

	<b>Policy Title</b>	Non-Intimidation and Non-Retaliation Policy
	<b>Policy Number</b>	1.08
	<b>Department</b>	Compliance and Privacy Office
	<b>Effective Date</b>	December 1, 2006
	<b>Last Reviewed</b>	July 15, 2023
	<b>Approved By</b>	Clinical Compliance Committee
	<b>Approval Date</b>	July 15, 2023

## Policy

A WCM workforce member may not be intimidated, threatened, coerced, discriminated against, or take any other retaliatory action against any workforce member, individual, or other person (including patients) for exercising any right under, or participating in, any process related to the Compliance Program, such as:

- Filing a complaint with WCM, a payer program, and/or a government agency,
- Assisting or participating in an investigation, compliance review, proceeding, or hearing; or
- Opposing in good faith, any act or practice made unlawful by federal, state, or local law, regulation, or organization policy, provided that the manner of the opposition is reasonable and does not itself violate the law.

Any employee who reasonably suspects or is aware of the preparation of a false claim or any other potential fraud, waste or abuse has an obligation to report such information to any of the following personnel:

- Departmental Compliance Leader or Compliance Liaison
- Associate Dean for Clinical Compliance
- Chief Compliance and Privacy Officer
- Director of Human Resources
- University Audit Office
- Office of General Counsel

Workforce members also have a right to make a report on an anonymous basis to the Cornell University Compliance Hotline by calling (866) 293-3077 or through the following website: [www.hotline.cornell.edu](http://www.hotline.cornell.edu)

## Purpose

The purpose of this policy is to reaffirm Weill Cornell Medicine (“WCM”) commitment to preventing and detecting any actions within the organization that are unethical, in violation of federal and/or state healthcare programs (Medicare, Medicaid and other governmental payer programs), or in violation of any applicable WCM policy. The primary focus of this policy is to establish guidelines against intimidation and retaliation for individuals who, in good faith, participate in WCM’s Compliance Program.

## Scope

This policy applies to all WCM workforce members and representatives unless otherwise specified.

Weill Cornell Medicine is committed to preventing retaliation and intimidation against individuals engaged in good faith participation in WCM’s Compliance Program. This includes, but is not limited to, reporting potential issues, investigating issues, self-evaluations, audits and remedial actions, and reporting to appropriate officials as

provided in §740 and §741 of the New York Labor Law. Retaliation or intimidation is strictly prohibited and is also addressed by the Cornell University's Code of Conduct.

The Federal False Claims Act and the New York State False Claims Act protect individuals from adverse actions for reporting practices that defraud government programs.

## Definitions

**Retaliation**—Any form of intimidation, reprisal, punishment, or harassment of an individual because they reported, inquired about, or participated in an investigation of an alleged improper or wrongful activity.

**Workforce Member**—faculty, staff, students, volunteers, trainees, and other persons whose conduct, in the performance of work for WCM, is under the direction and control of WCM, whether or not they are paid by WCM.

## Procedure

Any violation or potential violation of this policy will be considered a serious incident and will be investigated promptly. If you know or suspect a violation of this policy may have occurred, promptly notify your supervisor or any one of the following:

- Calling the Compliance and Privacy Office at (646) 962-6930
- Emailing the Compliance and Privacy Office at [Compliance@med.cornell.edu](mailto:Compliance@med.cornell.edu)

Any violation or potential violation will be considered a serious incident and will be investigated promptly. Reports can be made to supervisors or designated contacts. Anonymous reporting is also available through the Cornell Compliance Hotline.

### To File an Anonymous Report:

- Calling the Cornell Hotline - (866) 293-3077
- Report to the Cornell Hotline online - [www.hotline.cornell.edu](http://www.hotline.cornell.edu)

All reports will be investigated, and appropriate action taken. If the employee is dissatisfied with WCM's response to such a report, the employee could bring his or her concerns to the appropriate government agency.

Any employee of WCM who reports such information in good faith will be protected against retaliation for coming forward with such information both under WCM's internal compliance policies and procedures and Federal and State law.

## Compliance with this Policy

The Compliance and Privacy Office will review and update this policy whenever necessary in the normal course of its review as required by organization's overall compliance program.

## Contact Information

## References

- OMIG Compliance Program Guidance, Title 18 NYCRR, Part 521 Fraud, Waste and Abuse Prevention (March 28, 2023)
- WCM Annual Compliance Program, Revised FY23
- WCM Non-Intimidation and Non-Retaliation Policy
- WCM False Claims Act – FWA & Misconduct
- Policy 4.6 – Standards of Ethical Conduct
- Policy 4.17 – Whistleblower Protection
- Federal False Claims Act (31 USC §§3729-3733)
- New York State False Claims Act (NY State Finance Law Article 13)
- Deficit Reduction Act of 2005
- New York State Social Services Law §145
- New York State Penal Law Article 155 – Larceny
- New York State Penal Law Article 175 – False Written Statements
- New York State Penal Law Article 176 – Insurance Fraud
- New York State Penal Law Article 177 Health Care Fraud
- New York Labor Law §740 New York Labor Law §741

## Policy Approval

The Compliance and Privacy Office will review and update this policy whenever necessary in the normal course of its review as required by organization’s overall compliance program.

## Version History

Date	Author	Revisions
		Initial draft completed. Original date of issue.