

## **I. POLICY**

Eastern Virginia Medical School (EVMS) values integrity and honesty and endeavors to integrate these values into its teaching, research, patient care, and business practices. It is the policy of EVMS to encourage all members of the EVMS community to make good-faith disclosures about actual or suspected violations of laws, rules, regulations, and the EVMS Code of Conduct. In addition, EVMS is committed to protecting individuals from interference with making, and/or retaliation for having made, a disclosure in accordance with this policy.

## **II. REPORTING**

*A. What to Report.* All members of the EVMS community have an inherent responsibility to report, in good faith, concerns about actual or suspected activities that are in violation of federal, state, or local laws or regulations, EVMS policy, or the EVMS Code of Conduct. Examples include, but are not limited to, patient mistreatment, theft or misappropriation of funds, supplies or other EVMS resources, forgery or falsification of documents, cheating, unethical research practices, and HIPAA violations. “Good Faith” means that the person making the disclosure believes it to be true and that a reasonable person could believe the disclosure to be true on the basis of the factual information available. This definition excludes from protection persons making disclosures with reckless disregard for the truth, in an effort to spread malicious gossip, or in willful ignorance of facts.

*B. How to Report.*

1. Discussion with a supervisor is always the most effective way to bring up a compliance concern and individuals should make efforts to report misconduct to their immediate supervisor. If, however, an individual is not comfortable speaking with their supervisor, or if their supervisor is the subject of the report, the individual may make the report to one of the departments listed below as appropriate:

- (i) Employment matters (faculty and staff) – Office of Human Resources;
- (ii) Resident Issues – Office of Graduate Medical Education
- (iii) Student matters – Student Affairs
- (iv) Financial matters – Financial Services
- (v) Patient Care matters – EVMS Health Services
- (vi) Research matters – Office of Research
- (vii) Matters regarding vendors or purchasing – Office of Materials Management
- (viii) All other matters, or to make an anonymous report, see #2 below.

If a report is made to any of the above departments, and such department determines that it is not the appropriate department to receive the report, it becomes the responsibility of that department to forward the report to the appropriate department or the Office of Compliance.

2. As an alternative to reporting as set forth above, individuals may contact the Office of Compliance at 446-6008, or utilize the EVMS Ethics and Compliance reporting system via telephone at 1-800-461-9330 or online. The EVMS Ethics and Compliance Hotline is available 24 hours a day, 7 days a week and is hosted by a third party vendor that specializes in ethics and compliance hotlines. All reports made through the EVMS Ethics and Compliance Hotline are forwarded to the Office of Compliance.

3. Each report should be in writing and as specific and factual as possible. Reports alleging unspecified wrongdoing or containing overly broad allegations without verifiable evidentiary support may be unable to be investigated. Whenever making a report individuals should try to provide at least the following information:

- (i) Details about the alleged event, matter or issue that is the subject of the report;
- (ii) The names of all persons involved and their department or departments;
- (iii) If the report involves a specific event or events, the approximate date of each such event and the location where such event occurred; and
- (iv) Any additional information, documentation, witness information, or other evidence available to support the report.

*C. Reporter Confidentiality/Anonymity.* All individuals who make a good faith report are protected from retaliation as set forth in Section IV below. As such, individuals are encouraged to identify themselves when making a report in order to keep lines of communication open and facilitate the investigation process. If an individual who makes a report chooses to self identify, such information will be held in confidence and treated as privileged/anonymous to the fullest extent practicable and permitted by applicable law and regulations. Individuals are not, however, required to disclose their identities and reports may be made through the Ethics and Compliance Hotline phone or web systems with 100% anonymity. In such event, the reporter shall be assigned an anonymous identifier by the EVMS Ethics and Compliance Hotline to track the status of their reports. Anonymous reporters should ensure that the body of the report does not accidentally reveal their identity (“I sit next to Jane Smith” or “I have been in the department for 10 years and 3 months”). In the event that an individual’s identity is revealed by accident, the Office of Compliance will honor the request for confidentiality to the extent possible. In

addition, anonymous reporters should be aware that in some cases, anonymous reports does not allow for full investigation of a matter. In this event, the individual making the report will be given an opportunity to provide additional details. Should the reporter be unwilling to do so, the complaint may be closed.

### **III. INVESTIGATION AND DISPOSITION OF COMPLAINTS**

A. *Investigation.* Supervisors or departments listed above are required to enter all reports, including those made verbally, into the EVMS Ethics and Compliance Hotline reporting system within forty-eight hours of receipt. Reports will be reviewed by the Office of Compliance to determine if they are compliance related and to establish the investigation plan. If a matter is reported in good faith, but is not compliance related (i.e. a suggestion, a personal grievance, etc.) it will not be investigated, but it will be forwarded to the appropriate department for information or action. Depending on the nature of the allegations, investigations may be investigated by the Office of Compliance or tasked to a department, Human Resources, EVMS Internal Audit, EVMS Police, EVMS Health Services or any combination thereof. The investigator will conduct a prompt, thorough, and impartial investigation and will maintain the confidentiality of the complainant to the greatest extent possible. Best efforts shall be made to complete investigations within thirty (30) business days of the report's entry into the EVMS Ethics and Compliance Hotline system. The investigation process is strictly internal to EVMS, so the complainant or subject of investigation may not have their legal counsel present at any investigative meetings.

B. *Disposition.* The parties to the report will be informed of the status of the investigation as deemed appropriate with any disposition communicated to be either a determination of "violation" or "no violation." In cases where a determination of violation has occurred, prompt remedial action shall be taken in accordance with Human Resources or student disciplinary policies, as applicable. The nature of the remedial action and the process for its implementation will depend upon the particular facts and circumstances. Under no circumstances, however, will the reporter be made aware of the actual disciplinary action taken. In addition to communicating dispositions to the parties to a report, all reports received and their final dispositions will be reported quarterly, but not less than annually, to the EVMS Audit and Compliance Committee.

### **IV. PROTECTION FROM RETALIATION**

Retaliation, whether actual or threatened, destroys the sense of community and trust that is central to an ethical environment. EVMS does not tolerate acts or threats of retaliation against any individual who, in accordance with this policy, desires to make a report, has made a report, or is a witness in any ensuing investigation. Any faculty or staff member, resident, or student who retaliates against an individual who makes a good faith disclosure in accordance with this



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policy shall be subject to disciplinary action. Retaliation may include, but is not limited to, adverse employment action, discrimination, harassment, poor work assignments and/or threats of physical harm. Complaints of retaliation should be reported to the Office of Compliance, as set forth in Section II (2) (B) above, as a violation of this Compliance Reporting/Anti-Retaliation Policy. In addition, EVMS will not make reference to or notate any good faith disclosure in education or personnel files, letters of recommendation, performance appraisals, or any other permanent evaluative documents without the concurrence of the individual that made the report.

Notwithstanding the foregoing, any individual who files a an allegation with reckless disregard for its truth or falsity may be subject to institutional disciplinary action and/or legal claims by individuals wrongfully accused of such conduct and shall not be protected under this policy.