

**LIFESPAN OF GREATER ROCHESTER, INC.
POLICIES AND PROCEDURES**

TITLE: Whistleblower Protection Policy

POLICY NUMBER: LS-117-FP

EFFECTIVE DATE: April 1, 2005

APPROVED BY: AMC **REVISED DATE:** March 20, 2017

PURPOSE: To govern the reporting and investigation of allegations of suspected improper activities within the agency.

POLICY STATEMENT: Lifespan is committed to providing the most effective and appropriate services to the agency's clients and the most effective, appropriate environment to staff. This policy is intended to establish guidelines for the reporting and investigation of suspected improper activities and to ensure ethical practices and ethical treatment for clients; staff, volunteers, contractors and others (see Procedure). Therefore, the agency is committed to compliance with the laws and regulations to which it is subject and to protect those who suspect improper activities and report their suspicions to the agency administration. Employees and others (see below in Procedure) are encouraged to use the guidance provided by this policy for reporting all allegations of suspected improper behavior.

PROCEDURE - REPORTING

1. A whistleblower is a person or entity making a protected disclosure. This may be an employee of Lifespan, clients, volunteers, applicants for employment, vendors, contractors or the general public. The whistleblower's role is as a reporting party. He or she is not an investigator or finder of fact, nor does he or she determine the appropriate corrective or remedial action that may be warranted.
2. Whistleblowers shall refrain from obtaining evidence for which they do not have a right of access. This, in and of itself, is an improper activity.
3. Any person may report allegations of suspected improper activities. Allegations of suspected improper activities may also be reported anonymously. Lifespan has a confidential hotline to the Corporate Compliance Officer for this purpose. The phone number is 244-8400 extension 131.
4. Reports of allegations of suspected improper activities are encouraged to be made in writing so as to assure a clear understanding of the issues, but may be made orally. Such reports should be factual rather than speculative or conclusory, and

contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.

5. Anonymous whistleblowers must provide sufficient corroborating evidence to justify the commencement of an investigation.
6. It is recommended that any reports be made to the employee's immediate supervisor. However, in the interest of confidentiality, when there is a potential conflict of interest or for other reasons, the report should be made to the Corporate Compliance Officer or the President/CEO. If the alleged improper activity involves the Corporate Compliance Officer or the President/CEO, the report should be made to the Director of Finance or Vice President for Program.
7. The person receiving the report is prohibited from disclosing the identity of a whistleblower unless he or she obtains the whistleblower's permission to do so, or when the disclosure is to a law enforcement agency that is conducting a criminal investigation.
8. When a person reports allegations of suspected improper activities to an appropriate authority, the report is known as a protected disclosure. The rights of those making the report are covered by this policy. The agency will take no punitive action against an employee who is the whistleblower unless upon investigation it is found that the report of suspected improper activity is malicious in nature, such as knowingly filing a false report, and no such person shall suffer intimidation, harassment or discrimination or other retaliation.
9. A whistleblower's right to protection from punitive action does not extend immunity for any complicity in the matters that are the subject of the allegations or an ensuing investigation.
10. All staff in a supervisory role should be aware of and alert to either oral or written, formal or informal communications that may constitute a report of allegations of suspected improper activity.

PROCEDURE – INVESTIGATION

1. The Corporate Compliance Officer is responsible for investigating all allegations of improper activity. If the Corporate Compliance Officer is alleged to be directly involved in the activity, the Director of Finance or Vice President for Program is responsible for the investigation. There shall be no conflicts of interest on the part of any party involved in specific investigations.
2. Investigations into allegations will be begun and completed in a timely manner, with all allegations thoroughly addressed. The motivation of a whistleblower is irrelevant to the consideration of the validity of the allegations, unless it is an intentional filing of a false report.

3. An investigation of unspecified wrongdoing or broad allegations will not be undertaken without verifiable evidentiary support. If the reporter is anonymous it may be difficult to evaluate the credibility of the allegations and less likely to cause an investigation to be initiated.
4. All appropriate administrative staff will be apprised of the allegations and the progress of the investigation as necessary.
5. Consistent with personnel policies, if the alleged improper activity involves an agency employee, that employee may be placed on an administrative or investigatory leave, as appropriate, when it is determined by the investigator and the highest agency authority (barring conflicts of interest), that such a leave would serve the best interests of the employee, the agency, or both. Such a leave is not to be interpreted as an accusation or a conclusion of guilt or innocence of any individual, including the person on leave.
6. All written complaints, and all investigations pertaining thereto, will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation, and information regarding the investigation will be kept with the agency's confidential records.
7. Whistleblowers should be cautioned that his or her identity might become known for reasons outside of the control of the investigator or the person to whom the report of alleged improper activity was made.
8. Similarly, the identity of the subject(s) of the investigation will be maintained in confidence with the same limitations.
9. The highest authority in the agency administration, barring conflicts of interest, shall determine any corrective and remedial action that may be taken as a result of the investigation of the alleged improper activity, including termination of employment if the responsible party is a staff member.
10. Whistleblowers have a right to be informed of the disposition of their disclosure absent overriding legal reasons.

POLICY MONITORING:

1. The Corporate Compliance Committee will oversee the implementation of and monitor compliance with this policy with the assistance of the President/CEO, Corporate Compliance Officer and Lifespan Director of Finance.
2. The Corporate Compliance Officer will track complaints and report to the Corporate Compliance Committee.

3. Directors who are employees may not participate in any deliberations or voting relating to the administration of this Policy. The person who is the subject of a whistleblower complaint may not be present at or participate in Board or Corporate Compliance Committee deliberations or vote on the matter relating to that complaint; provided that this sentence shall not prohibit the Board or Corporate Compliance Committee from requesting that the person who is subject to the complaint present information as background or answer questions at a meeting prior to the commencement of deliberations or voting related thereto.

POLICY REVIEW: This policy will be reviewed annually and updated as needed. Updates will be distributed no later than one month (or 20 business days) after any changes are approved.

POLICY DISTRIBUTION: A copy of this Policy will be disseminated to all directors, officers, employees, and volunteers who provide substantial services to the agency. This can be satisfied by posting in a conspicuous location or posting on the agency website.

POLICY REVIEW DATE: **COMPLETED BY:**