**AUBURN COMMUNITY HOSPITAL &**

**THE FINGER LAKES CENTER FOR LIVING**

**17 LANSING STREET**

**AUBURN, NEW YORK 13021**

| Subject: **Non-****intimidation /retaliation and Whistleblower Protections** | Policy No.: CC: 9 |
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| Department: Administration: Corporate Compliance | Page: 1 of 2 |
|  | Date Issued: 1/25/2012 |

**SCOPE:**

This Policy applies to all persons affected by the organization’s risk areas, including employees, the chief executive officer and other senior administrators, managers, and contractors, agents, subcontractors, independent contractors, and governing board and corporate officers of Auburn Community Hospital (“ACH”) and its affiliated entities, including Auburn Memorial Medical Services, P.C. (“AMMS”), Anesthesia Group, and Finger Lakes Center for Living (“FLCL”) (“Affected Individuals”), as appropriate. Note, ACH, AMMS, Anesthesia Group and FLCL are referred to collectively as “Hospital” hereunder.

**PURPOSE:**

The Federal and New York State False Claims Acts, NY Not-for-Profit Corporation Law and NY Labor Law forbid intimidation, retaliation, discrimination or adverse employment consequences for any trustee, officer, employee or volunteer who: 1) in good faith reports any action or suspected action within the corporation that is illegal, fraudulent or in violation of any adopted policy; or 2) cooperates with investigators or who commences a qui tam action in good faith. The purpose of this Policy is to ensure individuals who raise and identify good faith concerns regarding violations, or suspected violations of applicable law or Hospital policy and/or cooperate in investigations by the Hospital, government agencies, or law enforcement, concerning violations or suspected violations are protected from intimidation /retaliation when taking such actions.

**POLICY:**

The Hospital is committed to maintaining a workplace where Employees and other involved individuals are free to raise good faith concerns regarding the Hospital’s business practices and the care of its patients. It is the responsibility of every Hospital Employee, trustee, medical staff member and volunteer to abide by applicable laws and regulations and support the Hospital’s compliance efforts, including reporting their good faith belief of any violation of applicable local, state or federal law or Hospital policies and procedures, including, without limitation, the Hospital’s Corporate Compliance Program and Ethics Program (“Compliance Program”). To promote an open culture, the Hospital has adopted a strict non- **intimidation** /retaliation policy prohibiting any **intimidation** /retaliation against any individual who, in good faith, reports a suspected or actual violation or participates in the Compliance Program efforts, including investigation of potential issues, self-evaluation, and its remedial action.

It is Hospital policy that no individual will be punished solely on the basis that the he/she reported what he/she reasonably believed to be an act of wrongdoing or a violation of the Compliance Program.

This policy shall be administered by the Corporate Compliance Officer, who shall report to the Board on activities and reports of misconduct that arise under this policy.

**PROCEDURE:**

1. The Hospital expressly prohibits **intimidation** /retaliation in the terms and conditions of employment as a result of an Employee’s good faith report of a violation or suspected violation or any other participation in the Compliance Program efforts. No trustee, officer, employee or volunteer who in good faith reports any action or suspected action taken by or within the Hospital that is illegal, fraudulent or in violation of any adopted policy of the Hospital shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence.

2. Any Employee or Hospital affiliate who commits or condones any form of **intimidation** /retaliation will be subject to discipline up to, and possibly including, termination of employment or affiliation.

3. Any Employee who believes that he or she has been **intimidated/** retaliated against as a result of reporting a violation or suspected violation should contact the Compliance Officer or his/her designee using any of the following methods:

(a) Compliance Hotline at 255-1719;

(b) Via the Compliance Reporting Form on the Hospital’s Intranet page.; or

(c) By mailing a written concern or complaint to the Compliance Officer at:

Compliance Officer

Personal and Confidential

Auburn Memorial Hospital

17 Lansing Street

Auburn, New York 13021

4. The Hospital, in accordance with applicable local, state or federal law, and Hospital policies and procedures, including, without limitation, the Hospital’s Compliance Program and Code of Conduct, fully complies with all applicable whistleblower protections. For more information regarding applicable non-intimidation /retaliation and whistleblower protection laws, refer to the Code of Conduct.

The Compliance Officer may, after investigation of the intimidation or retaliation, find it necessary to report the compliance issue to appropriate officials as provided in Sections 740 and 741 of the New York State Labor Law.

5. The Compliance Officer shall report to the Board on any reports provided under this policy related to intimidation, retaliation or non-compliance. Any employee of the Hospital who is also a member of the Board may not participate in any Board deliberation or voting relating to the administration of this policy.

6. Any person who is the subject of a whistleblower complaint under this policy may not be present at or participate in Board or committee deliberations or votes on the matter relating to such complaint; provided, however, the Board or committee may request that the person who is subject to the complaint present information as background or answer questions at a committee or Board meeting prior to the commencement of deliberations or voting relating thereto.

Approved: Corporate Compliance Officer 10/29/2024 

Name Title Date

Revised:

1/24/2019

Reviewed:

6/15/2014, 8/30/2016 \_\_1/24/2019, 10/29/2024\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_