

VIRGINIA ASSISTED LIVING ASSOCIATION, INC.

PO Box 71266, Henrico, VA 23255 ~ (804) 332-2111 ~ information@valainfo.org

WHISTLEBLOWER POLICY ENACTED: NOVEMBER 1, 2009

Virginia Assisted Living Association (“VALA”) will investigate any possible fraudulent or dishonest use or misuse of VALA resources or property by management, employees, volunteers, or members. Anyone found to have engaged in fraudulent or dishonest conduct will be subject to disciplinary action by VALA including, but not limited to, civil or criminal prosecution when warranted.

All members of the VALA community are encouraged to report possible fraudulent or dishonest conduct (*i.e.*, a whistleblower). An employee should first report his or her concerns to a supervisor or manager. Managers and supervisors are required to report suspected fraudulent or dishonest conduct to the Executive Director, who shall in turn report to the Chair of the Board of Trustees. If for any reason someone finds it difficult to report his or her concern to the Executive Director, he or she shall instead report it to the Chair or another member of the Board of Trustees of VALA.

Definitions

Baseless Allegations: allegations made with reckless disregard for their truth or falsity. People making baseless allegations may be subject to institutional disciplinary action and/or legal claims by individuals accused of such conduct.

Concern: good faith belief that Fraudulent or Dishonest Conduct has occurred.

Fraudulent or Dishonest Conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- forgery or alteration of documents
- unauthorized alteration or manipulation of computer files
- fraudulent financial reporting
- pursuit of a benefit or advantage in violation of the VSAE’s conflict of interest policy
- misappropriation or misuse of VSAE resources, such as funds, supplies, or other assets
- authorizing or receiving compensation for goods not received or services not performed
- authorizing or receiving compensation for hours not worked

Whistleblower: an employee who informs a manager, supervisor, the Executive Vice President, the President, or the Chair of the Audit Committee about conduct that he or she believes to be fraudulent or dishonest.

Rights and Responsibilities

Managers and Supervisors

Managers and supervisors are required to report suspected fraudulent or dishonest conduct to the Executive Director. Failure by a manager or supervisor to report misconduct within the scope of this Whistleblower Policy may result in adverse personnel action against the manager or supervisor, including but not limited to dismissal. The Executive Director is available to assist management in establishing management systems and recognizing improper conduct.

Reasonable care should be taken in dealing with suspected misconduct to avoid:

- baseless allegations
- premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation
- violations of a person's legal rights

Accordingly, a manager or supervisor faced with a suspected misconduct:

VIRGINIA ASSISTED LIVING ASSOCIATION, INC.

PO Box 71266, Henrico, VA 23255 ~ (804) 332-2111 ~ information@valainfo.org

**WHISTLEBLOWER POLICY
ENACTED: NOVEMBER 1, 2009**

- should not contact the person suspected to further investigate the matter or demand restitution
- should not discuss the case with anyone other than the Executive Director, the Chair of the Board of Trustees, the Vice Chair of the Board of Trustees, or a duly authorized law enforcement officer
- should direct all inquiries from any attorney retained by the suspected individual to legal counsel for VALA
- should direct all inquiries from the media to VALA's Executive Director, or in the event that Executive Director cannot be contacted, then to the Chair of the Board of Trustees

Whistleblower Protection

VALA will protect whistleblowers as defined herein.

- VALA will use best efforts to protect Whistleblowers against retaliation, as described in this Whistleblower Policy. It cannot guarantee confidentiality, however, and there is no such thing as an "unofficial" or "off the record" report. VALA will keep the Whistleblower's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow VALA or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of Fraudulent or Dishonest Conduct is entitled to the information as a matter of legal right in disciplinary proceedings.
- VALA employees may not retaliate against a Whistleblower with the intent or effect of adversely affecting the terms or conditions of employment (including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages). Whistleblowers who believe that they have been retaliated against may file a written complaint with the Executive Director or Chair of the Board of Trustees. A proven complaint of retaliation shall result in the initiation of disciplinary action against the retaliating person, including but not limited to dismissal,. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Whistleblowers must be cautious to avoid Baseless Allegations.

Handling of Reported Violations

The Officers of the Board of Trustees shall address all reported Concerns. The Chair of the Board of Trustees shall immediately notify the Offices, the Vice Chair, the Secretary, the Legislative Chair, and the Executive Director of any report of Concerns. The Chair of the Board of Trustees will notify the Whistleblower and acknowledge receipt of the Concern within five business days, if possible. It is not possible to acknowledge receipt of anonymously submitted Concerns.

All reports of Concerns will be promptly investigated by the Officers of the Board of Trustees, and appropriate corrective action will be recommended to the Board of Trustees, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the Whistleblower for complete closure of the Concern.

The Board of Trustees has the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

Questions related to the interpretation of this policy should be directed to the Executive Director.