

## **VI. PERSONNEL**

**6.1 WHISTLEBLOWER PROTECTION**

**6.2 EVALUATION OF THE CHIEF EXECUTIVE OFFICER**

## **6.1 WHISTLEBLOWER PROTECTION**

### **INTRODUCTION:**

To ensure maintaining the highest standards of conduct and ethics, the Association encourages the reporting of and shall investigate any suspected fraudulent or dishonest use or misuse of Association resources or property by staff, volunteers, or consultants. Whistleblower protection is provided by federal laws that shield employees, volunteers, or consultants from retaliation for reporting illegal acts. An employer cannot retaliate in any way, by demoting, suspending, terminating, or harassing the whistleblower.

### **POLICY:**

1. A whistleblower is defined as any employee, contractor, or volunteer with the Association who wants to report any conduct or activity that the person believes is in breach of the Code of Ethics or of the law, and that individual wants to avail him or herself of protection against reprisal for having made the report. A whistleblower may or may not elect to remain anonymous.
2. Any suspected fraudulent, dishonest, inappropriate, or illegal conduct involving the Association, its employees, volunteers, and contractors shall be reported to a supervisor or responsible staff member. The supervisor/staff member will in turn make a timely report to the Chief Executive Officer for investigation and resolution.
3. If reporting to a supervisor/staff member is not deemed adequate, feasible, would be futile (i.e., where activities may involve the individual to whom the report should be made), or if such a course has not produced a timely response, staff, volunteers, and consultants are encouraged to report to the management and leadership of the Association in the following order: Chief Executive Officer, President of ASWB, another officer of the Board of Directors, or another member of the Board of Directors.
4. All reports shall be promptly investigated by the appropriate authority. If wrongdoing is found, the guidelines of the Code of Conduct (Policy 7.2) shall be applied. In the event of a report that is made with reckless disregard for truth, the individual making such a report may be subject to disciplinary action by the Association or legal claims by the accused individual.
5. Any ASWB-related act or failure to act with the intention of obtaining unauthorized benefit for anyone should be reported. Examples are forgery or alteration of documents, unauthorized alteration or manipulation of computer files, fraudulent financial reporting, violating the confidentiality or conflict of interest policies, misuse of Association resources, such as funds, supplies, or other assets, authorizing or receiving compensation for hours not worked, or other illegal or inappropriate conduct.

**Approved by the Board of Directors August 2009. Revised August 2012, January 2016, January 2017, January 2019, January 2020, April 2021.**

## **6.2 EVALUATION OF THE CHIEF EXECUTIVE OFFICER**

### **INTRODUCTION:**

Evaluation of the Chief Executive Officer (CEO) is a critical process for the CEO and the Association's success, and it is an essential function of the Board of Directors. The objectives of the evaluation and this policy are to:

- a. Assist the Board of Directors in arriving at and communicating clear and meaningful goals and performance targets for the CEO
- b. Ensure that the CEO receives meaningful, objective, and timely feedback that will allow him/her to perform, over time, at the highest levels possible
- c. Support an effective working relationship between the Board of Directors and the CEO
- d. Enable the Board of Directors to hold the CEO accountable for performance

### **POLICY:**

1. The Board of Directors shall conduct an annual evaluation of the CEO using an assessment instrument previously agreed to by the CEO and the Board.
2. The criteria used to assess the CEO will include the Association's vision and mission, its annual business plan, the CEO's annual goals and objectives as approved by the Board of Directors, core roles and responsibilities as outlined in the CEO job description, and the CEO's self-evaluation.
3. The President will lead the assessment process, ensure that Board members understand the process and timelines, and encourage engagement and full participation by Board members; the President has the discretion to use a third party to facilitate the assessment process.
4. In the first or second week of December of each calendar year, or as determined by the President, the ASWB CEO will submit a performance management and appraisal self-evaluation to the President.
5. In the second or third week of December, or as determined by the President, the President, or third-party facilitator, will distribute an electronic CEO evaluation form to each Board member with the CEO's annual goals and objectives, job description, self-evaluation form, and the summary reports of the current calendar year. For continuity of the evaluation process, the President shall distribute the electronic CEO evaluation form to Board members whose terms ended in November of the same year.
6. The President, or third-party facilitator, will compile and analyze the results and prepare a confidential summary report that will be circulated to the other officers of the Board. The officers will review the summary report and prepare a final written report to be discussed and reviewed with the CEO prior to the January Board of Directors meeting. This allows the officers and the CEO the opportunity to make any mutually agreed-upon changes. In addition, they will discuss critical priorities for the coming year.

7. The President will review the final report with the Board of Directors in an executive session at the January Board of Directors meeting. If the CEO's compensation contains a variable component, the amount or percentage will be determined consistent with the Board's evaluation and the legal obligations of the parties. The officers will meet with the CEO to communicate the Board's determination of compensation.

**Approved by the Board of Directors April 1999. Revised October 2004, August 2012, January 2016, April 2016, August 2017, August 2018, November 2018, November 2019, January 2020.**