

Compliance Program

Non-Retaliation & Non-Intimidation Policy

Unity House of Troy, Inc.

Overview

In furtherance of Unity House's Compliance Program efforts, it is the purpose of this policy to address Unity House's commitment to ensuring a corporate environment that promotes ethical conduct and compliance as well as its commitment to protect individuals who in good faith participate in the Compliance Program with a strict policy of Non-Retaliation & Non-Intimidation.

Applicability

The Compliance Program's Non-Retaliation and Non-Intimidation Policy applies to Unity House's employees, former Unity House employees, managers, executives, board members, volunteers, vendors, contractors, subrecipients and other agents who:

- Are required to participate in Unity House's Compliance Program (includes but is not limited to all Unity House personnel, executives, board members, and volunteers)
- Furnish or otherwise authorize the furnishing of services funded through government programs,
- Perform billing and coding functions on behalf of Unity House,
- Voucher Unity House for services and goods that will be reimbursed through government-funded programs, and
- Monitor such functions.

Individuals covered by this policy are hereafter referred to in short as "employees, contractors, and other agents".

Definitions

Good Faith Participation or Reporting

Good faith participation in the Compliance Program means an individual makes sincere efforts to comply with the standards and provisions set forth in the Compliance Plan, Code of Conduct, policies, procedures, rules, regulations, and laws.

Good faith reporting of a compliance concern is made with honest intent and motive – that the employee, contractor, or other agent had a sincere and reasonable belief that a violation may have occurred. Reporting can be made in good faith but be wrong about the facts.

Good faith participation and reporting includes, but is not limited to:

- Reporting actual or potential compliance issues such as fraud, waste, abuse, or other misconduct or wrongdoing,
- Cooperating or participating in the investigation of such matters,
- Assisting with or participating in self-evaluations, audits, and/or remedial actions and reporting to appropriate officials as provided in Sections 740 and 741 of the New York State Labor Law (See False Claims and Reporting Policy Appendix for a summary of applicable laws).

Intimidation and Retaliation

Intimidation is an act to manipulate another person and/or is an intentional behavior that causes a person of ordinary sensibilities to have feelings of fear or inadequacy. Generally, an act of intimidation would include a deliberate act or behavior meant to deter an individual from reporting a compliance concern or participating and cooperating with an investigation. However, whether an act is considered intimidation is determined based upon the specific facts and circumstances of the particular case.

Retaliation is an adverse action taken against an individual because the individual's good faith report of a compliance concern or participation in a compliance investigation. An adverse action includes, without limitation:

- Termination, demotion, suspension, refusal to hire, and denial of training and/or promotion,

- Claims of discrimination for exercising one's rights under the Amendments,
- Actions or threats to take actions affecting current or future employment,
- Contacting or threatening to contact U.S. immigration authorities or otherwise reporting or threatening to report the suspected immigration or citizenship status of a whistleblower or a whistleblower's family or household member,
- Actions affecting employment or contractual relationships such as threats, unjustified negative evaluations, unjustified negative references, or unjustified increased surveillance or scrutiny, or
- Any other actions that are likely to deter a reasonable individual from reporting illegal conditions or violations of laws, rules, regulations, policies or procedures, and/or from cooperating with an investigation.

Adverse actions do not include any employment action(s), disciplinary action(s), and termination(s) taken as a result of the individual's own violation(s) of laws, rules, policies, or procedures, or negative comments in an otherwise positive or neutral evaluation, or negative comments that are justified by the individual's poor work performance or history.

Policy

Unity House's Compliance Program supports a corporate culture built on ethics and compliance that is integral to the sustained success and viability of the agency. The effectiveness of the Compliance Program is dependent, in significant part, on the good faith participation of its employees, contractors, and other agents, including their reporting of compliance concerns and their cooperation and participation in investigations and remedial action. It is, therefore, essential that Unity House provide an environment that emphasizes its commitment to ethics and compliance and that encourages and protects good faith participation in the Compliance Program and reporting of compliance concerns.

To that end, there is a **strict prohibition of intimidation and/or retaliation** against anyone who in good faith participates in the Compliance Program, including but not limited to: reporting potential compliance issues and/or participating and cooperating in an investigation, self evaluations, audits, remedial actions and/or the reporting to appropriate officials as provided in sections 740 and 741 of the NYS Labor Law. Intimidating and/or retaliatory acts are themselves a violation of the Compliance Program and Code of Conduct and are, therefore, subject to disciplinary action up to and including termination in accordance with the Discipline Policy.

Procedure

All allegations of intimidation of and/or retaliation against anyone, who in good faith participates in the Compliance Program or who in good faith reports compliance concerns to Unity House or to the

appropriate officials as provided in Section 740 and 741 of NYS Labor Law, will be fully and completely investigated. Appropriate disciplinary and corrective action will be promptly undertaken. The Compliance Officer will oversee the investigation and will be assisted by internal personnel (including Human Resources) and external resources (including legal counsel) as necessary and appropriate. If an individual has a concern regarding the Compliance Officer or is not comfortable reporting an intimidation or retaliation concern to the Compliance Officer, the individual may raise the concern to the Director of Human Resources, who will investigate the allegation.

Investigations of alleged intimidation and/or retaliation will be conducted in accordance with the Investigation Policy.

The Compliance Officer will make reports concerning violations or alleged violations of this policy to the Chief Executive Officer and Board of Directors. Confidentiality and anonymity will be maintained in reports to the CEO and board.

Employees, contractors, and other agents who suspect a violation of the Non-Retaliation & Non-Intimidation Policy are required to notify Unity House. Employees, contractors, or other agents can make a report by:

- **Contacting the Compliance Officer directly.**

Colleen Hanaway Seeley, Compliance Officer

2431 6th Avenue, 4th floor

Troy, NY 12180

(p) 518.687.1591

(c) 518.269.0892

(e) CSeeley@unityhouseny.org

- **Accessing Unity House's confidential Compliance Hotline.** This option is available 24 hours/day 365 days/year. The Hotline is operated by Lighthouse Services, an impartial third party vendor, and offers comprehensive, confidential, and anonymous reporting services. When a report is made to the Compliance Hotline, Lighthouse notifies the Compliance Officer. All reports to the Compliance Hotline will be kept strictly confidential, unless the matter is turned over to law

enforcement. Confidential means the Compliance Officer is the only person who will know the identity of the reporter. If a report made to the Compliance Hotline requires an investigation, the Compliance Officer will not specifically identify the reporter during the course of the investigation.

Reporters may also choose to make an anonymous report to the Compliance Hotline. In such instances, no identifying information about the reporter is collected, and Lighthouse notifies the Compliance Officer of the content of the report only. Anonymous reports will still be investigated as warranted.

- **Lighthouse's Toll-Free Hotline:**

 - (800) 401-8004 (English speaking)

 - (800) 216-1288 (Spanish speaking)

- **Lighthouse's Hotline on the Web:**

 - <http://www.lighthouse-services.com/unityhouseny>

- **Lighthouse's Hotline via E-mail:**

 - reports@lighthouse-services.com (must include "Unity House" in the report)

- **Lighthouse's Hotline via Fax:**

 - (215) 689-3885 (must include "Unity House" in the report)

If an employee, contractor, or other agent believes the Compliance Officer is not responding within a reasonable amount of time, the employee, contractor, or other agent should contact the Chief Executive Officer or Director of HR. If the employee, contractor, or other agent feels that Unity House is not addressing his or her concerns, the individual retains the right to report his or her suspicions to the appropriate officials as provided in Section 740 and 741 of the NYS Labor Law.