

January 14, 2019

**TO:** ArtStream Board of Directors  
**FROM:** Heller An Shapiro, Executive Director  
**RE:** **REVISED AS OF 1/7/19** Reporting Misconduct and Whistleblower Protection Policy Proposal

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At the November 5, 2018 Board meeting, the **Policy on Reporting Improprieties, Fraudulent or Dishonest Conduct** was reviewed, and recommendations were made to:

1. **Recommendation:** Provide as many options as possible for people to report to, including an option outside the Executive Director.

**Response:** Revisions made to paragraphs two and three:

ArtStream will investigate any possible impropriety or fraudulent or dishonest use or misuse of ArtStream’s resources or property by board, staff, ~~contractors~~ or program participants. Anyone found to have engaged in an impropriety or fraudulent activity is subject to disciplinary action by ArtStream up to and including termination or dismissal, and civil or criminal prosecution when warranted.

All members of the ArtStream staff, board, and stakeholder community are to report possible fraudulent or dishonest conduct (including but not limited to financial improprieties or misuse of ArtStream’s resources) confidentially to the ~~Board Chair, Board Vice President, Executive Director~~. If for any reason an employee finds it difficult to report his or her concern to the **Executive Director**, the employee can report it directly to the **Board Chair or Board Vice President**.

2. **Recommendation:** Focus the whistleblower policy on fraud or financial issues and provide a separate anti-harassment policy covering behavioral issues.

**Response:**

Delete: “Abuse or inappropriate activity with a program participant”

Add: “Acts that violate ArtStream’s Policies and Procedures as set forth in the Employee Handbook” (This policy is also referenced in the Employee Handbook.)

3. **Recommendation:** Add a description of what ArtStream will do upon receipt of a complaint, e.g.: conduct an investigation.

**Response:** Addition of paragraph six:

Upon receipt of a complaint, ArtStream’s Executive Director and/or Board Chair will conduct a thorough investigation of a suspected occurrence of impropriety, fraudulent or dishonest conduct. ArtStream will take appropriate disciplinary action up to and including termination or dismissal, and civil or criminal prosecution when warranted.

*Attached: ArtStream proposed Policy on Reporting Improprieties, Fraudulent or Dishonest Conduct*

**Revised 11/7/18 and 1/7/19, and Proposed 1/14/19:**  
**ArtStream**  
**Policy on Reporting Improprieties, Fraudulent or Dishonest Conduct**

ArtStream's Board of Directors and staff are primarily responsible for safeguarding ArtStream's resources by (i) establishing and maintaining sound internal controls designed to detect and deter potential misuse of resources; (ii) taking action to minimize financial loss when misuse occurs; and (iii) correcting abuse. This Policy is intended to encourage and enable employees and others to raise serious concerns within the organization prior to seeking resolution outside the organization.

As further set forth herein, ArtStream will investigate any possible impropriety or fraudulent or dishonest use or misuse of ArtStream's resources or property by board, staff, or program participants (including, but not limited to, teaching artists, students, performers and volunteers).

All members of the ArtStream board, staff, and stakeholder community are to report possible fraudulent or dishonest conduct (including but not limited to financial improprieties or misuse of ArtStream's resources) confidentially to the Executive Director. If for any reason an individual finds it difficult to report his or her concern to the Executive Director, the individual can report it directly to the Board Chair or Board Vice President.

The following is a nonexhaustive list of the types of improprieties that should be reported:

- Forgery or alteration of documents;
- Pursuit of a benefit or advantage in violation of ArtStream's conflict of interest policy;
- Misappropriation or misuse of ArtStream's resources, such as funds, supplies, other assets;
- Acts that violate ArtStream's Policies and Procedures as set forth in the Employee Handbook;
- Authorizing or receiving compensation for goods not received, services not performed or hours not worked; and
- Fraudulent financial reporting.

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Upon receipt of a complaint, ArtStream's Executive Director and/or Board Chair will conduct a thorough investigation of a suspected occurrence of impropriety, fraudulent or dishonest conduct. Based on the result of the investigation, ArtStream may take appropriate action including, but not limited to, termination or dismissal. Additionally, when warranted, ArtStream will pursue civil recourse and assist with criminal prosecution.

No retaliatory organizational action will be taken against those who report truthful information about the commission or possible commission of any offense, even if the person incorrectly believes that a violation has occurred. Any complaint of retaliation will be promptly investigated

and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.