

Mental Health Association, Inc. & Its Affiliates

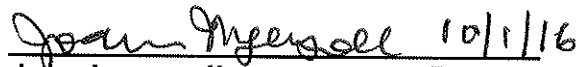
995 Worthington Street
Springfield, MA 01109

Policy Number: 1.18

Subject: WHISTLEBLOWER POLICY

Approved by President and CEO

Revision Date: October 1, 2016


Joan Ingersoll

Date

Effective Date: July 1, 2005

Purpose: In compliance with the Sarbanes-Oxley Act to improve corporate governance and responsibility through creating measures that deal with financial reporting, conflicts of interest, corporate ethics, and oversight of accounting firms that perform company audits.

The whistleblower policy is intended to cover good faith concerns regarding actions that:

- May lead to incorrect financial reporting;
- Are a violation of federal, state or local laws;
- Are not in line with company policy, including the procedures of funding sources;
- Otherwise amount to questionable, improper conduct including billing for services not performed or for goods not delivered.

Applies to: To all MHA employees

Definitions:

Whistleblower An employee who reports an activity that he/she considers to be illegal or dishonest.

Improper Activities are activities by an employee that may jeopardize the accuracy of financial reporting, are a conflict of interest, violate ethics or misappropriate assets.

POLICY

The Mental Health Association, Inc. is committed to the highest possible standards of ethical, moral, and legal business conduct and as such, encourages employees to report any improper activities and assures protection from reprisal or victimization for whistleblowing in good faith.

PROCEDURES

Reporting Improper Activities

Any improper activity should be reported to the Treasurer of the Board of Directors. The contact information is:

Denise Cogman
Springfield School Volunteers, Inc.
1500 Main Street
Springfield, MA 01103

(Envelope should be marked personal and confidential.)

The report can be anonymous. At a minimum, the following information should be provided:

- Description of the nature of the improper activity;
- Name(s) of the employee(s) and department(s) engaging in the activity;
- Approximate or actual date the activity took place.

Anonymous Allegations

This policy encourages employees to put their names to allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be investigated and consideration will be given to:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Confidentiality

Our reporting procedures and investigation of complaints will be handled with the goal of protecting a complainant's identity. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights to defense.

False Allegations

Employees must exercise sound judgment to avoid baseless allegations. Any employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Evidence

Although the employee is not expected to prove the truth of an allegation, the employee needs to demonstrate in good faith to the Finance/Audit Committee

Chairman or designee (henceforth referred to as the Investigator) that there are sufficient grounds for concern.

Investigation

Within 30 days of receipt of any whistleblower information, the Investigator will complete a preliminary investigation to establish the validity of the reported activities. The Director of Quality Improvement will document and maintain secured records of all reported activities and any documentation relating to the investigation of those activities.

Upon completion of the preliminary investigation, the Investigator will forward the issue to the Finance/Audit Committee for their review. The Investigator will supply the Committee with the following:

- A copy of the original information provided by the whistleblower.
- A report on the findings of the preliminary investigation, including the Finance/Audit Committee Chairperson's opinion on the reported activity.

The Finance/Audit Committee will review the Investigator's findings on the reported activity and determine what, if any, further action is required. Action may include, but is not limited to, requesting additional investigative work by the Director of Quality Improvement, questioning senior management, contacting legal counsel, reporting to the full Board of Directors and/or law enforcement agencies.

Report to Complainant

The complainant will be given the opportunity to receive follow-up on their concern within two weeks of the complaint being received including:

- Acknowledgement that the concern was received;
- Indication of how the matter will be dealt with;
- Estimate of the time that it will take for a final response;
- Information as to whether initial inquiries have been made;
- Information as to whether further investigations will follow, and if not, why not.

The amount of contact between the complainant and the body investigating the concern will depend on the nature of the issue and the clarity of information provided. Further information may be sought from the complainant. Subject to guidance from counsel, the complainant will receive information about the outcome of any investigations.

Whistleblower Protection from Retaliation

An employee will not be retaliated against for whistleblowing. This includes but is not limited to protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or unfavorable work

assignments. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

If the employee believes that they have been retaliated against, they should contact Human Resources. Human Resources will investigate the alleged retaliation. If the investigation confirms that the employee was retaliated against because of their whistleblowing, the agency will take appropriate corrective actions.

The whistleblowing employee is also given federal protection under the Sarbanes-Oxley Act.

- The Act specifies that claims must be filed with the U.S. Department of Labor (DOL) within 90 days of the alleged retaliatory event.
- The DOL will investigate.
- Interim reinstatement is available when the DOL finds that the employee had been subject to retaliation.
- Either party may appeal the final results of a DOL investigation to an Administrative Law Judge (no appeal from an interim order is available).
- Employees may bring private action by filing for a new review in federal district court if an investigation is not completed in 180 days.

The employee has to show that the whistleblowing activities were a contributing factor in the unfavorable personnel action alleged in the complaint. If the employee wins this prima facie case, the employer must show by clear and convincing evidence that it would have taken the same employment action without whistleblowing.

Whistleblowers can win reinstatement, back pay with interest, and special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

Under the Act, retaliation against those who give information in a federal investigation can result in fines and imprisonment for up to 10 years or both.