violation of any law or regulation under the laws the employee is governed, including but not limited to, corruption, malfeasance, bribery, theft of property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of property, or willful omission to perform duty, or
- b. Is in violation of Code of Conduct of the council
- c. Is economically wasteful, or
- d. Involves gross misconduct, incompetence, or inefficiency.
- e. Any directive to violate or assist in violating an applicable law, rule or regulation or any order to work or cause others to work in conditions outside of their line of duty that will unreasonably threaten the health or safety of employees or the public.

B. Whistle blower is an employee making a disclosure under this policy. The whistleblower's role is as a reporting party. They are not investigators or finders of fact, nor do they determine the appropriate corrective or remedial action that may be warranted.

3. Reporting Allegations of Suspected Improper Practices

Any employee may report allegations of suspected improper practices, knowledge or suspicion of improper practices.

- A. Reports of allegations of suspected improper practices are to be made in writing giving factual and specific information.
- B. Such reports should be made to the Scout Executive or the Council Vice President of Administration.
- C. The Scout Executive will examine the report and if considered proper will investigate or appoint an Investigation Team.
- D. The Investigation Team will investigate the matter and report the findings to the Scout Executive.
- E. After examining the findings submitted by the Investigation Team, the Scout Executive may take such disciplinary action, as he/she may consider appropriate, against the wrong doer or to take preventative measures etc.

4. Roles, Rights and Responsibilities of Whistleblowers, investigation participants, subjects and Investigators

A. Whistle Blower

- a. Whistle blowers should make their reports in confidence to the extent possible within the limitations of law and policy and the need to conduct a competent investigation.
- b. Confidentiality of whistle blowers will be maintained. However, whistle blowers are cautioned that their identity may be known for reasons outside of the control of the Scout Executive.
- c. All employees of the council have a duty to cooperate with investigations initiated under this policy.
- d. The motivation of a whistle blower is irrelevant for the consideration of validity of the allegations. However, the intentional filing of a false report, is itself considered an improper practice and the council has a right to act upon.
- e. A whistle blower will have right to protection from retaliation. But this does not extend immunity for any complicity in the matters that are the subject of the allegations or an ensuing investigation.

B. Investigation Participants

- a. Employees who are interviewed, asked to provide information or otherwise participate in an investigation have a duty to fully cooperate with the authorized investigators.
- b. Participants in an investigation are entitled to protection from retaliation for having participated in an investigation.

C. Investigation Subject

- a. An investigation subject is a person who is the focus of investigative fact finding either by virtue of allegation made or evidence gathered during the course of an investigation. The decision to conduct an investigation is not an accusation; it is to be treated as a neutral fact finding process. The outcome of the investigation may or may not support a conclusion that an improper act was committed and if so, by whom.
- b. The identity of a subject will be maintained in confidence to the extent possible given the legitimate needs of laws and the investigation.
- c. Subjects should normally be informed of the allegations at the outset of a formal investigation and have opportunities for input during the investigation.
- d. Subjects have a duty to cooperate with investigators.
- e. Subjects have a right to be informed of the outcome of the investigation.

D. Investigators

- a. Investigators are those persons authorized by the council to conduct fact finding and analysis related to cases of alleged Improper Practices.
- b. All investigators shall be independent and unbiased both in fact and appearance. Investigators have a duty of fairness, objectivity, thoroughness, ethical behavior, and observance of legal and professional standards.