



## GCP 5.01

# Enforcement and Discipline of Compliance Violations

### 1.0 Purpose

Young Adult Institute, Inc. ("YAI") is committed to conducting its business in accordance with the following "Compliance Standards":

1. Ethical principles;
2. All federal, state, and local laws and regulations;
3. Its Code of Conduct and Compliance Program, including all related policies and procedures adopted by it; and
4. Its Corporate Integrity Agreement with the New York State Office of the Medicaid Inspector General.

This policy has been adopted to establish disciplinary procedures and protocols to ensure that employees and independent contractors of the agency adhere to these Compliance Standards.

YAI has developed disciplinary procedures to enforce the agency's commitment to these principles. In accordance with such procedures, YAI will discipline any individuals or organizations whose conduct violates any of the standards referred to above. The YAI Supervisors' Interpretive Guidelines (SIG) outlines the agency's existing disciplinary policies and procedures. The policies and procedures described here do not conflict with those in the SIG. They extend those policies and procedures to failures to comply with the standards mentioned above.

### 2.0 Policy

YAI will discipline its employees and independent contractors who fail to comply with the Compliance Standards in accordance with the procedures and protocols set forth below. YAI will only institute disciplinary procedures after an appropriate investigation of the alleged violations.

### Examples of Failures to Comply with Compliance Standards that will result in the institution of Disciplinary Actions:

- Authorizing or directing actions that violate any of the Compliance Standards
- Participating in, facilitating, or enabling actions that violate any of the of the Compliance Standards
- Having knowledge of, and failing to report a violation or suspected violation by another employee or independent contractor of YAI in accordance with the Code of Conduct.
- Failing to cooperate in an investigation or assist with the resolution of any alleged or suspected violation of any Compliance Standard.
- Retaliating against any staff member for reporting a possible violation or participating in an investigation.
- Failing to provide services in an honest, reliable, and trustworthy manner.

### 3.0 Procedures

1. The Compliance Officer and the Vice President of Human Resources and Diversity will ensure that YAI applies all disciplinary actions related to non-compliance consistently. This means that that the agency will impose disciplinary actions based only on the nature and severity of the offense, not on the position or status held by the offender.
2. When an investigation concludes that a violation of any of the Compliance Standards has occurred, the Compliance Officer will notify the following individuals:
  - The CEO or one of the Executive Vice Presidents
  - The Vice President of Human Resources and Diversity
  - The Program Director of the violating individual's Program
  - The supervisor or supervisors of the individuals

involved.

3. Except in extraordinary circumstances where the most severe disciplinary action is immediately necessary (as determined by the Compliance Officer after consultation with the Vice President of Human Resources and Diversity if possible), YAI shall apply progressive discipline consistent with the violation of the Compliance Standard.
4. When an employee or independent contractor has been found to have violated any Compliance Standard, the Compliance Officer and the Vice President of Human Resources and Diversity will collaborate with the supervisor for such employee or independent contractor to determine the appropriate disciplinary response in accordance with the foregoing progression of potential actions. In addition, if the Compliance Officer and/or the Vice President of Human Resources and Diversity decides that it is useful, they will also consult with any or all of the Staff Compliance Committee, the CEO, the Executive Vice Presidents, and legal counsel before finalizing and enforcing any disciplinary action.
5. Notwithstanding the procedures outlined above, the Compliance Officer may determine that an extraordinary circumstance has occurred where immediate action is necessary. In such a case, the Compliance Officer shall have the discretion to take immediate disciplinary action without first consulting with others.
6. To the extent possible, YAI will take disciplinary action for violations of Compliance Standards in accordance with the "Disciplinary Action" and "Progressive Discipline" policies and procedures described in the Supervisors' Interpretive Guidelines.
7. The Compliance Officer will be apprised of the record of disciplinary actions as necessary to ensure consistency in the application of disciplinary measures related to compliance violations.
8. The Compliance Officer and the Vice President of Human Resources and Diversity will fully document all disciplinary actions. They will include this documentation in the disciplined employee's (or independent contractor's) personnel file. The documentation will include a written statement of the reason(s) for imposing the disciplinary action. The employee's supervisor will consider this documentation during the employee's regular and promotional

evaluations. The contractor's supervisor will consider this documentation when deciding whether the agency will continue its relationship with the independent contractor. The Compliance Officer will refer to the written record when necessary to ensure that the agency disciplines its employees and independent contractors consistently for similar offences.

9. The Compliance Officer shall present a report of compliance-related disciplinary actions at regularly scheduled meetings of the Compliance Committee of the Board of Trustees and the Staff Compliance Committee. However, the Compliance Officer may report a disciplinary action to either or both of these groups sooner if he or she believes the situation calls for it.

#### 4.0 References

Supervisors' Interpretive Guidelines

Version number	Summary of changes	Effective date
1.0	Initial Version (Compliance Monitoring and Auditing)	November 1, 2011
2.0	Updates of Senior Management titles resulting from organizational restructuring and change in corporate logo.	August 21, 2013
2.1	Updates of Senior Management titles resulting from organizational restructuring.	July 1, 2015