



## Episcopal SeniorLife Communities

### Corporate Policy

**Policy Name:** Corporate Compliance Reporting of Concerns: Non-Intimidation & Non-Retaliation

**Policy:** It is the policy of Episcopal SeniorLife Communities (ESLC) to recognize that a critical aspect of its corporate compliance program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to Federal and State requirements, as well as ESLC's Standards of Conduct and business policies.

ESLC has established a compliance reporting process and adopted a non-intimidation and non-retaliation policy to protect employees and others who participate in good faith reporting of compliance problems and/or concerns from intimidation and retaliation. Any form of intimidation, retaliation or retribution can undermine the compliance resolution process and result in a collapse of overall communication and damage to ESLC's organizational culture.

**Policy Purpose:** The purpose of this policy is to ensure that ESLC's mandated requirements are met with the intent to help prevent accidental and intentional violations, detect violations when they occur, and correct non-compliance.

**Policy Scope:** This policy applies to all ESLC.

### **Reporting Procedures:**

1. All employees, board members, contractors/consultants, interns, and volunteers have an affirmative duty and responsibility to report any known or suspected misconduct, including actual or potential violations of laws, regulations, policies, procedures, ESLC's Compliance Plan, or Standards of Conduct.
2. ESLC has an "open-door policy" at all levels of management to encourage employees to report problems and concerns of any nature but not limited to violations of laws, regulations, policies, procedures, ESLC's Compliance Plan, or Standards of Conduct.

3. Individuals may report suspected misconduct in the following ways:
  - Communicating directly to the Corporate Compliance Officer. The Corporate Compliance Officer is Courtney McGinness, Vice President of Marketing and Community Engagement. Her office is located on the first floor at Episcopal Church Home, she can also be reached by phone at extension 3121 and/or emailed at [mcginness@episcopalseniorlife.org](mailto:mcginness@episcopalseniorlife.org).
  - Calling the Compliance Hotline at 585-546-8439, ext. 3548.
  - Submitting a written correspondence (note) and placing it in any of the Q & A Boxes located throughout the organization at each ESLC site.

### **Non-Intimidation:**

Any form of intimidation, such as threatening behavior, manipulation or deliberate act against any employee, board member, contractor/consultant, intern, or volunteer which prevents them from reporting a perceived problem or concern in good faith or from participating in a compliance investigation is strictly prohibited.

Any employee, board member, contractor/consultant, intern, or volunteer who commits or condones any form of intimidation or retaliation will be subject to discipline up to, and including, termination of employment.

Employees, board members, contractors/consultants, interns, and volunteers cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action.

### **Confidentiality:**

Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### **Handling of Reported Violations:**

ESLC's Compliance Officer will notify the person who submitted a complaint, when known, and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

### **Procedures:**

#### **Procedures that apply to all employees, board members, contractors/consultants, interns, and volunteers**

1. Knowledge of misconduct, including actual or potential violations of laws, regulations, policies, procedures, or the ESLC's Standards of Conduct, must be immediately reported to management, Director of Human Resources, the Compliance Officer, or the Compliance Hotline.
2. Employees have the same reporting obligations for actual or suspected violations committed by the ESLC's vendors or subcontractors.

3. Confidentiality will be maintained to the extent that is practical and allowable by law. Employees, board members, contractors/consultants, interns, and volunteers should be aware that ESLC is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies.
4. Employees, board members, contractors/consultants, interns, and volunteers may report their compliance concerns confidentially to the Compliance Hotline or by placing a note in a Q & A Box and provide his or her identity (if desired). Callers/writers should be aware, however, that 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 made a report.
5. If a report is made anonymously to the Compliance Hotline or Q & A Box, no attempt will be made to trace the source of the call or written correspondence.
6. The Compliance Hotline number will be published and visibly posted in a manner consistent with employee notification in locations frequented by ESLC's employees.
7. ESLC 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 Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any of the laws, rules, or regulations by which ESLC is governed. "Good faith" means that the individual believes that the potential violation actually occurred as he or she is actually reporting.
8. ESLC strictly prohibits its employees, board members, contractors/consultants, interns and volunteers from engaging in any act, conduct, or behavior that results in, or is intended to result in, retaliation against any employee for reporting his or her concerns relating to a possible violation of ESLC's Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any of the laws, rules, or regulations by which ESLC is governed.
9. If an employee, board member, contractor/consultant, intern, or volunteer believes in good faith that he/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 retaliation should be immediately reported to the Compliance Officer or the Compliance Hotline. The report should include a thorough account of the incident(s) and should include the names, dates, 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 directly to the Compliance Officer or the Compliance Hotline.

**Procedures that apply to management (which includes senior leadership, 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 (provided by the Compliance Officer). The completed Form must be returned 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 discuss the main points within this policy; and
  - Provide all department staff with a copy of this policy.
3. Management will assign an appropriate replacement under this policy of any member of management implicated in a complaint.

**Procedures that apply to the Compliance Officer**

1. The Compliance Officer will ensure that all reports of violations or suspected violations are recorded on the Compliance Issue Report Form.
2. The Compliance Officer will determine the scope of the reported issue and make a determination regarding the course of action, including the investigation process and notifications to be made.
3. The Compliance Officer will be responsible for the investigation and follow-up of any reported intimidation or retaliation against an employee for reporting a compliance concern or participating in the investigation of a compliance concern.
4. The Compliance Officer will report the results of an investigation into suspected intimidation or retaliation to the governing entity deemed appropriate, such as the Compliance Committee or the Board of Directors.

**Reviewed:** January 2023

**Approved by:** Lisa J. Marcello, President/CEO  
Episcopal SeniorLife Communities



**Board Approved:** January 18, 2022