



29 British American Boulevard, 2nd Floor
Latham, NY 12110
518-439-8311
thearcny.org

[Policy Number]: Reporting Compliance Concerns/Whistleblower

Category: Corporate Compliance Effective Date: XXXXXXXX
Department: XXXXXXXXXXXXXXXXXXXXXXXX Last Revision Date(s): 7/9/2020

POLICY STATEMENT

Strict adherence to [Chapter]'s Corporate Compliance Plan and Code of Conduct is vital. [Chapter] requires all employees, directors, contractors, officers and volunteers to promptly report any known or suspected violations of the Corporate Compliance Plan, Code of Conduct, policies and procedures or any of the laws, rules or regulations by which [Chapter] is governed. This policy governs the procedure used by employees, directors, officers and volunteers to report compliance concerns and seeks to ensure that [Chapter] provides an environment that encourages individuals to report any suspected violations without fear of retaliation, intimidation or retribution.

This policy applies to all employees, directors, officers, and volunteers of [Chapter]. This policy is distributed to all directors, officers, employees and volunteers who provide substantial services to [Chapter]. Distribution is satisfied through posting of this policy to [Chapter]'s website or at the corporate offices in a conspicuous location available to employees and volunteers. The Board oversees implementation of and compliance with this policy.

PROCEDURE

A. Duty to Report.

Employees, directors, officers, and volunteers are required to report any known or suspected violations of the Corporate Compliance Plan, Code of Conduct, policies and procedures or any of the laws, rules or regulations by which [Chapter] is governed to their supervisor, manager, the Compliance Officer or through [Chapter]'s Compliance Hotline.



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1. Reporting Through [Chapter]'s Compliance Hotline

Employees, directors, officers, and volunteers may report their compliance concerns confidentially to the [Chapter] Compliance Hotline. The Compliance Hotline telephone number is [insert Hotline number]. Callers to the Compliance Hotline may make reports anonymously. No caller is required to disclose their identity and no attempt is made to trace the source of the call or identity of the caller when the caller requests anonymity.

If a caller has revealed their identity, confidentiality is maintained to the extent practicable and allowed by law. Callers should be aware, however, that it may not be possible to preserve anonymity if they identify themselves, provide other information which identifies them, the investigation reveals their identity or they inform people that they have called the Compliance Hotline. Callers should also be aware that [Chapter] is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies.

The Compliance Hotline telephone number is visibly posted in a manner consistent with employee notification in locations frequented by [Chapter] employees, directors, officers, and volunteers.

2. Confidentiality of Reports

[Chapter] treats all reports made under this policy confidentially and works to protect the identity of the individual who has made a report to the maximum extent possible consistent with fair and rigorous enforcement of the Corporate Compliance Program and Code of Conduct while also fulfilling [Chapter's] obligation to disclose matters to governmental agencies as necessary.



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3. Tracking/Investigation of Reports

Any manager or supervisor who receives a report of a suspected violation completes a Complaint Intake Form (See Exhibit A). A copy of the completed Complaint Intake Form is immediately directed to the Compliance Officer. In addition, the Compliance Officer or their designee completes a Complaint Intake Form for all reports received through the Compliance Office, [Chapter]'s Compliance Hotline or otherwise.

Upon receipt of a Complaint Intake Form, the Compliance Officer or their designee conducts an investigation in accordance with [Chapter]'s [compliance investigation policy].

The Compliance Officer or their designee prepares a report to the Board or its authorized committee at least annually summarizing incidents reported, investigatory findings and any corrective actions taken.

The person who is subject of the whistleblower complaint may not be present or participate in board or committee deliberations or vote on the matter relating to the complaint (except that nothing prohibits the person from providing background information or answering questions before deliberations/voting begin).

B. Non-Intimidation/Non-Retaliation

1. General Principles

[Chapter] does not impose any disciplinary or other action in retaliation, including intimidation, harassment, and discrimination, against individuals who, in good faith, make a report or complaint or threaten to disclose to appropriate officials as indicated in Labor Law 740 and 741 any action, suspected action, or inaction taken by or in the [Chapter] that the individual



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believes may violate [Chapter]'s Corporate Compliance Plan, Code of Conduct, Compliance Policies, or any of the laws, rules, regulations by which [Chapter] is governed. This includes, but is not limited to, action or inaction on the part of [Chapter] that presents a substantial and specific danger to public health or safety, may be reasonably believed to constitute improper quality of care to individuals receiving services, or constitutes health care fraud.

“Good faith” means the individual believes the potential violation actually occurred as they are reporting it.

[Chapter] prohibits retaliatory personnel actions by employers when employees object to or refuse to participate in any activity, policy or practice in violation of a law, rule or regulation. All employees, directors, officers, and volunteers of [Chapter] are strictly prohibited from engaging in any act, conduct or behavior which results in, or is intended to result in retaliation or retribution against, or intimidation of, any individual for reporting their concerns relating to a possible violation of [Chapter]'s Corporate Compliance Plan, Code of Conduct, its Compliance Policies or any of the laws, rules or regulations by which [Chapter] is governed.

Further, [Chapter] does not impose any disciplinary or other action in retaliation, including intimidation, harassment, and discrimination, against individuals who provide information or testify before any public body conducting an investigation, hearing, or inquiry into any violation of law, rule or regulation by [Chapter]

The non-intimidation/non-retaliation provisions of this Policy do not permit employees, directors, officers, or volunteers to avoid the consequences of their own wrongdoing by reporting such wrongdoing. Disciplinary actions taken against an employee, director, officer, or volunteer who reports their own wrongdoing are a result of the wrongdoing itself, not the reporting of such wrongdoing and, therefore, are not considered intimidation, retaliation or



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retribution. Self-reporting may, however, be taken into account in determining the appropriate disciplinary action to be taken.

2. Reporting Complaints.

If a [Chapter] employee, director, officer, or volunteer believes in good faith that they have been intimidated or retaliated against for initiating a report or complaint or for participating in any investigation, hearing, or inquiry related to such report or complaint, then the [Chapter] employee, director, officer, or volunteer should report the intimidation/retaliation to their supervisor, manager, the Compliance Officer or [Chapter]'s Compliance Hotline as soon as possible. The report should provide a thorough account of the incident(s) and should include names, dates of specific events (if available), the names of any witnesses and the location or name of any document in support of the alleged retaliation.

[Chapter] conducts a thorough and objective investigation of the incident(s).

Adverse actions in retaliation for an employee's report or complaint may result in discipline, up to and including termination.

3. Discipline.

Any disciplinary action for violation of the Corporate Compliance Plan, Code of Conduct, policies and procedures or any of the laws, rules or regulations by which [Chapter] is governed are imposed in accordance with [Chapter]'s [Discipline Policy].

In the event an employee makes a frivolous, malicious or knowingly false report or complaint under this Policy, the employee is subject to appropriate discipline, up to and including termination.



Exhibit A

[Chapter] Compliance Intake Form

Compliance/Legal Incident File#: _____

Type (circle one): Compliance HIPAA Human Resource Other Legal

To be completed by the Manager, Supervisor or Compliance Office Official receiving the complaint:

Name and Position of Employee Providing Information, if Provided: _____

Date Reported: _____

Facility/Function Reporting: _____

Brief Description of Issue

To be completed by the Compliance Office only:

Brief Description of Resolution, Including Any Corrective Action, Discipline

Date Resolved: _____

Investigated/Managed by: _____

Referred to Outside Counsel? Yes / No

Date Referred: _____

Other Issues

** Please attach copies of all pertinent documents obtained or created through your investigation of this complaint.*