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 covered parties. Covered parties include employees, former employees, directors, officers, volunteers and independent contractors 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. This policy applies and is distributed to all covered parties of Arc of Onondaga. Distribution is satisfied by posting this policy to Arc of Onondaga's website as well as on Arc of Onondaga's Intranet. Agency employees are provided a copy of this policy during agency orientation.

All covered parties are required to report any known or suspected misconduct, including actual or potential violations of the Corporate Compliance Plan, the Code of Conduct, policies and procedures or any of the federal, state, or local statute, rules or regulations, executive order, or any judicial or any administrative decision by which Arc of Onondaga is governed.

The “open-door” policy is maintained at all levels of management to encourage covered parties to report problems and concerns. Covered parties 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.

Covered parties 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 covered parties 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. Covered parties may also report concerns directly (in person or via telephone) or in writing, either electronically or via letter, to the Compliance Officer.

Confidentiality is maintained to the extent that is practical and allowable by law. Covered parties 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 threaten or impose any adverse employment action, including discharge, suspension, demotion, intimidation, harassment, discrimination, or any other adverse action as defined in Section 740 of NY Labor Law in retaliation to a covered party who discloses or threatens to disclose to any public body as defined in Section 740 of NY Labor Law, whether within the scope of their job duties. This includes employment action that adversely impacts a former employee’s current or future employment. Specifically, no adverse employment action will be taken when a covered party or former employee discloses or threatens to disclose any violation of any aforementioned areas governed by Arc of Onondaga. This includes, but is not limited to, any activity, policy, or practice by Arc of Onondaga that the covered party reasonably believes presents a substantial and specific danger to public health or safety, constitutes improper quality of care to people receiving supports and services, or constitutes health care fraud. The protections within this section apply when a covered party makes a good faith effort to notify Arc of Onondaga of any known or suspected violation(s) of the aforementioned areas governing the Chapter.

A covered party may seek remedy for alleged retaliatory action for up to two years after the alleged retaliatory action occurred.

Arc of Onondaga prohibits adverse employment actions when employees object to or refuse to participate in any activity, policy, or practice in violation of a law, rule, or regulation. All covered parties are 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 any aforementioned areas by which Arc of Onondaga is governed.

Further, Arc of Onondaga 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 Arc of Onondaga.

Covered parties 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. Disciplinary actions taken against a covered party who reports their own wrongdoing result from the wrongdoing itself, not
the reporting of such wrongdoing, and therefore are not considered acts of intimidation, retaliation or retribution.

Arc of Onondaga strictly prohibits its covered parties 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 covered party 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, hearing or inquiry related to or such a report or complaint, the covered party 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)**

**Covered parties**

**Responsibility**

Immediately report any knowledge of misconduct to management, the
<table>
<thead>
<tr>
<th>Role</th>
<th>Action</th>
</tr>
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<tbody>
<tr>
<td>Compliance Officer</td>
<td>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 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.</td>
</tr>
<tr>
<td>Supervisor or Director</td>
<td>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.</td>
</tr>
<tr>
<td>HR Generalist</td>
<td>Provides copy of this policy to all volunteers who provide substantial services to the agency at time services</td>
</tr>
</tbody>
</table>
"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.

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; 715-B NY Not for profit Corporation Law; Section 740 of NY Labor Law; Section 363-D of NY Social Services Law; Title 18 Part 521 of NYCRR

DATE: 8/2007
REVISED: 7/2012, 6/2014, 2/2021, 2/2022

Executive Director

President, Board of Directors

Date 2/15/2022
Date 2/24/2022