



Section / Number:	Administrative
Title:	Whistleblower Protection – Non-Intimidation and Non-Retaliation
Policy Owner:	Board of Directors – Audit and Risk Committee
Effective Date:	4/2009
Adopted Date:	4/2009
Review / Revision Date(s):	3/2019; 7/2020
Date Approved by Executive Director:	
Date Approved by Board of Directors (as appropriate):	9/2016; 3/2019; 3/2023

POLICY:

It is the policy of the Beyond Support Network to encourage good faith participation in our compliance program and to report any violations or suspected violations of our Standards of Conduct, Corporate Compliance Program, and applicable laws and regulations.

We want our Board members, employees, consultants, volunteers, and contractors to feel comfortable bringing forward concerns related to compliance. Therefore, anyone who demonstrates good faith participation in the compliance program or reports a violation/suspected violation in good faith will be protected from any form of intimidation, retaliation, or adverse employment consequences.

We take retaliatory actions very seriously, and any employee who engages in such behavior against someone who participates in our compliance program or reports a violation/suspected violation in good faith will face disciplinary action, including termination of employment.

This policy aligns with the regulations set forth by New York State's Nonprofit Revitalization Act (NPRA) and New York State Labor Law, Sections 740 and 741.

SCOPE OF POLICY:

This policy applies to all Board members, employees, consultants, volunteers, and contractors.

DEFINITIONS:

Adverse employment consequences: Examples include, but are not limited to: termination of employment; a demotion evidenced by a decrease in wage or salary, a less distinguished title, a material loss of benefits, significant diminished material responsibilities.

Good faith participation in the compliance program: Includes, but is not limited to, reporting potential issues such as fraud and abuse, investigating issues, conducting self-evaluations, performing audits, taking remedial actions, and reporting to appropriate officials as outlined in sections 740 and 741 of the New York State Labor Law, which includes whistleblower protections.

Intimidation: Threatening anyone for good faith participation in the compliance program or to a complaint being made. Treats can be verbal or non-verbal in nature.

Retaliation: Taking any adverse action for good faith participation in the compliance program or in response to a complaint being made. Intimidation is a form of retaliation as it relates to this policy. Adverse employment consequences is a form of retaliation as it relates to this policy.

Confidential Compliance Hotline: Also referred to as the “whistleblower hotline” - A 24 hour 7 day a week dedicated phone line in which Board members, employees, consultants, volunteers, contractors, or any outside entity, can report any unethical behavior, suspected violation of business ethics, fraud, waste, or abuse.

FORMS / ATTACHMENTS / LINKS:

n/a

PROCEDURES:

Anyone who demonstrates good faith participation in the compliance program may report any violations or suspected violations to their immediate supervisor, program director, Director of Human Resources, or the Compliance Officer. Reports or concerns may be made through various means, including telephone, email, in-person, or the Confidential Compliance Hotline. The Compliance Officer is responsible for ensuring that all complaints are thoroughly investigated and resolved.

Retaliation is strictly prohibited against anyone who, in good faith, participates in the compliance program, reports a violation, or assists in making such a report.

To file a complaint concerning a violation, the reporter must act in good faith and have reasonable grounds for believing the information discloses a violation.

Any employee who feels they have been retaliated against by another employee of Beyond Support Network, a member of the Board of Directors, volunteer, or contractor, must report this to their immediate supervisor, program director, Director of Human Resources, or the Compliance Officer. The Compliance Officer and/or Director of Human Resources will investigate the report of retaliation.

Anyone found to have retaliated against someone who has reported a violation in good faith is subject to sanctions, or for employees, disciplinary action up to and including termination of employment.

Any allegations that prove to be unsubstantiated and made maliciously or knowingly false will be viewed as a serious offense and subject to severe sanctions or, for employees, severe disciplinary action.

Callers may remain anonymous when using the Confidential Compliance Hotline. Reports made to this hotline are kept confidential. The Compliance Officer is responsible for primary oversight of the hotline, and the Director of Human Resources serves as a backup only when the Compliance Officer is not available. Notices with the hotline’s phone numbers are posted on the agency’s website and throughout all Beyond Support Network buildings in accessible locations.

The Compliance Officer is responsible for tracking all reports of violations/suspected violations and actions taken, including violations/suspected violations of this policy. All violations/suspected violations and actions taken are reported to the Board of Directors by the Compliance Officer and/or the Chairperson of the Board of Directors Audit and Risk Committee.

All Board members, employees, volunteers, and interns that provide substantial services to the agency are required to complete training on this policy, including where it can be accessed. This policy is available on the agency’s shared network drive, and it is referenced in the Corporate Compliance Program and the Employee Handbook.

RECORDS ARCHIVING: n/a