

Whistleblower Policy

Background

Child and Family Services (“the Agency”) requires all of its board members, employees (current and former), volunteers, agents, and independent contractors (collectively, “Personnel”) to observe the highest standards of ethics in the conduct of their responsibilities. Personnel must practice honesty and integrity in fulfilling their responsibilities and must comply with all applicable federal, state and local laws as well as all Agency policies and procedures.

Reporting Responsibility

It is the responsibility of all Personnel to report any violation or suspected violation of a federal, state, or local law and/or any Agency policy or procedure. Failure to report a violation is a violation of this policy and may subject all Personnel who knew or should have known of the violation, to corrective disciplinary action, up to and including termination of employment.

Some examples of the types of issues that must be reported include, but are not limited to, known or suspected fraud (including fraudulent billing), theft, embezzlement, accounting irregularities, bribery, kick-backs, misuse of Agency assets, substantial and specific danger to public health or safety or regulatory or ethics-related violations.

Ways of Reporting

The Agency has established the following ways to report violations and suspected violations:

1. **Open Communication with the Chief Risk Officer/Compliance Officer (hereinafter, “Compliance Officer”).** You may contact the Agency’s Compliance Officer directly in person or by telephone (716-335-7037). Please note that this is not an anonymous form of communication.
2. **E-mail.** You may also e-mail the Compliance Officer at lyager@cfsbny.org. Please note that this is not an anonymous form of communication.
3. **Anonymous Hotline.** The Agency maintains a 24-hour, anonymous hotline for reporting complaints or asking questions about a compliance issue(s). The number is **(716) 368-2685**.
The hotline is accessible only by the Compliance Officer and does not have Caller-ID. service.

4. **Anonymous Mail.** You may also send an anonymous message through the U.S. mail to the Compliance Officer at 330 Delaware Avenue, Buffalo, NY 14202.

No Retaliation

The Agency will not tolerate intimidation, harassment, retaliation, discrimination, or any other type of adverse action against a Board member, officer, director, employee, or volunteer (also known as a “whistleblower”) who:

- makes a good faith report of an Agency action that violates any federal or state law and/or any adopted policy or procedure;
- provides information or assists in an investigation regarding a violation or suspected violation; or
- files, testifies, or participates in a proceeding relating to the violation or suspected violation.

The rights and protections provided to whistleblowers under this policy are in addition to the rights and protections provided by the federal and state False Claims Acts, which, among other things, prohibits the Agency from taking any adverse action against a whistleblower and contains whistleblower provisions allowing citizens with evidence of fraud to sue on behalf of the government in order to recover the fraudulently received funds.

Any Personnel who is in violation of this policy, commits or condones any form of retaliation, may be subject to corrective disciplinary action, up to and including termination of employment.

Compliance Officer Responsibility

The Agency’s Corporate Compliance Officer is designated to administer this policy and to report no fewer than two times per year to the Board’s Audit & Corporate Integrity Committee on the implementation of the policy.

If a whistleblower believes that he or she has suffered any form of retaliatory conduct as a result of reporting a violation or suspected violation, he or she may report the retaliatory conduct by any of the means set forth above. The Agency’s Compliance Officer or an authorized designee will promptly investigate and address all complaints of violations and suspected violations, including retaliatory conduct against a whistleblower. Depending on the nature and circumstances of the violation, the Compliance Officer may refer the complaint to the Corporate Compliance Committee and/or the Audit and Corporate Integrity Committee for further discussion and/or investigation.

The person who is the subject of a whistleblower complaint may not be present at or participate in any committee deliberations or vote on the matter relating to such

complaint, provided however, that the committee may request that the person who is the subject of the complaint may present information or answer questions at a committee meeting prior to the commencement of deliberations or voting.

If it is found that there has been retaliation against a whistleblower, the wrongdoer(s) will be disciplined consistent with the Agency's corrective action policy, up to and including termination of employment.

Good Faith Reporting

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. The person may be, but does not have to be, acting within their scope of job duties when reporting a violation. A person who makes an allegation that proves to have been made maliciously or knowingly to be false will be subject to discipline up to and including termination of employment.