

## **American Lung Association Whistleblower Policy**

**What is a Whistleblower?** A whistleblower as defined by this policy is an employee of the American Lung Association who reports an activity involving the operations of the American Lung Association that she or he considers to be unethical, illegal, dishonest or fraudulent. The American Lung Association strongly encourages employees to report any suspected unethical, illegal, dishonest or fraudulent activity involving the operations of the American Lung Association, and has adopted this policy for the purpose of creating a means for employees to report on activity of that kind without fear of retaliation. The whistleblower is responsible only for promptly reporting the activity that she or he suspects or considers to be unethical, illegal, dishonest or fraudulent. The whistleblower is not responsible for investigating, determining fault, establishing or administering corrective measures.

**What Types of Activities Should Employees Report?** Here are a number of examples (but not necessarily an exhaustive list) of activities that employees should report: unethical, illegal, dishonest or fraudulent activities involving the operations of the American Lung Association that are violations of federal, state or local laws; theft; embezzlement; kickbacks; forgery; billing for services not performed or for goods not delivered; false or fraudulent expense reports; use of American Lung Association resources to conduct unrelated businesses; fraudulent or inaccurate financial reporting; e-mail, verbal or other communications by one employee to another, or by a volunteer or a vendor to an employee, which are bigoted, discriminatory, offensive or inappropriate; on-the-job substance abuse; or violence or threats by one employee against another, or by a volunteer or vendor against an employee, or by an employee against a vendor, volunteer, or other person engaged directly or indirectly in American Lung Association activities.

The American Lung Association has retained EthicsPoint, Inc., a leading third party provider of confidential reporting services, to manage its corporate ethics reporting. EthicsPoint provides you two ways to confidentially report unethical, illegal, dishonest or fraudulent activity; via the phone and via the web.

For a complete listing of activities that could be reportable, please go to the EthicsPoint website at [www.ethicspoint.com](http://www.ethicspoint.com) and enter American Lung Association under "File a New Report". You will be linked to a secure page defining the violation categories. Select the appropriate violation and the EthicsPoint system will allow you to file a detailed report of what you have observed. Alternately you may call the EthicsPoint toll free number and a call intake specialist will assist you with this process over the phone.

**Who Should Employees Contact?** Because the American Lung Association has retained EthicsPoint, Inc. as its corporate ethics reporting site, if an employee has knowledge of or a concern about an unethical, illegal, dishonest or fraudulent activity, the employee is to immediately contact EthicsPoint at [www.ethicspoint.com](http://www.ethicspoint.com) or 1-866-294-9542 24 hours a day, 7 days a week. The EthicsPoint system will process the employee's information and will send notice of the report to the American Lung Association Treasurer and the Vice President, Human Resources & Operations.

**How will EthicsPoint Manage Reports?** Once a report is logged into the EthicsPoint system by phone or the web, the reporter is issued a unique password and report key. This key allows the reporter to confidentially follow up on their report and access questions or responses posted by the American Lung Association. The reporter can then respond to any additional questions so that the investigation into their report can be completed thoroughly and expeditiously.

EthicsPoint will notify the American Lung Association Treasurer and the Vice President, Human Resources & Operations that they have a report stored on the EthicsPoint secure server. The Treasurer and the Vice President, Human Resources & Operations will access the EthicsPoint Secure Server to view, manage and resolve reports.

**Will Whistleblowers Be Protected?** Whistleblower protections are provided in two important areas -- a strict guarantee against retaliation and a limited guarantee of confidentiality. Insofar as possible, as determined by the Vice President, Human Resources & Operations, in his or her discretion, the confidentiality of the whistleblower will be maintained. However, the Vice President, Human Resources & Operations reserves the right in his or her discretion to obtain the identity of a reporter and to share the name with other members of management, law enforcement officials and others for the purpose of conducting any necessary investigation, to comply with the law, or to provide accused individuals with their rights of defense or a right to explain the questioned conduct.

The American Lung Association will not retaliate against a whistleblower who has filed a truthful report of wrongdoing, nor will it permit its employees to retaliate against the whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm.

The right of a whistleblower to protection against retaliation does not include immunity for any personal wrongdoing on the part of the whistleblower, or any adverse employment action relating solely to job performance or that is otherwise independent of having come forward to report on unethical, illegal, dishonest or fraudulent activity. Any whistleblower who believes that she or he is being retaliated against must contact EthicsPoint or the American Lung Association Treasurer and the Vice President, Human Resources & Operations immediately.

Of course, the employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report, or who files a report without at least a reasonable basis for the truth of the information in the report, will be subject to a variety of possible sanctions including termination and/or legal action. A false report might also result in legal liability on the part of the reporter to the person against whom the report was filed.

**Are There Other Contacts?** EthicsPoint will promptly alert the American Lung Association Treasurer and the Vice President, Human Resources & Operations of all reports of illegal or dishonest activities. The Vice President, Human Resources & Operations is the responsible party for investigations and corrective action.

However, in the event that an employee has knowledge of or a concern about an illegal or dishonest or fraudulent activity involving the Vice President, Human Resources & Operations, or the American Lung Association Treasurer, the employee is to immediately contact the President & Chief Executive Officer. EthicsPoint is available 24/7 to take this report confidentially and anonymously and will screen the report for implicated parties to ensure it is routed to the President and Chief Executive Officer.

**Questions?** Employees with any questions regarding this policy should contact the Vice President, Human Resources & Operations.

Nothing contained in this policy should be construed by an employee as legal advice. An employee should rely only on his or her own personal legal advisor for personal legal advice. The Vice President, Human Resources & Operations and/or other member(s) of American Lung Association management, not the reporter or other person, shall determine whether to investigate and the extent to investigate any report which is made, depending upon the content of such report, as well as what further action, if any, shall be taken by the American Lung Association as a result of such report or investigation.