

SOP - Whistleblower Protection

Emergency Nurses Association New Mexico State Council Board/Governance Policy

Whistleblower Protection

- To protect an individual who reports an activity viewed as unlawful or unethical from retaliatory action.
- To offer an individual a mechanism to report such activity.
- To ensure that the Emergency Nurses Association New Mexico State Council is as compliant as possible to the Sarbanes-Oxley Act of 2002.

Policy

The Emergency Nurses Association will not take retaliatory action against any individual for reporting an activity such as a violation of state or federal law, billing for services not performed or for goods not delivered, and other fraudulent or inappropriate financial reporting or management.

Standards/Criteria

Criminal whistleblower provisions of Sarbanes-Oxley Act of 2002 apply to not-for-profits.

It is possible that a criminal action could be brought against ENA for terminating an employee because he or she reports a suspected violation of federal law.

Operational Procedure

1. An individual with knowledge or a concern relative to illegal or dishonest fraudulent activity is to communicate these concerns by contacting the NM ENA President, or any member of the Board of Directors. If this is not an option, the individual should contact National ENA.
2. The person contacted is to bring any report of illegal and dishonest activity to the National Executive Director or ENA President who in turn is to deliver immediately an accurate and complete report to the appropriate ENA leadership or legal counsel.

3. It will then be determined who is responsible for investigating and coordinating corrective action.
4. An individual reporting suspected illegal or unethical activity is to exercise sound judgment to avoid baseless allegations.
5. The whistleblower is protected from retaliation based on reporting activity in accordance with this Policy and Procedure, including any adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm.
6. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated, or immunity from discipline or termination based on job performance or other factors, except for reporting activity in accordance with this Policy and Procedure.

Approved 9/22/11