VIRGIN ISLANDS BAR ASSOCIATION
CONFLICT-OF-INTEREST POLICY

Adopted by the Virgin Islands Bar Association Board of Governors
February 25, 2023

I. PURPOSE.

The Board of Governors of the Virgin Islands Bar Association adopts this policy for the purpose of identifying and ethically resolving conflicts of interest that may arise with respect to members of the Board of Governors, officers of the Virgin Islands Bar Association, and employees of the Virgin Islands Bar Association.

Identification and resolution of conflicts of interest which may exist on the part of members of the Board of Governors, officers, members of committees, and employees is required by standards promulgated by the Internal Revenue Code and Treasury Regulations governing tax-exempt organizations, and Virgin Islands law applicable to nonprofit corporations. This Policy is adopted to meet these requirements, and as a matter of ethics and sound management practice.

II. DEFINITIONS.

President means the president of the Virgin Islands Bar Association.

Organization means the Virgin Islands Bar Association.

Member(s) means all members of the Board of Governors as defined by the bylaws of the Virgin Islands Bar Association.

Officer(s) means all officers of the Virgin Islands Bar Association as defined by the bylaws of the Virgin Islands Bar Association.

Employee(s) means any employee of the Virgin Islands Bar Association or its affiliates who provide services to the Organization.

Covered Individual(s) means all officers, members, and employees of the Virgin Islands Bar Association that are subject to this Conflict-of-Interest Policy.

Family Member includes a spouse or domestic partner, parent, grandparent, sibling, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law, child,
grandchild, great-grandchild and their spouses/partners or any other person that resides in the same household.

**Financial Interest** means that the individual has directly or indirectly, through business, investment, or a Family Member, any of the following:

(a) An ownership or investment interest in any entity with which the Organization has a transaction or business arrangement; or

(b) A compensation arrangement with the organization or with any entity or individual with which the Organization has a transaction or business arrangement; or

(c) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or business arrangement.

Generally, an ownership or investment interest of less than 5% in an entity does not constitute a financial interest for purposes of this Policy unless the individual is a partner, director, manager, or officer of the entity or is otherwise involved in the management or governance of the entity.

### III. STATEMENTS OF POLICY AND RELATED PROCEDURES

#### A. Policy -- Conflicts of Interest

1. **Definition of Conflict of Interest.** A covered individual shall be deemed to have a potential conflict of interest in a contract or transaction the individual, or a Family Member, is a party contracting or dealing with the Organization, or if the individual, or a Family Member, is a director, officer, or general partner, or has a financial interest, in the entity contracting or dealing with the Organization.

2. **Standard For Decisionmakers.** Each covered individual serves the Organization in strictly an individual capacity. The individual does not serve in a representative capacity as the agent of, or as a spokesperson for, another organization or corporation. All decisions by individuals serving in key decisionmaking capacities within the Organization should be based on the individual's determination of what is in the best interest of the Organization and its membership.

3. **Sanctions.** Covered individuals who violate this Policy may be removed from the Board, or subject to other disciplinary action as determined by the Board, in accordance with the bylaws of the Virgin Islands Bar Association. Employees who violate this Policy will be subject to disciplinary action up to or including discharge.

#### B. Procedures -- Ongoing

1. **Disclosure of Conflict.** Any duality of interest or potential conflict of interest on the part of any covered individual should be disclosed to the Board of Governors and made a matter of record whenever it arises, or whenever it involves a matter of Board action. Any covered individual having a duality of interest or a possible conflict of interest in any matter should not vote or exercise personal influence on the matter.
2. **Timing of Disclosure.** Many circumstances, in addition to direct financial interests, could give rise to a potential conflict of interest, including instances where the actions or activities of an individual on behalf of the Organization also involve obtaining a personal gain or advantage, or have an adverse effect on the Organization’s interests. Such circumstances present a duality of interest and may be sufficiently significant to be characterized as conflicts of interest. Also, to disclose or use information relating to the Organization’s business for the personal profit or advantage of a covered individual or the individual’s family would give rise to a claim of conflict. Full disclosure of any such situation or any other circumstances in doubt should be made to avoid any possible appearance of conflict and permit an impartial and objective review.

3. **Evaluation of Duality of Interest.** A duality of interest does not necessarily constitute a conflict of interest, but once recognized, must in every case be evaluated. It may, in some instances, be so serious that it prevents further participation by the individual in the Organization’s deliberations with respect to a particular transaction. On the other hand, it may be of little or no significance if it has been disclosed. If there is a question in the mind of the covered individual as to whether a particular duality of interest should be disclosed, then it should be disclosed.

4. **Information Provided by Conflicted Individual.** The foregoing requirements should not be construed as preventing a covered individual from briefly stating a position on the matter, nor from answering pertinent questions at the meeting, as this knowledge may be of assistance.

5. **Quorum.** A majority of the members of the Board who have no conflict of interest in the transaction comprise a quorum for the purpose of taking action on a conflict transaction.

6. **Additional Steps at Board Discretion.** In cases in which a covered individual has a financial interest in an arrangement or transaction, the following additional steps may be taken, at the discretion of the Board:

   a. The covered individual may be required to leave the meeting for the general discussion of the matter and the Board vote; and/or

   b. A disinterested person or committee may be appointed to investigate alternatives to the proposed arrangement or transaction.

7. **Standard for Approval of Transactions with Conflicts.** Transactions involving a covered individual with conflicts must be approved by a majority of disinterested members. Disinterested members are those members having no direct or indirect interest in the issue or transaction.

   In order to approve an arrangement or transaction involving a conflict of interest, the Board must first find, by majority vote of disinterested members, at a meeting at which a quorum is present, that the arrangement or transaction is in the Organization’s best interest, is fair and reasonable to the Organization, and that after reasonable investigation, the disinterested members have determined that a
more advantageous transaction or arrangement cannot be obtained with reasonable efforts under the circumstances.

8. **Documentation.** The minutes of the meeting should reflect that a disclosure was made, which members were present for the discussion, the abstention from voting, and whether a quorum was present, considering any abstentions. The minutes should also reflect a determination by the Board in accordance with Paragraph 7 above.

C. **Procedures--Initial and Annual Disclosure.**

All covered individuals shall review this Conflict-of-Interest Policy and complete a conflict-of-interest questionnaire and certification upon initially affiliating with the Organization and annually thereafter.

1. **Procedure -- Orientation and Initial Disclosures.** When an individual becomes a covered individual, the individual shall receive a copy of this Policy, plus a disclosure questionnaire that must be completed and returned to the Executive Director before the covered individual may commence service or employment.

2. **Annual Disclosures.** Each year, at an established time, a designated person within the Board shall send disclosure questionnaires and a copy of this Conflict-of-Interest Policy to all covered individuals. The information disclosed will be used to identify and resolve potential conflicts of interest.
This Questionnaire is submitted to you pursuant to the attached Conflict-of-Interest Policy. Please refer to the Policy if you have questions. Please answer all questions with respect to relationships that you or any Family Member may have with Virgin Islands Bar Association ("the Organization"). Your answers to the questions below should reflect all current or anticipated relationships and transactions. Please attach an additional sheet of paper as necessary to fully respond to the questions.

1. Do you hold any position as a director, officer, manager, consultant, employee, or otherwise, or do you own any financial interest, in any business from which you have reason to believe the Organization obtains or will obtain any goods or services or otherwise conducts or will conduct any business or financial transactions?
   Yes ____ No ____ if yes: _________________________________________

2. Do you hold any position as a director, officer, manager, consultant, employee, or otherwise, in any non-profit charitable organization which you have reason to believe the Organization may provide funding?
   Yes ____ No ____ if yes: _________________________________________
   Please list all charitable (nonprofit) boards and/or committees in which you hold any position:

3. Do you have any Family Members who hold any positions as a director, officer, manager, consultant, employee, or otherwise, in any charitable organization from which you have reason to believe the Organization may consider providing funding?
   Yes ____ No ____ if yes: _________________________________________
   Please list all charitable (nonprofit) boards and/or committees in which Family Members hold any position and their relationship to you:

4. Do you own in whole or in part any interest in any mortgage, deed of trust, note or other obligation, which is secured in whole or in part by the Organization, or any assets of the Organization?
   Yes ____ No ____ if yes: _________________________________________

By signing below, I acknowledge and agree that:

1. I have received a copy of the current Conflict-of-Interest Policy for the Organization, and have read and understand the Policy;

2. I understand that the Conflict-of-Interest Policy applies to all members of the Board of Governors and all Organization employees;
3. I understand that the Organization is a nonprofit membership organization and that in order to maintain its tax-exempt status it must continually engage primarily in activities which accomplish one or more of its tax-exempt purposes; and

4. I will comply with the Conflict-of-Interest Policy, including reporting any changes in the foregoing responses prior to the next questionnaire.

Printed Name

__________________________________________  ________________________________
Signature                                      Date

Affiliation: □ Officer or Member of Board of Governors □ Employee

Attachment: Conflict-of-Interest Policy
I. **PURPOSE.**

The Board of Governors of the Virgin Islands Bar Association adopts this Policy to provide for the systematic review, retention, and destruction of records received or created by Virgin Islands Bar Association in connection with its functions. These policies cover all records, regardless of physical form, contain guidelines for how long certain records should be kept, and dictate how records should be destroyed.

These policies are designed to ensure compliance with federal and local laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate the Virgin Islands Bar Association’s operations by promoting efficiency and freeing up valuable storage space.

A copy of this Policy shall be provided to all members of the Board of Governors and all employees of the Virgin Islands Bar Association on an annual basis, and all members and employees shall be required to sign and return the Document Retention and Destruction Policy Acknowledgement to the Executive Director as soon as practicable following the Virgin Islands Bar Association’s Annual Meeting.

II. **DEFINITIONS.**

**President** means the president of the Virgin Islands Bar Association.

**Executive Director** means the Executive Director of the Virgin Islands Bar Association.

**Organization** means the Virgin Islands Bar Association.

**Member(s)** means all members of the Board of Governors as defined by the bylaws of the Virgin Islands Bar Association.

**Officer(s)** means all officers of the Virgin Islands Bar Association as defined by the bylaws of the Virgin Islands Bar Association.

**Attorney(s)** means any active member of the Virgin Islands Bar Association.
Employee(s) means any employee or independent contractor of the Virgin Islands Bar Association or its affiliates who provide services to the Organization.

Record(s) means any material that contains information about the Organization’s plans, results, policies, or performance. Anything that can be represented with words or numbers is a business record for purposes of these policies, including electronic documents and metadata. Electronic documents must be retained as if they were physical documents. As a result, any electronic files (e.g., emails, Word documents, PDF files) that fall into one of the document types on the schedule must be maintained for the appropriate amount of time.

III. RECORD RETENTION.

The Organization follows the document retention procedures outlined below. Records that are not listed, but are substantially similar to those listed in the schedule will be retained for the appropriate length of time.

A. Permanent Retention.

1. Permanent Records.

   Permanent Records. Permanent records are records required by law to be permanently retained and which are ineligible for destruction at any time for any reason. These records are necessary for the continuity of business and the protection of the rights and interests of the organization and of individuals. These include records such as organizational documents (e.g., Articles of Incorporation and Bylaws), Board minutes and policies, federal and local tax exempt status, and independent audits.

   No record, whether or not referenced, may be destroyed if in any way the records refer to, concern, arise out of or in any other way are involved in pending or threatened litigation.

   While the listings below contain commonly recognized categories of records, the list should not be considered as having identified all records that the Organization may need to consider for permanent and non-permanent status. In particular, and as noted above, any records that are, or may be involved in pending or threatened litigation, must be retained.

Corporate Records:

- Annual Reports to Lieutenant Governor’s Office
- Articles of Incorporation
- Board of Governors Meeting Minutes
- Policies and procedures adopted by the Board of Governors
- Resolutions adopted by the Board of Governors
- Bylaws
- Construction Documents
- Fixed Asset Records
- IRS/BIR Application for Tax-Exempt Status
- IRS/BIR Determination Letter
Financial Records:

- Annual Audits
- Financial Statements
- Depreciation Schedules
- General Ledgers
- IRS/BIR Tax Returns and all supporting documents
- Check registers or cash disbursement journal

Employee Records:

- Employment and Termination Agreements
- Payroll Registers
- Unemployment Tax Records
- Retirement and Pension Plan Documents

Legal, Insurance and Safety Records:

- Insurance Policies
- Real Estate Documents
- Stock and Bond Records

2. **Non-Permanent Records**.

**Non-Permanent Records.** Certain records are not required by law to be permanently retained and may be destroyed after the passage of certain years or upon the passing of events as defined by these policies.

Notwithstanding the listing of documents below, no record, whether or not referenced, may be destroyed if in any way the records refer to, concern, arise out of or in any other way are involved in pending or threatened litigation.

Corporate Records:

- Contracts (after expiration) 7 years
- Correspondence (general) 3 years

Accounting and Corporate Tax Records:

- Business Expense Records 7 years
- Journal Entries 7 years
- Invoices 7 years
- Sales Records 5 years
- Petty Cash Vouchers 3 years
- Cash Receipts 3 years
- Credit Card Receipts 3 years

Bank Records:
Bank Deposit Slips 7 years
Bank Statements 7 years
Reconciliations 7 years
Electronic Fund Transfer Documents 7 years

Payroll and Employment Tax Records:
- Earnings Records 7 years
- Garnishment Records 7 years
- Payroll Tax returns 7 years
- W-2 Statements 7 years

Employee Records:
- Records Relating to Promotion, Demotion, or Discharge 7 years after termination
- Accident Reports and Worker's Compensation Records 5 years after termination of claim
- Salary Schedules 5 years
- Employment Applications 3 years
- I-9 Forms 3 years after termination
- Time Cards 2 years

Legal, Insurance, and Safety Records:
- Donor Records and Acknowledgement Letters 7 years
- Grant Applications and Contracts 5 years after completion
- Leases 6 years after expiration
- OSHA Documents 5 years
- General Contracts 4 years after termination

3. **Emergency Planning.**

The Organization’s records will be stored in a safe, secure, and accessible manner. All documents and financial files that are essential to keeping the Organization operating in an emergency will be saved to a cloud-based file storage platform (e.g., OneDrive, Google Drive, etc.) at least every week. All other documents and financial files will be saved to a cloud-based file storage platform (e.g., OneDrive, Google Drive, etc.) periodically as identified by the Executive Director.

4. **Document Destruction.**

The Organization’s Executive Director is responsible for the ongoing process of identifying its records which have met the required retention period and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding, or by permanent deletion of the electronic copy.

Document destruction will be suspended immediately, upon any indication
of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation or claim, whichever is latest.

5. **Compliance.**

Failure on the part of employees or members of the Board of Governors to follow this policy can result in possible civil and criminal sanctions against the Organization and possible disciplinary action against responsible individuals. The Executive Director will periodically review these procedures with legal counsel or the Organization’s certified public accountant to ensure that they are in compliance with new or revised regulations. Questions concerning these policies, the applicability of certain records to the retention or destruction policies, must be addressed to the Executive Director.
VI  RGIN ISLANDS BAR ASSOCIATION
DOCUMENT RETENTION AND DESTRUCTION POLICY ACKNOWLEDGEMENT

By signing below, I acknowledge and agree that:

1. I have received a copy of the current Policy for the Organization, and have read and understand the Policy;

2. I understand that the Policy applies to all members of the Board of Governors and all Organization employees; and

3. I will comply with the Policy and will immediately report any violations of which I become aware.

Printed Name

______________________________

Signature                                    Date

Affiliation:  ☐ Officer or Member of Board of Governors  ☐ Employee

Attachment: Document Retention and Destruction Policy
I. **PURPOSE.**

The Board of Governors of the Virgin Islands Bar Association adopts this Policy to identify expectations and standards applicable to members of the Board of Governors and employees of the Virgin Islands Bar Association in the use of organizational email accounts, and in the use of personal or professional email accounts in connection with service on the Board of Governors.

A copy of the Email Use Policy shall be provided to all members of the Board of Governors and all employees of the Organization on an annual basis, and all members and employees shall be required to sign and return the Email Use Policy Acknowledgement to the Executive Director as soon as practicable following the Virgin Islands Bar Association’s Annual Meeting.

II. **DEFINITIONS.**

**President** means the president of the Virgin Islands Bar Association.

**Executive Director** means the Executive Director of the Virgin Islands Bar Association.

**Organization** means the Virgin Islands Bar Association.

**Member(s)** means all members of the Board of Governors as defined by the bylaws of the Virgin Islands Bar Association.

**Officer(s)** means all officers of the Virgin Islands Bar Association as defined by the bylaws of the Virgin Islands Bar Association.

**Attorney(s)** means any active member of the Virgin Islands Bar Association.

**Employee(s)** means any employee or independent contractor of the Virgin Islands Bar Association or its affiliates who provide services to the Organization.

**Email(s)** means all correspondence or other information sent to or from an organizational email account or listserv, including all accompanying attachments, files, documents, and metadata of any kind.
III. STATEMENTS OF POLICY AND RELATED PROCEDURES.

A. Policy – Email Use.

1. Organizational Email Accounts for Officers.
   a. **Creation of Email Accounts.** The Executive Director shall create and maintain email accounts for use by all officers. Such accounts shall include:
      - president@usvibar.org
      - presidentelect@usvibar.org
      - secretary@usvibar.org
      - treasurer@usvibar.org

      Additional officer email accounts may be created by the Executive Director at the request of any officer and with the approval of the President.

   b. **Use of Organizational Email Accounts.** To maintain accurate and complete organizational records of actions taken and communications made by officers, and to ensure that organizational information remains accessible to the Executive Director and the Board of Governors in the officer’s absence, an officer shall use the designated organizational email account for all communications made in connection with the officer’s duties. To the extent reasonably practicable, the use of non-organizational email accounts to conduct the officer’s duties should be avoided. To the extent a non-organizational email account is used by an officer in performing the officer’s duties, the officer shall forward a complete record of all such correspondence (including any accompanying attachments) to the appropriate organizational email account as soon as reasonably practicable, but no later than the end of the officer’s term.

   c. **Access and Expectation of Privacy.** An officer shall have no expectation of privacy with respect to the Organization in any emails sent from or received by the organizational email account. The Executive Director shall maintain the ability to access an officer’s organizational email account whenever necessary in the performance of the Executive Director’s duties. Subject to the requirements of the Whistleblower Policy, all emails sent from or received by an officer’s organizational email account by an officer, a member, or an employee of the Organization shall be maintained as confidential with respect to third parties in order to protect the deliberative process. To the extent such communications concern any matter to be decided by the Board of Governors, the subject matter and a brief summary of such emails shall be recorded in the minutes of the meeting of the Board of Governors at which that matter is discussed or decided.

   d. **Transfer of Organizational Email Accounts.** At the end of an officer’s term, the Executive Director shall be responsible for terminating the outgoing officer’s access to the organizational email account and granting such access to the incoming officer as soon as practicable following the Annual Meeting, or at any other time there is a change in officers.
e. **Retention of Emails and Documents.** An officer shall be prohibited from permanently deleting any emails or accompanying attachments sent to or from an organizational email account that concerns any business that has been or is expected to be before the Board of Governors. This prohibition applies to any email or accompanying attachments sent to or from a non-organizational email account that is required to be forwarded to the organizational email account under this Policy. All documents or other electronic files relevant to the officer’s duties, concerning any business of the Virgin Islands Bar Association, or concerning any matter currently or expected to come before the Board of Governors shall be retained as an email attachment in the organizational email account, or saved to the document-storage platform associated with the organizational email account (e.g., Google Drive, OneDrive, etc.). An officer shall be prohibited from permanently deleting any materials stored in a document-storage platform associated with the organizational email account (e.g., Google Drive, OneDrive, etc.). These requirements do not apply to any emails or documents subject to routine deletion in accordance with the Organization’s Document Retention and Destruction Policy.

f. **Unauthorized Use.** Any unauthorized use of an officer’s organizational email account, including but not limited to use for any personal, professional, or business purpose, is strictly prohibited. No individual other than the incumbent officer, the incumbent officer’s properly supervised support staff, or the Executive Director shall be granted access to an officer’s organizational email account.

g. **Sanctions.** Officers who violate this Policy may be suspended or removed by the Board of Governors, or subject to other disciplinary action as deemed appropriate by the Board of Governors, in accordance with the bylaws of the Virgin Islands Bar Association. Any officer believed to have violated this Policy shall be deemed to have a conflict and the Conflict of Interest Policy shall be followed with respect to that officer’s participation in any meeting or discussion of such violation, except that the officer shall have the right to be heard at any meeting of the Board of Governors at which any sanction is to be discussed or considered.

2. **Organizational Email Accounts for Employees.**

a. **Creation of Email Accounts.** The Executive Director shall create and maintain email accounts for use by employees where appropriate.

b. **Use of Organizational Email Accounts.** To maintain accurate and complete organizational records of actions taken and communications made by employees, and to ensure that organizational information remains accessible to the Executive Director and the Board of Governors in the employee’s absence, an employee shall use the designated organizational email account for all communications made in connection with the employee’s duties. The use of non-organizational email accounts to conduct the employee’s duties shall be prohibited unless expressly permitted by the Executive Director.
c. **Access and Expectation of Privacy.** An employee shall have no expectation of privacy with respect to the Organization in emails sent from or received by the organizational email account. The Executive Director shall maintain the ability to access an employee’s organizational email account whenever necessary in the performance of the Executive Director’s duties. Subject to the requirements of the Whistleblower Policy, all communications and accompanying attachments sent to an employee’s organizational email account by an officer, a member, or an employee of the Organization shall be maintained as confidential with respect to third parties. To the extent such communications concern matters to be discussed or decided by the Board of Governors, the subject matter and a brief summary of such communications shall be recorded in the minutes of the meeting of the Board of Governors at which that matter is discussed or decided.

d. **Termination of Access to Organizational Email Accounts.** At the end of an employee’s relationship with the Virgin Islands Bar Association, the Executive Director shall be responsible for immediately terminating the outgoing employee’s access to the organizational email account.

e. **Retention of Emails and Documents.** An employee shall be prohibited from permanently deleting any emails sent to or from an organizational email account that concerns any business of the Organization. All documents or other electronic files relevant to the employee’s duties, concerning any business of the Organization, or concerning any matter to be discussed or decided by the Board of Governors, shall be retained in a manner as directed by the Executive Director. These requirements do not apply to any emails or documents subject to routine deletion in accordance with any written document-retention policy adopted by the Board of Governors or the Executive Director.

f. **Unauthorized Use.** Any unauthorized use of an employee’s organizational email account, including but not limited to use for any non-organizational professional or business purpose, is strictly prohibited. An employee may use an organizational email account for reasonable personal uses.

g. **Sanctions.** Employees who violate this Policy may be subject to disciplinary action as deemed appropriate by the Executive Director, up to and including termination, in accordance with the policies and bylaws of the Virgin Islands Bar Association.

3. **Organizational Email Listserv Addresses.**

a. **Creation of Listserv Addresses.** The Executive Director shall create and maintain listserv email addresses for use by officers, members, employees, committee chairs and members, or other Virgin Islands attorneys as appropriate to send emails to multiple identified recipients. The Executive Director shall maintain and restrict access to such listservs as appropriate. Such listserv addresses shall include:

   o board@usvibar.org
- **Authorized Users:** members of the Board of Governors, the Executive Director.
- **Recipients:** all officer organizational email accounts, email addresses identified by each incumbent officer and member of the Board of Governors, and the Executive Director.

  - trustees@usvibar.org
    - **Authorized Users:** the Virgin Islands Bar Foundation Board of Trustees, the Executive Director, employees.
    - **Recipients:** all members of the Virgin Islands Bar Foundation Board of Trustees, the organizational email accounts of the President, Treasurer, Executive Director.

  - offislandlawyers@usvibar.org
    - **Authorized Users:** members of the Board of Governors, the Executive Director, all active Virgin Islands attorneys with a permanent address outside of the Virgin Islands.
    - **Recipients:** all active Virgin Islands attorneys with a permanent address outside of the Virgin Islands.

  - younglawyers@usvibar.org
    - **Authorized Users:** members of the Board of Governors, the Executive Director, all active Virgin Islands attorneys who satisfy the definition of “Young Lawyer” as defined in the bylaws of the Virgin Islands Bar Association.
    - **Recipients:** all active Virgin Islands attorneys who satisfy the definition of “Young Lawyer” as defined in the bylaws of the Virgin Islands Bar Association.

  - cle@usvibar.org
    - **Authorized Users:** all Virgin Islands attorneys.
    - **Recipients:** the chair of the CLE Committee of the Virgin Islands Bar Association, members of the CLE Committee as appropriate, employees as appropriate to perform the employee’s duties, and the Executive Director.

  - probatelaw@usvibar.org
    - **Authorized Users:** members of the Board of Governors, the Executive Director, members of the Probate Law Committee.
    - **Recipients:** all members of the Probate Law Committee of the Virgin Islands Bar Association, the organizational email account of the President, and the Executive Director.

  - accesstojustice@usvibar.org
    - **Authorized Users:** members of the Board of Governors, the Executive Director, members of the Access to Justice Committee.
    - **Recipients:** all members of the Access to Justice Committee of the Virgin Islands Bar Association, the
organizational email account of the President, and the Executive Director.

- **mootcourt@usvibar.org**
  - **Authorized Users:** members of the Board of Governors, the Executive Director, members of the Moot Court Planning Committee.
  - **Recipients:** all members of the Moot Court Planning Committee of the Virgin Islands Bar Association, the organizational email account of the President, and the Executive Director.

- **judiciary@usvibar.org**
  - **Authorized Users:** members of the Board of Governors, the Executive Director, members of the Judiciary Committee.
  - **Recipients:** all members of the Judiciary Committee of the Virgin Islands Bar Association, the organizational email account of the President, and the Executive Director.

- **awards@usvibar.org**
  - **Authorized Users:** members of the Board of Governors, the Executive Director, members of the Awards, Public Service & Scholarship Committee.
  - **Recipients:** all members of the Awards, Public Service & Scholarship Committee of the Virgin Islands Bar Association, the organizational email account of the President, and the Executive Director.

- **legislation@usvibar.org**
  - **Authorized Users:** members of the Board of Governors, the Executive Director, members of the Legislation & Law Reform Committee.
  - **Recipients:** all members of the Legislation & Law Reform Committee of the Virgin Islands Bar Association, the organizational email account of the President, and the Executive Director.

Additional listserv email addresses may be created by the Executive Director with the approval of the President. The Executive Director, in consultation with the President, shall be authorized to change the authorized users and recipients of any listserv address. The Executive Director shall be responsible for ensuring that emails sent to the listserv addresses are received only by the appropriate recipients.

b. **Unauthorized Use.** Any unauthorized use of an organizational listserv address is strictly prohibited. The Executive Director shall take appropriate steps to ensure that unauthorized emails, or emails from unauthorized individuals, are not received by recipients of an organizational listserv address.
By signing below, I acknowledge and agree that:

1. I have received a copy of the current Email Use Policy for the Organization, and have read and understand the Policy;

2. I understand that the Email Use Policy applies to all members of the Board of Governors and all Organization employees; and

3. I will comply with the Email Use Policy and will immediately report any violations of which I become aware.

Printed Name

Signature                                     Date

Affiliation:  □ Officer or Member of Board of Governors □ Employee

Attachment: Email Use Policy
VIRGIN ISLANDS BAR ASSOCIATION
FINANCIAL MANAGEMENT POLICY

Adopted by the Virgin Islands Bar Association Board of Governors
Effective March 25, 2023

I. PURPOSE

The Board of Governors of the Virgin Islands Bar Association adopts this Policy to set policies and procedures that are consistent with the mission of the Virgin Islands Bar Association, to set sound financial guidelines that promote prudent fiscal management, and to abide by Generally Accepted Accounting Principles (GAAP) and the legal requirements governing the Virgin Islands Bar Association. This Policy replaces and supersedes all previous financial policies applicable to the Virgin Islands Bar Association, with the exception of those imposed by the Virgin Islands Bar Association Bylaws, Supreme Court Rule, and local or federal law.

A copy of this Policy shall be provided to all members of the Board of Governors and all employees of the Organization at the time they become affiliated with the Organization, and then on an annual basis. All members and employees shall be required to sign and return the Financial Management Policy Acknowledgement to the Executive Director as soon as practicable following the Virgin Islands Bar Association’s Annual Meeting.

II. DEFINITIONS

President means the President of the Virgin Islands Bar Association.

Treasurer means the Treasurer of the Virgin Islands Bar Association.

Executive Director means the Executive Director of the Virgin Islands Bar Association.

Organization means the Virgin Islands Bar Association.

Member(s) means all members of the Board of Governors as defined by the bylaws of the Virgin Islands Bar Association.

Attorney(s) means any regular member of the Virgin Islands Bar Association.

Off-Island Attorney(s) means any regular member of the Virgin Islands Bar Association permanently residing outside of the Virgin Islands.

Employee(s) means any employee or independent contractor of the Virgin Islands Bar Association.
Association or its affiliates who provide services to the Organization.

**Accountant** means an independent certified public accountant retained by the Executive Director to monitor all financial transactions and accounts of the Organization and to ensure compliance with generally accepted accounting principles.

**GAAP** means Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants.

**Bylaws** means the Bylaws of the Virgin Islands Bar Association as approved by the Supreme Court of the Virgin Islands.

### III. STATEMENTS OF POLICY AND RELATED PROCEDURES.

#### A. Responsibilities.

1. **Executive Director.** The Executive Director shall be responsible for ensuring that an appropriate budget is adopted annually by the Board of Governors as required by the Bylaws. The Executive Director shall review and approve all checks, and may approve all contracts up to $1,000. The Executive Director shall serve as the signatory for all the Organization’s accounts and shall review all bank statements for irregularities, review completed bank reconciliations, and oversee adherence to all internal controls. The Executive Director is also responsible for ensuring each employee and member reviews this Policy and returns a completed policy acknowledgment annually, and for reporting any violation or suspected violation of this Policy to the accountant and the Board of Governors.

2. **Board of Governors.** The Board of Governors shall review and approve the annual budget as dictated by the Bylaws. The Board of Governors shall review annual and periodic financial statements and information. The Board of Governors shall review the Executive Director’s performance annually based on objective criteria developed in advance and in consultation with the Executive Director. The President and the Treasurer, or designees approved by the Executive Director and Board of Governors, shall be authorized signers on the Organization’s bank accounts. The Board of Governors is responsible for reviewing and approving all contracts and non-budgeted expenditures over $1,000.

3. **Accountant.** The Executive Director, with the approval of the Board of Governors, shall be responsible for ensuring an independent certified public accountant is retained at all times to serve as the Organization’s accountant and supervise the Organization’s financial transactions. The Executive Director shall ensure the accountant has access to all financial information necessary for the accountant to monitor all accounts, cash flows, payments, reimbursements, checks, credit transactions, and any other matter concerning the finances of the Organization.

4. **Finance Committee.** A Finance Committee shall be created within the Board of Governors. The Finance Committee shall consist of the Treasurer and up to three additional members designated by the President. As soon as practicable after the Organization’s annual meeting, the Finance Committee shall review and recommend amendments to this Policy for consideration by the Board of Governors.
B. **Accounting Guidelines and Internal Controls.** To ensure that record keeping is in accordance with GAAP and appropriate internal controls are maintained, the following procedures shall be followed:

1. Standard accounting procedures, in accordance with GAAP, will be utilized for all financial functions.

2. Accounting will be done on the accrual basis.

3. Periodic, unannounced, internal audits may be performed by the Executive Director, the Finance Committee, or the accountant to ensure this Policy is being followed.

4. To ensure optimal internal controls, the Organization will separate functional responsibilities as recommended by GAAP, to the extent possible based on staffing resources.

5. The Executive Director will maintain financial records in accordance with the Organization’s Document Retention and Destruction Policy.

6. All accounts payable records will be stored by fiscal year and alphabetized by vendor.

7. All accounts receivable and payroll records will be stored by fiscal year.

C. **Annual Audit.**

1. The Executive Director shall arrange for an annual audit of the Organization’s financial statements to be conducted by the accountant. Audited financial statements, including the accountant’s opinion of such statements, will be presented to the Board of Governors by the accountant as soon as practicable after the Organization’s annual meeting.

2. Audits shall be performed annually to ensure the accuracy in accounting functions and to facilitate positive audit results. The Executive Director will retain the records regarding the results of all internal audits in accordance with the Organization’s Document Retention and Destruction Policy and report inconsistencies or problems to the Finance Committee as appropriate.

D. **Account Management.**

1. **General.**

   a. **Monthly Reconciliation.** The Executive Director, with the oversight and assistance of the Finance Committee and accountant, shall review and verify all transactions on all accounts held by the Organization upon receipt of the monthly statement for each account. A copy of all monthly statements shall be maintained by the Executive Director in compliance with the Organization’s Document Retention and Destruction Policy. Such statements shall be made available for inspection by any member of the Board of Governors upon reasonable request.
2. **Credit Card.**
   
a. **Authorized Uses.** The Executive Director shall be the only individual authorized to use an Organization credit card, which shall be maintained in a secure location within the Organization’s office. The Organization credit card shall only be used for expenses related to the regular business operations of the Organization, and the use of any personal credit card for Organization expenses should be avoided at all times. All other uses are unauthorized and strictly prohibited, including but not limited to personal expenditures of any kind, expenditures which have not been properly authorized, and reimbursement of travel-related expenses incurred by individual members or attorneys in the absence of a completed and approved Expense Reimbursement Application Form (Appendix A).

b. **Monthly Reconciliation.** Receipts for all credit card transactions will be maintained by the Executive Director along with proper documentation of its business purpose. The Executive Director, with the oversight and assistance of the Finance Committee and accountant, shall review and verify all credit card transactions upon receipt of each monthly statement. A copy of all receipts shall be attached or otherwise filed with every monthly credit card statement after the monthly review and verification process is complete. A copy of such receipts and monthly statements shall be maintained by the Executive Director in compliance with the Organization’s Document Retention and Destruction Policy. Such statements shall be made available for inspection by any member of the Board of Governors upon reasonable request.

3. **Petty Cash.**
   
a. **Defined.** Petty cash funds may be maintained by the Executive Director in a secure location within the Organization’s offices. The funds are to be used only for miscellaneous or unexpected business-related expenses.

b. **Amount.** The petty cash fund shall not exceed $500.

c. **Withdrawals.** A petty cash slip will be generated for each withdrawal, and a receipt for all purchases made with withdrawn funds must be attached to the petty cash slip. At all times, the petty cash fund shall contain receipts and cash totaling the amount of the fund.

4. **Checks.**
   
a. **Blank Checks.** The Executive Director shall be responsible for all blank checks drawn on any Organization account. Such checks shall be maintained by the Executive Director in a secure location within the Organization’s offices.

b. **Signing Authority.** The Executive Director—along with the President and Treasurer (or their designees as approved by the Board of Governors)—shall be authorized signers on all Organization checks.
c. **Processing of Checks and Cash Received in the Mail.** For funds that are received directly, cash receipts are centralized to ensure that cash received is appropriately directed, recorded, and deposited on a timely basis. Mail is opened and a listing of cash/checks received from all sources shall be prepared by the Executive Director. Deposits are made to the appropriate account by the Executive Director.

d. **Endorsement of Checks.** All checks received that are payable to the Organization shall immediately be restrictively endorsed. The restrictive endorsement shall be a rubber stamp that includes the following information:

- “For Deposit Only”;
- “Virgin Islands Bar Association”;
- The bank name;
- The applicable bank account number of the Organization.

5. **Access to Electronically Stored Accounting and Financial Data.**

a. **General.** The Organization shall utilize unique passwords to restrict access to all Organization accounts and software by unauthorized users.

b. **Password Management.** It is the responsibility of the Executive Director to maintain all passwords for all accounts owned by the Organization. All passwords shall be unique passwords generated and maintained by secure cloud-based password-management software (e.g., LastPass, 1Password, Dashlane, etc.). Access to such software shall be granted only to the President and Executive Director, and to specific identified members or employees on a case-by-case basis and only as necessary to perform their duties (e.g., audits performed by Treasurer and accountant).

c. **Periodic Access Restriction.** The Executive Director shall be responsible for changing the access information for the password-management software as soon as practicable after the Organization’s annual meeting, and immediately upon the departure of any member or employee granted access to such software. The Executive Director shall immediately provide the new access information to the incumbent President each time it is changed.

6. **Insurance.**

a. **Maintenance of Policies.** The Executive Director shall be responsible for maintaining copies of all insurance policies in accordance with the Organization’s Document Retention and Deletion Policy.

b. **Annual Review.** The Executive Director and Finance Committee shall review all active insurance policies annually as soon as practicable following the annual meeting and shall ensure that appropriate arrangements are made for the renewal or continuance of coverage throughout the year.
E. Expense Reimbursement.

1. Reimbursement Approval Procedures.
   a. **Board of Governors Approval Required.** All travel reimbursements and reimbursements for costs incidental to travel made by the Organization to any member, employee, or attorney must in all instances be approved by the Board of Governors. A member seeking travel reimbursement from the Organization shall be deemed to have a conflict of interest and the procedures of the Conflict-of-Interest Policy shall be followed.
   
   b. **Event-Specific Approval.** The Board of Governors may adopt a single resolution approving travel reimbursement for multiple identified individuals attending the same event (e.g., travel for attendance of a Virgin Islands delegation at a meeting of the American Bar Association).
   
   c. **Annual and Mid-Year Meeting.** Reimbursement for reasonable member travel between the District of St. Thomas/St. John and the District of St. Croix for the purpose of attending the Organization’s annual or mid-year meetings does not require approval by the Board of Governors.
   
   d. **Off-Island Attorney Members.** Reimbursement for member airfare from another jurisdiction to the Virgin Islands for the purpose of attendance at the annual or mid-year meetings shall not be approved absent special circumstances identified by the Board of Governors (e.g., attendance as both a member and an invited CLE presenter). An off-island attorney member seeking reimbursement for airfare from the Organization shall be deemed to have a conflict of interest and the procedures of the Conflict-of-Interest Policy shall be followed. For all other reimbursable costs incident to such travel (e.g., ground transportation, meals, lodging), the off-island attorney member shall be reimbursed in the same manner as a member traveling between the District of St. Thomas/St. John and the District of St. Croix for the purposes of attending such meeting.

2. Expense Reimbursement Application.
   a. **Application Form.** No reimbursement for expenses of any kind may be made by the Organization to any member, attorney, or other individual until the Executive Director receives and approves a completed Expense Reimbursement Application Form (Appendix A).
   
   b. **Supporting Documentation.** The Expense Reimbursement Application Form must be accompanied by all supporting documentation showing the date, amount, Organization-related activity, and proof of payment (e.g., invoices, receipts, etc.) of all expenses.
   
   c. **Application Deadline.** All Expense Reimbursement Application Forms must be received by the Executive Director within 14 days of incurring the expense to be reimbursed, or of the occurrence of the activity to which the
expense is related, whichever is later (e.g., airfare purchased more than 14 days in advance of an event may be submitted for reimbursement up to 14 days after the event for which the airfare was purchased). All expenses related to a single event must be submitted at the same time.

d. **Advance Payment.** No advance payment for travel expenses (e.g., airfare, lodging, conference fees) may be reimbursed until after the travel, lodging, and/or conference is complete unless approved in advance by the Board of Governors.

e. **Approval.** The Executive Director may approve any completed Expense Reimbursement Application Form related to approved travel that is timely submitted and accompanied by the required supporting documentation. The Executive Director shall ensure that no reimbursement is approved in violation of this Policy. Any untimely Expense Reimbursement Application Form, or related to travel not approved in advance by the Board of Governors, shall be referred by the Executive Director to the Board of Governors for approval in its discretion. The Executive Director shall bring to the attention of the Board of Governors any item requested for reimbursement that appears unreasonable, unexpected, or otherwise improper before approval. Upon approval, the Executive Director shall complete the “Internal Use Only” section of the Expense Reimbursement Application Form and transmit the reimbursement funds to the applicant. The approved form, along with all supporting documentation, shall be retained in accordance with the Organization’s Document Retention and Destruction Policy and made available to any member upon reasonable request.

3. **Restrictions.**

a. **Ground Transportation.** Reimbursement for ride-sharing services, taxi fare, car rental, and other ground transportation incident to approved travel shall not exceed $100 per day. Use of a personal vehicle for approved travel shall be reimbursed at standard mileage rates published by the Internal Revenue Service not to exceed $100 per day.

b. **Meals.** Reimbursement for food and drink incident to travel shall not exceed $100 per day.

c. **Airfare.** Reimbursement for airfare related to approved travel shall be limited to economy class or its equivalent. Reimbursement for airfare at a higher premium may be approved by the Board of Governors only on a showing of exceptional circumstances (e.g., airfare related to approved travel for a keynote speaker only available at a premium rate through no fault of the individual seeking reimbursement).

d. **Lodging.** Reimbursement for lodging incident to approved travel shall be limited to accommodations suitable to the individual’s needs at a reasonable cost for the location. Accommodations at hotels hosting the approved event, or hotels the organizing entity has identified for use by event attendees, shall be presumed to be reasonable.
e. **Travel Companions.** Under no circumstances shall there be reimbursement for the cost of ground transportation, meals, airfare, lodging, or any other expense incurred as a result of the presence of a travel companion (e.g., spouse, significant other, children, pets). This restriction shall not apply where the travel companion’s participation does not increase the expense to be reimbursed (e.g., shared lodging, shared ground transportation, or other joint activity where the cost is unaffected by the participation of the travel companion). When the presence of a travel companion increases the expense to be reimbursed, the Expense Reimbursement Application Form must identify the extra cost associated with the travel companion’s presence and exclude it from the request.
VIRGIN ISLANDS BAR ASSOCIATION
FINANCIAL MANAGEMENT POLICY ACKNOWLEDGEMENT

By signing below, I acknowledge and agree that:

1. I have received a copy of the current Financial Management Policy for the Organization, and have read and understand the Policy;

2. I understand that the Financial Management Policy applies to all members of the Board of Governors, all Organization employees, and any individual requesting funds from the Organization; and

3. I will comply with the Financial Management Policy and will immediately report any violations of which I become aware.

Printed Name

__________________________________________________________

Signature                          Date

Affiliation: ☐ Officer or Member of Board of Governors ☐Employee

Attachment: Financial Management Policy
**Virgin Islands Bar Association Expense Reimbursement Application Form**

This form must be filled out completely and submitted along with all supporting documentation (e.g., receipts, invoices, etc.) to [hinda.carbon@usvibar.org](mailto:hinda.carbon@usvibar.org) within **14 days** of incurring the expense, or of the occurrence of the Bar-related activity to which the expense is related, whichever is later. All expenses related to a single event must be submitted together. No expense may be reimbursed without proof of payment.

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<th>Address</th>
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**Date & Description (must identify Bar-related activity)**

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**Budget Category**

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I. PURPOSE

In keeping with the policy of maintaining the highest standards of conduct and ethics applicable to Virgin Islands attorneys, the Virgin Islands Bar Association will investigate any suspected fraudulent or dishonest use or misuse of Virgin Islands Bar Association's resources or property by staff, members of the Board of Governors, consultants, or volunteers.

Staff, board members, consultants, and volunteers are encouraged to report suspected fraudulent or dishonest conduct (i.e., to act as “whistleblower”), pursuant to the procedures set forth below.

II. DEFINITIONS

President means the president of the Virgin Islands Bar Association.

Executive Director means the Executive Director of the Virgin Islands Bar Association.

Organization means the Virgin Islands Bar Association.

Member(s) means all members of the Board of Governors as defined by the bylaws of the Virgin Islands Bar Association.

Attorney(s) means any active member of the Virgin Islands Bar Association.

Employee(s) means any staff, employee, independent contractor, volunteer, or consultant of the Virgin Islands Bar Association or its affiliates who provide services to the Organization.

Baseless Allegation(s) means allegations made with reckless disregard for their truth or falsity. Individuals making such allegations may be subject to disciplinary action by the Organization, and/or legal claims by individuals accused of such conduct. Whistleblower protections do not apply to individuals making baseless allegations, or allegations otherwise made in bad faith.

Fraudulent or Dishonest Conduct means a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include:
- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage in violation of the Organization’s Conflict-of-Interest Policy
- Misappropriation or misuse of Organization resources, such as funds, supplies, or other assets
- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked

**Whistleblower** means any individual who informs a member, the President, the Executive Director, or any relevant law enforcement agency about an activity relating to the Organization which that person believes in good faith to be fraudulent or dishonest.

III. **REPORTING.**

If an individual suspects illegal conduct or conduct involving misuse of Organization assets or in violation of the law, the individual may report it, anonymously if desired, and will be protected against any form of harassment, intimidation, discrimination, or retaliation for making such a report in good faith.

An individual's concerns about possible fraudulent or dishonest use or misuse of resources or property must be immediately reported to the Executive Director, who shall then report it to all members of the Board of Governors. If, for any reason, the individual finds it difficult to report these concerns to the Executive Director, the individual may report the concerns directly to the President, or to another member of the Board of Governors, who shall then report it to all members of the Board of Governors. Alternately, to facilitate reporting of suspected violations where the reporter wishes to remain anonymous, a written statement may be submitted to one of the individuals listed above.

IV. **INVESTIGATION.**

The Organization will promptly conduct an investigation into all matters reported, keeping the whistleblower's identity as confidential as possible consistent with the obligation to conduct a full and fair investigation. Such an investigation shall be conducted as directed by the Board of Governors, which may include retention of independent professionals to conduct or assist in such investigation. To the extent any member of the Board of Governors is, or may become, the subject of investigation, that member shall be deemed to have a conflict of interest and the procedures of the Conflict-of-Interest Policy shall be followed.

All relevant matters, including suspected but unproved matters, must be reviewed and analyzed, with documentation of the receipt, retention, investigation, and treatment of the complaint, in addition to any findings or conclusions. All such documentation shall be maintained in accordance with the Virgin Islands Bar Association’s Document Retention and Destruction Policies. Appropriate corrective action will be taken, if necessary, and findings will be communicated to the whistleblower in writing.
V. PROTECTIONS.

The Organization will use its best efforts to protect whistleblowers against retaliation. Whistleblowing complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that whistleblower complaints will only be shared with those who have a need to know so that the Organization can conduct an effective investigation, determine what action to take based on the results of any such investigation, and in appropriate cases, with law enforcement personnel. (Should disciplinary or legal action be taken as a result of a whistleblower complaint, such persons may also have the right to know the identity of the whistleblower.)

There shall be no retaliation of any kind against a whistleblower for reporting an activity which that individual believes to be fraudulent or dishonest with the intent or effect of adversely affecting the terms or conditions of the whistleblower’s employment or other Organizational service, including but not limited to threats of physical harm, loss of job, punitive work assignments, or impact on salary or fees. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Executive Director. Any complaint of retaliation will be promptly investigated in accordance with the requirements of this policy and the Conflict-of-Interest Policy, and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit the Executive Director from taking action, including disciplinary action, in the usual scope of the Executive Director's duties and based on valid performance-related factors.

A copy of the Whistleblower Policy shall be provided to all members of the Board of Governors and all employees of the Organization on an annual basis, and all members and employees shall be required to sign and return the Whistleblower Policy Acknowledgement to the Executive Director as soon as practicable following the Virgin Islands Bar Association’s Annual Meeting.
By signing below, I acknowledge and agree that:

1. I have received a copy of the current Whistleblower Policy for the Organization, and have read and understand the Policy;

2. I understand that the Policy applies to all members of the Board of Governors and all Organization employees as defined in the Policy; and

3. I will comply with the Policy and will immediately report any violations of which I become aware.

Printed Name

Signature ____________________ Date ____________________

Affiliation: □ Officer or Member of Board of Governors □ Employee

Attachment: Whistleblower Policy