



WHISTLEBLOWER POLICY

Dated: July 14, 2020

Supersedes: None

I. PURPOSE

The purpose of this Policy is to reaffirm the commitment of New York Medical College (the “College” or “NYMC”) to operate in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibiting fraudulent practices by any of its board members, officers, employees, faculty members or volunteers. NYMC is committed to open communication and high standards of ethical, moral and legal business conduct. This policy outlines a procedure for employees to report actions that an employee reasonably believes violates a law, or regulation or that constitutes fraudulent accounting or other practices and to protect from retaliation and victimization of persons who report suspected improper conduct. This policy applies to any matter which is related to the College’s business and does not relate to private acts of an individual not connected to the business of the College.

II. POLICY

It is the policy of the College that no director, officer, employee or volunteer of the College (“Representative”) who, in good faith, reports any action or suspected action taken by or within the corporation that is illegal, fraudulent or in violation of any adopted policy of the corporation shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence.

A director, officer, employee or volunteer of NYMC who in good faith reports any suspected violation (whether reported to NYMC, its agents or its auditors or to any law enforcement officials, government or regulatory agency), or who cooperates with an investigation of a complaint (whether conducted by NYMC, its agents or its auditors or by any law enforcement officials, government or regulatory agency), shall not suffer intimidation, harassment, discrimination, or other retaliation or, in the case of an employee, adverse employment consequences. Any person who retaliates against someone who has reported a suspected violation in good faith is subject to appropriate discipline and corrective action, up to and including termination of employment in the case of an employee or dismissal in the case of a student.

III. SCOPE

NYMC’s intent is to adhere to all laws and regulations that apply to the College. The underlying purpose of this Policy is to support the College’s goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. Employees are encouraged to act on concerns noted of any conduct or practice which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice or is inconsistent with NYMC’s standards and policies. An employee can only be protected from retaliation or victimization if the

employee brings the alleged activity or practice – which the employee believes violates a federal or state law, rule or regulation – to the attention of the Office of General Counsel with a reasonable opportunity to investigate and correct the alleged unlawful activity.

This Policy is intended to cover protections of any employee who raises concerns regarding NYMC, including but not limited to:

- Incorrect financial reporting
- Breaches of financial regulations or policies
- Unlawful activities
- Miscarriages of justice in the conduct of statutory or other processes
- Failure to comply with a statutory or legal obligation
- Potential maladministration, misconduct or malpractice
- Health and safety issues including risks to the public as well as risks to students and members of faculty and staff
- Action that has caused or is likely to cause danger to the environment
- Abuse of authority
- Unauthorized use of public or other funds
- Fraud or corruption
- Any attempt to prevent disclosure of any of the issues listed above.

NYMC's Compliance/Whistleblower Hotline is accessible at 646-565-6330, whistleblower@touro.edu or by directly contacting a staff member of the Office of General Counsel.

IV. PROCEDURES

A. Complaints

1. Any individual who has a reasonable belief that an employee or the College ("Respondent") has engaged in any action, including but not limited to those listed in Section II, is expected to immediately report such information to Office of General Counsel. If the employee does not feel comfortable reporting the information to the Office of General Counsel, he or she is expected to report the information to the Dean or Vice President overseeing their operational area. Complaints may also be submitted to the Human Resources Department.
2. Complaints should include whatever documentation is available to support a reasonable basis for the allegation(s) and to assist in investigating the complaint.
3. Complaints may be made anonymously but should be detailed to the greatest extent possible.
4. The earlier a concern is expressed, the easier it is to take action.
5. Anyone filing a complaint concerning a suspected violation must act in good faith and have reasonable grounds for believing the information disclosed may indicate a suspected violation.
6. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly false will be viewed as a serious disciplinary offense.

B. Complaints against Compliance Officers

1. If the Compliance Officer is the subject of the suspected violation or a whistleblower is not comfortable reporting a complaint to concerning a suspected violation to the Office of General Counsel or is unsatisfied with the response, the whistleblower is encouraged to speak with his or her supervisor or anyone in management with whom he or she is comfortable. In such case, the manager to whom such suspected violation is reported shall in turn report such suspected violation to the Office of General Counsel, unless a Compliance Officer is the subject of the complaint, in which case, the manager shall submit the report to the Chief Executive Officer or Chairman of the Audit Committee of the NYMC Board of Trustees.
2. If the Compliance Officer is the subject of the complaint, the Chief Executive Officer or Chairman of the Audit Committee shall designate someone to act in the place of the Office of General Counsel and all references to the Office of General Counsel shall be applicable to such designee. Such report shall include a statement as to whether such suspected violation was reported first to the Office of General Counsel; if it was not, the report shall indicate why the suspected violation was not reported to that office.

C. Handling of Reported Compliance Concerns

1. The action taken by NYMC in response to a report will depend on the nature of the concern. Initial inquiries will be made to determine whether an investigation is appropriate, and the form that it should take. Some concerns may be resolved without the need for investigation. The amount of contact between the party who filed the complaint (the "Complainant"), and the person or persons investigating the concern will depend on the nature of the issue and the clarity of information provided. Further information may be sought from or provided to the person reporting the concern.
2. Once the investigation is initiated, the investigator will log the complaint.
3. A complaint, which must be submitted by the later of the following two dates:
 - a. thirty (30) days after the alleged misconduct; or
 - b. the end of the semester in which the alleged incident occurred.
4. A complaint should include the following information:
 - a. Complainant's full name, home address, email, telephone number and NYMC student/employee ID number;
 - b. Name of the person against whom the complaint was made, including job title or student status, if known;
 - c. Any applicable protected status that is a basis for the alleged violation;
 - d. A clear statement of the facts that constitute the violation, including dates on which the acts were committed and any information to identify witnesses;
 - e. The term and year of his/her most recent active employment, academic or student status within the College;
 - f. The full name, address and telephone number of complainant's advisor or supervisor, if any;
 - g. The specific harm that resulted from the alleged act and the remedy sought;
 - h. The Complainant's signature and the date on which the complaint was submitted.
5. All complaints will be promptly investigated by or under the direction of the Office of General Counsel, and appropriate corrective action will be taken if warranted by the investigation. The Office of General Counsel may resolve any complaint without

consulting others, discuss such complaint with the Audit Committee, any other Board committees or the Board of Trustees before taking action or refer the matter to the Audit Committee or the Board of Trustees for action, depending on the Office of General Counsel's determination of the seriousness or severity of the complaint.

6. The Office of General Counsel shall provide to the Audit Committee on at least an annual basis a report identifying all complaints reported under this Policy during the preceding period or indicating that no such complaints were reported. Records of all complaints shall be maintained in accordance with the NYMC's Record Retention Policy.
7. Following an investigation, NYMC will take appropriate remedial and disciplinary action as it deems justified by the circumstances, including, but not limited to, terminating employment, board membership or volunteer status, seeking restitution, removal from office or criminal prosecution.

V. EFFECTIVE DATE

This policy is effective immediately.

VI. POLICY MANAGEMENT

Responsible Executive:	Chief Compliance Officer
Responsible Officer:	Chief Compliance Officer
Responsible Office:	Office of Institutional Compliance