

**SECTION:** 2.4.6.3  
**SUBJECT:** Corporate Compliance  
**TOPIC:** Auditing and Reporting  
Whistleblower-Reporting Compliance Concerns Non-Retaliation/Non-Intimidation

### **POLICY**

Arc of Onondaga recognizes that a critical aspect of the compliance program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to federal and state requirements, as well as the agency's ethical and business policies. To promote this culture, the agency has established a compliance reporting process and a strict whistleblower/non-retaliation/non-intimidation policy to protect employees, directors, volunteers and others who report problems and concerns in good faith from retaliation. Any form of retaliation or retribution or intimidation can undermine the compliance resolution process and result in a failure of communication channels in the organization.

All employees are required to report any known or suspected misconduct, including actual or potential violations of laws, regulations, policies/procedures, the Corporate Compliance Plan or the Code of Conduct.

The "open-door" policy is maintained at all levels of management to encourage employees to report problems and concerns. Employees are encouraged to follow the general lines of communication when reporting concerns, however, all employees can report concerns or questions regarding the Corporate Compliance plan, including known or suspected misconduct, actual or potential violations of policies/procedures or the Code of Conduct to the Corporate Compliance Officer.

Arc of Onondaga maintains a separate Compliance Hotline. The Compliance Hotline number is published on the agency directory, located on the agency website and may be posted in a manner consistent with employee notification in locations frequented by Arc of Onondaga employees.

Employees may report their compliance concerns confidentially to the Compliance Officer through the use of this hotline. Callers should be aware that it may not be possible to preserve anonymity if they identify themselves, provide other information that identifies them, the investigation reveals their identify, or if they inform others that they have called the Compliance Hotline. If an employee wishes to make the report anonymously to the Compliance Hotline, no attempt will be made to trace the source of the call or identify the person making the call. Employees may also report concerns directly (in person or via telephone) or in writing, either electronically or via letter, to the Compliance Officer.

Employees cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action.

Confidentiality is maintained to the extent that is practical and allowable by law. Employees should be aware that Arc of Onondaga is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies. Arc of Onondaga will not impose any disciplinary or other action in retaliation against individuals who make a report or complaint in good faith regarding a practice that the individual believes may violate the agency's Corporate Compliance Plan, Code of Conduct, policies/procedures or any of the laws, rules or regulations by which the agency is governed. "Good faith" means that the individual believes that the potential violation actually occurred as he or she is actually reporting.

Arc of Onondaga strictly prohibits its employees from engaging in any act, conduct or behavior which results in, or is intended to result in, retaliation against any director, officer, employee or volunteer for reporting his or her concerns. Retaliation is defined as "intimidation, harassment, discrimination, or employment consequences". If an employee believes in good faith that he or she has been retaliated against for reporting a compliance complaint or concern, or for participating in any investigation of such a report or complaint, the employee should immediately report the retaliation to the Compliance Officer or the Compliance Hotline. The report should include a thorough account of the incident and should include the names, dates and specific events, the names of any witnesses and the location or name of any document that supports the alleged retaliation. Additionally, knowledge of a violation or potential violation of this policy must be reported directly to the Compliance Officer or the Compliance Hotline.

All reports of suspected concerns, violations, misconduct or other issues will be documented. Any supervisor or director who receives a report of a compliance-related concern or suspected violation must complete a Corporate Compliance Concern/Issue Form. The completed form must be immediately forwarded to the Compliance Officer. Additionally, the Compliance Officer will generate a Corporate Compliance Concern/Issue for all reports received through the Compliance Hotline, the Compliance Office or otherwise. The Compliance Officer is responsible for completing an initial inquiry and investigation, in accordance with policy 2.4.6.2. The Compliance Officer provides a written summary, on a monthly basis, to the Audit Committee and/or Corporate Compliance Committee of all calls received on the Compliance Hotline, all Compliance Complaint forms received, as well as actions taken.

The Compliance Officer is responsible for recording contacts, including reports of suspected violations or misconduct, on a tracking form, and for compiling this information into a report format. This information will be analyzed on a semi-annual basis by the Compliance Officer and the Audit Committee and/or Compliance Committee of the Board, and may be used to suggest improvements, updates, changes or clarifications of any practices. The Board of Directors oversees implementation of and compliance with this policy. Committee members who may be employees cannot

participate in any board or committee deliberations or voting relative to administering the whistleblower policy. A person who is the subject of a whistleblower complaint may not be present or participate in board or committee deliberations or vote on the matter related to the complaint (except that nothing prohibits the person from providing background information or answering questions before deliberation/voting begins).

## **PROCEDURE**

### **Person(s)**

All agency employees

### **Responsibility**

Immediately report any knowledge of misconduct to management, the Compliance Officer, or the Compliance Hotline.

Participates in any investigative process.

Immediately reports possible retaliation to the Compliance Officer or the Compliance Hotline.

Supervisor or Director

Receives report of possible misconduct.

Initiates Corporate Compliance Concern/Issue form and forwards to Compliance Officer immediately and within 24 hours of receipt of report.

Compliance Officer

Generates Corporate Compliance Concern/Issue form for any calls to Compliance Hotline.

Completes initial inquiry for all received/generated Corporate Compliance Concern/Issue forms.

Documents response and actions taken via Corporate Compliance Issue Contact Tracking Record.

Compiles information regarding Hotline calls and other Compliance Complaint forms on a monthly basis for Compliance Committee.

Ensures process for reporting compliance concerns as well as non-retaliation/non-intimidation policy is included in initial and

annual training for all employees.

Provides copy of this policy to all employees during Corporate Compliance Training in Orientation. Obtains signature of receipt and forwards to HR Generalist Coordinator.

HR Generalist

Provides copy of this policy to all volunteers who provide substantial services to the agency at time services begin.

“Substantial services” is defined as ongoing volunteer work on a regular basis. This does not include those volunteers who provide assistance for a specific event.

Files a copy of acknowledgement of receipt in the employee or volunteer file.

Executive Director and/or President of Board of Directors and/or designee

Upon installment of a new member of the Board of Directors, a copy of this policy will be distributed with an acknowledgement of receipt statement.

Statement of receipt will be maintained and a copy sent to the Corporate Compliance Officer

REFERENCE: NPRA 2013

DATE: 8/2007

REVISED: 7/2012, 6/2014, 2/2021

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Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, Board of Directors

\_\_\_\_\_  
Date