

POLICY AND PROCEDURE

POLICY AND PROCEDURE #: 0011		REVISION: 4
BOARD APPROVAL DATE: March 22, 2017	DATE ISSUED: November 15, 2013	EFFECTIVE DATE: April 1, 2017
TITLE: Reporting Compliance Concerns / Anti Retaliation / Whistleblower		PAGE Page 1 of 5

I. Policy:

Allegany Arc requires all employees, directors, 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 Allegany Arc is governed. This policy describes the procedures to be used by all employees, directors, officers, and volunteers to report compliance concerns. Allegany Arc seeks to ensure an environment that encourages individuals to report any suspected violations without fear of retaliation or retribution.

II. Scope:

This policy applies to all employees, directors, officers and volunteers of Allegany Arc. This policy must be distributed to all directors, officers, employees and volunteers who provide substantial services to Allegany Arc. The Board oversees implementation of and compliance with this policy.

III. Procedure:

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 Allegany Arc is governed to their supervisor, manager, the Corporate Compliance Officer or through Allegany Arc's Compliance Hotline.

Reporting through Allegany Arc Compliance Hotline:

- a. Employees, directors, officer, and volunteers may report their compliance concerns confidentially to the Allegany Arc Compliance Hotline. The Compliance Hotline number is **585-610-0240**. Callers may make reports anonymously. No caller will be required to disclose their identity and no attempt will be made to trace the source of the call or identify the caller when the caller requests anonymity.

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- b. 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 Allegany Arc is legally required to report certain types of crimes or potential crimes and infractions to external governing agencies.
- c. The Compliance Hotline is visibly posted in locations frequented by agency employees, directors, officers and volunteers.

2. Confidentiality of reports:

- a. Allegany Arc treats all reports made under this policy confidentially and will protect the identity of the individual who has made a report to the maximum extent possible.

3. Tracking and investigations of reports:

- a. Any supervisor or manager who receives a report of a suspected violation will complete a Complaint Intake Form (See Exhibit A). A copy of the completed Complaint Intake Form will be immediately directed to the Corporate Compliance Officer (CCO). In addition, the CCO completes a Complaint Intake Form for all reports received through the Compliance Office or Allegany Arc's Compliance Hotline or otherwise.
- b. Upon receipt of the Complaint Intake Form, the CCO will begin to conduct an investigation in accordance with the Allegany Arc policy on compliance investigations.
- c. The CCO prepares a report to the Board of Directors or its authorized committee at least annually summarizing incidents reported, conclusion of each investigation and any corrective actions taken.
- d. 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

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complaint (except that nothing prohibits the person from providing background information or answering questions before deliberations/voting begin).

4. Non-Retaliation/Non-Retribution.

- a. Allegany Arc does not impose any disciplinary or other action in retaliation, including intimidation, harassment and discrimination against individuals who make a report or complaint in good faith regarding any action or suspected action taken by or in Allegany Arc that the individual believes may violate Allegany Arc's Corporate Compliance Plan, Code of Conduct, its Compliance Policies or any of the laws, rules or regulations by which Allegany Arc is governed.
- b. "Good faith" means the individual believes the potential violation actually occurred as they are reporting it.
- e. All employees, officers, directors, and volunteers of Allegany Arc are strictly prohibited from engaging in any act, conduct, or behavior which results in or is intended to result in retaliation or retribution against any individual for reporting their concerns relating to a possible violation of Allegany Arc's Corporate Compliance Plan, Code of Conduct, its Compliance Policies or any of the laws, rules or regulations governing Allegany Arc.
- d. The non-retaliation/non-retribution 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 to be considered retaliation or retribution. Self-reporting may be taken into account in determining the appropriate disciplinary action to be taken.

5. Reporting Complaints or retaliation or retribution

- a. If an Allegany Arc employee, director, officer, or volunteer believes in good faith that they have been retaliated against for initiating a report or complaint or for participating in any investigation related to such report or complaint, the Allegany Arc employee,

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director, officer, or volunteer should report the retaliation to their supervisor, the Corporate Compliance Officer or Allegany Arc's Compliance Hotline as soon as possible. The report will include a detailed account of what occurred and should include names, dates of specific events, the names of any witnesses and the location or name of any document in support of the alleged retaliation.

- b. Allegany Arc conducts a thorough and objective investigation of the incident(s).
- c. Adverse actions in retaliation for an employee's report or complaint may result in discipline, up to and including termination.

6. Discipline

- a. Any disciplinary action for violation of the Corporate Compliance Plan, Code of Conduct, policies and procedures or any laws or regulations governing the Agency will be imposed according to the Allegany Arc's Discipline Policies.
- b. Disciplinary action for encouraging, directing, facilitating, or permitting non-compliant behavior will be imposed according to the Agency's Discipline Policies.
- c. In the event an employee makes a frivolous, malicious, or knowingly false report or complaint under this policy, the employee will be subject to appropriate discipline, up to and including termination.

List of Exhibits

Exhibit A - Allegany Arc Compliance Report Intake Report

Revised and Board approval: November 15, 2013
June 20, 2014
January 28, 2015
March 22, 2017

Exhibit A
Allegany Arc 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.