

Title: Whistleblower Member Protection	Number:
Cross Reference: Texas ENA SOP dated Oct. 13, 2017	
Approved by: Texas State Council Board of Directors (BOD)	Origination Date:
Revised by: Bylaws, Policy & Procedure Committee	Approval Date: 10/10/2020
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I. POLICY PURPOSE:

To protect a member who reports an activity viewed as unlawful or unethical from retaliatory action and to offer a member a mechanism to report such activity, and to ensure that Texas State Council is as compliant as possible to the criminal whistleblower provisions of the Sarbanes-Oxley Act of 2002.

II. POLICY BACKGROUND/DEFINITIONS:

It is the intent of Texas Emergency Nurses Association, Inc. (Texas State Council) to adhere to all laws and regulations that apply to the organization and support the organization’s goal of legal compliance. Texas State Council, including its officers, will not take retaliatory action against any member who in good faith, has made a protest, raised a complaint, or reports a suspected or actual occurrence(s) of illegal, unethical, or inappropriate events, behaviors, or practice.

The Sarbanes-Oxley Act of 2002 came in response to highly publicized corporate financial scandals earlier that decade. The Act created strict new guidelines for accountants, auditors, and corporate officers and imposed more stringent recordkeeping requirements. The act also added new criminal penalties for violating securities laws.

III. PROTOCOL/PROCEDURE:

1. If a member reasonably believes that some policy, practice, or activity of Texas State Council is in violation of the law, a written complaint must be filed by that member with the Texas State Council President. Protected disclosures may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violation will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation and pursue necessary legal or disciplinary action.
2. If the practice or activity that is believed to be in violation involves the Texas State Council President, then the written complaint may be filed with any member of the Texas State Council Board of Directors (BOD).

3. It will then be determined who is responsible for investigating and notification of any additional authorities.
4. The Texas State Council President or BOD will deliver an accurate and complete report of illegal or dishonest activity to appropriate national ENA leadership or legal counsel.
5. A member reporting suspected unlawful or unethical activity is to exercise sound judgment to avoid baseless allegations.
6. The whistleblower is protected from retaliation based on reporting activity in accordance with this policy and procedure.
7. The right of the whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.