



Reporting of Compliance Issues and Whistleblower Policy & Procedure

(Revised January 2022)

Purpose:

Family & Children's Counseling Services, Inc. (**FCCS**) (sometimes referred to as "Agency" or "the Agency") acknowledges that a critical aspect of its compliance program is an agency-wide culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to federal and state requirements, as well as the Agency's ethical and business policies.

This policy prohibits retaliation of any kind toward the employee.

To promote this culture, FCCS established a compliance reporting process and a strict non-retaliation policy to protect employees and others from retaliation who report problems and concerns in good faith. Any form of retaliation or retribution may undermine the compliance resolution process and result in a failure of communication channels in the Agency.

The Board of Directors is responsible for the implementation of this policy.

Policy:

NO RETALIATION:

No personnel of FCCS who in good faith reports or complains about any action, suspected action, policy or practice taken by or within FCCS the employee reasonably believes is illegal, fraudulent or in violation of any adopted policy of FCCS, any federal, state, or local statutes, ordinances, executive orders, or any judicial or administrative decision, ruling or order shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of an employee, an adverse employment consequence.

Retaliatory action is defined as an adverse reaction taken by an employer or agent to discharge, threaten, penalize or in any manner discriminate, harass, or intimidate any current or former employee exercising their right to complain or make a report. Examples of retaliatory actions may include:

- Adverse employment actions or threats to take such actions against an employee in the terms or conditions of their employment including, but not limited to discharge, suspension or demotion.
- Actions or threats to take actions that would adversely affect current or future employment
- Threaten to contact US immigration authorities or otherwise report an employee's suspected citizenship or immigration status

This Whistleblower Policy encourages, but does not require all personnel to make a good faith effort to raise concerns within FCCS prior to seeking resolution outside FCCS to allow the agency an opportunity to address the issues.

1. Employees are not required to attempt to notify the agency if:
 - there is imminent and serious danger to public health and safety
 - the employee reasonably believes that telling the employer would result in destruction of evidence and/or concealment of the activity
 - the activity could reasonably be expected to lead to the endangerment of a minor
 - the employee reasonably believes reporting to the supervisor would result in harm to the employee or another
 - the employee reasonably believes the supervisor is already aware of the activity, policy or practice and will not correct it
2. A copy of this policy: “Reporting Compliance Concerns and Whistleblower Policy and Procedure” is provided to all staff, board members, contractors and volunteers who provide services (i.e. interns, students) at orientation as part of Compliance Orientation training. A copy is posted at all main locations where other required state, federal postings are located.
3. All employees have an affirmative duty and responsibility for promptly reporting any known or suspected misconduct, including actual or potential violations of laws, regulations, policies (including nonprofit policies), procedures, the Agency’s Compliance Plan, the Agency’s Code of Conduct, or violations of the law, or non-profit laws/policies.
4. An “open-door policy” is maintained at all levels of management to encourage employees to report problems and concerns.
5. FCCS provides multiple communication options for reporting, including a Compliance Concern Box and a Reporting phone line. Employees may report their compliance concerns confidentially to the Compliance Officer through either the confidential reporting phone line or the concern box. Only the Compliance Officer and designated compliance staff have access to the Concern box contents. Any information shared with the Compliance Officer regarding a complaint will be treated with the highest level of confidentiality possible. All correspondence, investigation notes, reports and documentation will be retained in a secure location with access only by the Compliance Officer. Employees may also choose to email, call or visit with the Compliance Officer directly.
6. The Compliance Officer serves as the non-retaliation policy administrator to investigate and report any and all suspected or actual retaliation. The Compliance Officer, serving in the role of Non Retaliation Policy Administrator reports directly to the Board and/or Audit Committee.
7. Any form of retaliation regardless of type against any employee who reports a perceived problem or concern in good faith is strictly prohibited.

8. Any employee who commits, condones or encourages any form of retaliation will be subject to discipline up to, and including, termination.
9. Employees cannot exempt themselves from the consequences of their own misconduct of retaliation by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action.
10. Compliance Reports, investigations and reports of retaliation are reported to the Board of Directors.

Procedures:

Procedures that apply to all employees

1. Knowledge of misconduct, including actual or potential violations of laws, (including Non Profit policies) regulations, policies, procedures, or the Agency's Code of Conduct, must be immediately reported to the Board or the Compliance Officer.
2. Employees have the same reporting obligations for actual or suspected violations committed by the Agency's vendors or subcontractors.
3. Confidentiality will be maintained to the extent practical and allowable by law. Employees should be aware that FCCS is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies.
4. Employees may submit their compliance concerns in writing confidentially using the Compliance Concern Box. Employees should be aware it may not be possible to preserve anonymity if they identify themselves, provide other information that identifies them, the investigation reveals their identity, or if they inform others that they have submitted a concern.
5. If someone wishes to make the report anonymously using the Compliance Concern Box, no attempt will be made to trace the source of the report or identity of the person making the report.
6. A Compliance Concern Box is located in the employee kitchens/break rooms at the main clinic locations. Staff who work in off site locations is made aware of reporting methods during orientation and during annual training thereafter. A written list of reporting methods is provided to all employees and contractors. Regardless of method of reporting, all efforts are made to maintain the confidentiality of the report and the person making the report.
7. FCCS will not impose any disciplinary or other action in retaliation against individuals who make a report or complaint in good faith regarding a practice that the individual believes may violate the Agency's Compliance Plan, Code of Conduct, its Compliance Policies and

Procedures, or any of the laws, rules, or regulations by which the Agency is governed. “Good faith” means that the individual believes that the potential violation actually occurred.

8. FCCS strictly prohibits employees from engaging in any act, conduct, or behavior which results in, or is intended to result in, retaliation against any employee for reporting his or her concerns relating to a possible violation of the Agency’s Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any of the laws, rules, or regulations by which the Agency is governed.
9. If an employee believes in good faith that he or she has been retaliated against for reporting a compliance complaint or concern or for participating in any investigation of such a report or complaint, the employee should immediately report the retaliation directly to the Compliance Officer or use the Compliance Concern Box. The report should include a thorough account of the incident(s) and should include names, dates, and specific events, the names of any witnesses, and the location or name of any document that supports the alleged retaliation.
10. Knowledge of a violation or potential violation of this policy must be reported to the Compliance Officer or by using the Compliance Concern Box or reporting line.

Procedures that apply to management (which includes executives, directors, managers, and supervisors)

1. Any member of management who receives a report of a violation or suspected violation will immediately notify the Compliance Officer and complete a Compliance Issue Report Form (attached to this Policy). The completed Form is forwarded to the Compliance Officer.
2. Management must take appropriate measures to ensure that all levels of management support this policy and encourage the reporting of problems and concerns. At a minimum, the following actions should be taken and become an ongoing aspect of the management process:
 - Meet with department staff and educate on the policy; and
 - Provide all department staff with a copy of this policy.
3. All compliance reports, and investigations and reports of violations will be reported to the Board.

Procedures that apply to the Compliance Officer

1. The Compliance Officer ensures all reports of violations or suspected violations are recorded on the Compliance Issue Report Form.

2. The Compliance Officer determines the scope of the reported issue and makes a determination regarding the course of action, including the investigation process and notifications to be made. (Refer to Investigation of Compliance Issues Policy.)
3. The Compliance Officer is responsible for the investigation and follow-up of any reported retaliation against an employee for reporting a compliance concern or participating in the investigation of a compliance concern.
4. The Compliance Officer reports the results of an investigation into suspected retaliation to the Board and the Compliance Committee.