



Reporting Serious
Violations of Law or Policy
Updated January 2018



I. POLICY

The Diocese of Orlando is committed to maintaining the highest ethical standards in all of its business practices. It accepts responsibility for the stewardship of resources and financial resources donated to support the mission of the Diocese. All individuals, clergy, religious and laity, whether employees or volunteers serving the Diocese of Orlando, are expected to abide by applicable state and federal laws and Diocese of Orlando policy. No employee or volunteer can be compelled to act in violation of the laws or Diocesan policy.

The Diocese of Orlando encourages all clergy, religious, and laity, whether employees or volunteers, acting in good faith, to report suspected or actual wrongful conduct with respect to violation of law or serious violations of Diocesan policy. The Diocese of Orlando is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an illegal order as defined in this policy.

Diocesan employees or volunteers may not retaliate against an individual who has made a protected disclosure or who has refused to obey an illegal order. Diocesan employees or volunteers may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate supervisor or other appropriate administrator or supervisor within a parish, school or diocesan entity, other appropriate Diocesan official about matters within the scope of this policy.

It is the intention of the Diocese of Orlando to take whatever action may be needed to prevent and correct activities that violate this policy.

II. DEFINITIONS

- A. Wrongful conduct – A serious violation of Diocesan policy; a violation of applicable state and federal laws; or the use of Diocesan property, resources, or authority for personal gain or other non-Diocesan-related purpose except as provided under Diocesan policy.
- B. Protected disclosure – Communication about actual or suspected wrongful conduct engaged in by a Diocesan employee, volunteer, agent, or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or Diocesan policy. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct to:
 1. The disclosing individual's supervisor, pastor, entity administrator or Chancellor of the Diocese, either verbally or in writing, or
 2. Any office listed in this policy under Procedure Section I – Reporting Violations, either verbally or in writing, or
 3. The appropriate governmental unit, law enforcement office or ethics commission after first providing a written communication about the wrongful conduct to the appropriate Diocesan administrator as identified in Procedure Section I – Reporting Violations of this policy.
- C. Retaliation – Adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.



III. EXPECTATIONS OF POLICY

- A. This policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated official of the Diocese of Orlando or public body. More specifically it:
 1. encourages individuals to disclose wrongful conduct engaged in by others to the appropriate Diocesan official so that prompt, corrective action can be taken by the Diocese;
 2. informs individuals how allegations of wrongful conduct can be disclosed;
 3. protects individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self report their own misconduct are not afforded protection by this policy); and
 4. provides individuals who believe they have been subject to reprisal or false allegations a fair process to seek relief from these acts.
- B. Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy. This policy is also intended to protect individuals against false allegations of wrongful misconduct.
- C. Nothing in this policy is intended to interfere with legitimate employment decisions.
- D. Nothing in this policy is intended to interfere with the relationship as defined by canon law between Bishop and priests incardinated or on assignment in the Diocese or between Bishop and religious assigned in the Diocese.

IV. REGULATIONS RELATED TO REPORTING

- A. **ACTING IN GOOD FAITH.** Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the policy.
- B. **FALSE ALLEGATION.** Any employee or volunteer who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including termination. Allegations that are not substantiated yet are made in good faith are not subject to corrective action.
- C. **RETALIATION.** No employee who makes a protected disclosure will suffer harassment, retaliation, or adverse employment consequences. Any person who retaliates against any individual who makes a protected disclosure is subject to discipline up to and including termination. This Policy is intended to encourage and enable employees and volunteers and others to report serious concerns regarding violations of law or serious violations of policy within the Diocese and its leadership prior to seeking resolution outside the Diocese.
- D. **CONFIDENTIALITY.** Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously through the Diocesan Human Resources office. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance with the requirements of Florida law.
- E. **HANDLING PROTECTED DISCLOSURES.** The Offices (listed in Reporting Violations, in this policy) receiving the protected disclosure will notify the disclosing individual (if her or his identity is known) and acknowledge receipt of the reported violation or suspected violation within ten working days for most issues and within 24 hours for alleged criminal or serious environmental violations. All reports will be promptly investigated within 45 calendar days and appropriate corrective action will be taken if warranted by the investigation.



V. PROCEDURES FOR REPORTING VIOLATIONS

- A. Individuals, employees or volunteers, having concern about alleged serious violations of Diocesan policy or law or suspected or actual wrongful conduct as defined by this policy should share their concern, question or complaint with a Diocesan leader who can properly and promptly address the concerns, questions or complaints. If an individual is not comfortable speaking with the individual's immediate supervisor, or is not satisfied with the supervisor's response after speaking with the supervisor, individuals should take their concerns to the Offices listed below who will listen to, investigate and/or address the concern as appropriate.
1. **DIOCESAN FINANCE OFFICE.** Issues related to parish, entity or diocesan finance, theft, fraud or any other concern related to misuse of financial resources.
 2. **DIOCESAN DESIGN AND CONSTRUCTION SERVICES OFFICE.** Issues related to construction and facility, safety, environmental violations.
 3. **HUMAN RESOURCES.** Issues related to inappropriate behavior within the workplace on the part of management or staff.
 4. **CHANCELLOR FOR CANONICAL AFFAIRS.** Issues related to priests other than the areas of finance, human resources.
 5. **CHANCELLOR FOR ADMINISTRATION/CHIEF OPERATING OFFICER.** Issues related to legal concerns or concerns in the areas of finance, construction and facility, human resources not resolved by the offices listed above.
- B. Supervisors who receive protected disclosures are required to immediately contact the appropriate office as listed in Section V, A in order that the Office might initiate the investigation.

VI. RESPONSIBILITIES

- A. Individuals, employees and volunteers, should be knowledgeable about this policy and its appropriate use. Suspected serious violations should be reported according to this policy to the individual's supervisor or office as noted above. If unsure about reportability of a concern, the employee should discuss the issue with a supervisor or the designated office listed above.
- B. Supervisors are:
1. responsible to inform employees at time of hire of the policy and its appropriate application;
 2. responsible to maintain findings of wrongful conduct or false allegations in the individual's personnel file;
 3. responsible to provide training for management regarding their responsibilities defined under this policy.
- C. Human Resources Office is responsible to accept and investigate protected disclosures regarding employment issues, complaints of retaliation for making protected disclosures and to provide training for managers regarding their responsibilities outlined in this policy

Reference: Anti-Harassment Policy, Employee Handbook, Page 2
Employee Manual – Policy ER008
Review Panel (Grievance) Policy, Employee Handbook, Page 20
Employee Manual – Policy ER007

Form: Reporting Suspected Serious Violations of Policy or Law
Initiated: May, 2010 Current: May, 2010



Reporting Serious
Violations of Law or Policy
(Whistleblower Policy)

Date Reported to Diocese of Orlando _____

CONFIDENTIAL REPORT

Received by _____

Date Received _____

Date(s) of Violation _____

Location of Violation _____

Briefly outline the suspected wrongful conduct – that is, the serious violation of Diocesan policy and/or the violation of state or federal law. Include names of individuals that you have reason to believe acted intentionally in violation of law or policy, dates, times and places, including others who might have witnessed or been aware of any of the wrongful conduct. Identify the source of your information, for example, whether you observed directly, were told about the violation by the suspected offending party, were told about the violation by another who witnessed the wrongful conduct. **DO NOT REPORT GOSSIP OR INFORMATION YOU HAVE REASON TO BELIEVE MAY NOT HAVE BEEN SUBSTANTIATED.** If you believe a third party has first hand information, encourage that individual to exercise his/her responsibility to report the wrongful conduct.

CONFIDENTIAL

Please continue on reverse side if additional space is needed.

Although you may report anonymously, your disclosure is protected and will be treated confidentially to the extent possible. If you are willing to be contacted by the individual designated to conduct the investigation, kindly provide contact information below:

Name _____

Telephone contact _____

e-mail address _____