

**Association for the Advancement of Medical Instrumentation (AAMI)  
WHISTLEBLOWER POLICY AND PROHIBITION AGAINST RETALIATION**

**Fraudulent or Dishonest Conduct & Whistleblower Policy Statement**

AAMI will investigate any reports of suspicious activities, behavior, or suspected violation of law in the area of association-related misconduct, fraud or potential violation of AAMI Policy (as defined below) by management, staff, volunteers, or members of the Association.

Anyone found to have violated any law or AAMI Policy is subject to disciplinary action by AAMI, up to and including termination of employment and/or the prospect of civil or criminal prosecution when warranted.

Consistent with current nonprofit governance and administration best practices, AAMI adopts this policy requiring the reporting of misconduct or fraud as part of its continuing efforts to foster ethical conduct and transparency of operation in all aspects of the organization and to ensure open communication throughout the organization. This policy is not intended to address claims or allegations of sexual or other forms of harassment or discrimination; those issues are covered by separate AAMI policies and procedures.

Allegations, complaints or reports may be made anonymously. However, any complaint or report, anonymous or otherwise, should contain sufficient information and detail so as to allow for appropriate follow-up and investigation.

**Definitions**

**AAMI Policy:** The policies set forth in Association documents, Board minutes or the Employee Handbook.

**Baseless Allegations:** Allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to AAMI disciplinary action (including termination of employment) and/or legal claims by the individuals accused of such conduct.

**Fraudulent or Dishonest Conduct:** A deliberate act or failure to act with the intention of obtaining a material unauthorized benefit. Examples of such include, but are not limited to:

- material deviations from generally accepted accounting principles or circumvention of AAMI's system of internal controls
- embezzlement of AAMI funds
- forgery or alteration of documents
- unauthorized alteration or manipulation of computer files
- fraudulent financial reporting

- submitting fraudulent or improper expense account reporting
- misappropriation or misuse of AAMI resources
- authorizing or receiving compensation for goods not received or services not performed

**Whistleblower:** An employee who informs a manager, supervisor, the VP Administration, the President or the Chair of the Board or Treasurer about an activity which that person believes to be fraudulent or dishonest.

### **Rights and Responsibilities**

**Reporting:** All employees are required to report any conduct that the individual believes to constitute a violation of law or AAMI Policy. An employee should report his or her concerns to a supervisor or manager. If for any reason an employee finds it difficult to report his or her concerns to a manager or supervisor, the employee can report it directly to the VP Administration, or if need be to the President of the Association. In some circumstances, the employee may feel the need to report to the Chair of the Board or Treasurer of AAMI.

Disclosure of reports of fraudulent and dishonest conduct to individuals not involved in the investigation will be viewed as a serious offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

**Managers and Supervisors:** Managers or supervisors are required to report suspected fraudulent or dishonest conduct to the VP Administration, the AAMI President, or as a last resort, to the Chair of the Board or Treasurer. In addition, managers and supervisors are responsible for maintaining a system of management controls, which detect and deter fraudulent or dishonest conduct. Failure by a manager or supervisor to establish management controls or report misconduct within the scope of this policy may result in adverse personnel action against the manager or supervisor, up to and including termination of employment. The VP, Administration is available to assist managers and supervisors in establishing management systems and recognizing improper conduct.

Reasonable care should be taken in dealing with suspected misconduct to avoid:

- baseless allegations
- premature notice to persons suspected of misconduct
- violations of a person's rights under the law

Accordingly, a manager or supervisor faced with a suspected misconduct:

- should not contact the person suspected to further investigate the matter or demand restitution

- should not discuss the case with anyone other than those previously identified or a duly authorized law enforcement officer
- should direct all inquiries from any attorney retained by the suspected individual to the authority conducting the investigation
- should direct all inquiries from the media to the AAMI President. If the suspected misconduct complaint is directed at the AAMI President, the inquiry should be directed to the Chair of the Board.

### **Whistleblower Protection**

AAMI will protect whistleblowers as provided below.

- AAMI will use best efforts to protect whistleblowers against retaliation, as described below. Confidentiality is a priority, and the identity of complainants and their complaints will be treated confidentially to the fullest extent possible. Nonetheless, AAMI cannot guarantee confidentiality. AAMI will keep the whistleblower's identity and complaint confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow AAMI or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of fraudulent or dishonest policy violation is entitled to the information as a matter of legal right or disciplinary proceedings.
- AAMI directors, officers and employees may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of the whistleblower's employment (including but not limited to: threats of physical harm, loss of job, punitive work assignments or impact on salary or wages). Whistleblowers who believe that they have been retaliated against may file a written complaint with the VP Administration or AAMI President. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including termination of employment, against the retaliating person. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Whistleblowers must be cautious to avoid baseless allegation.

### **Contacts**

Questions related to the interpretation of this policy should be directed to the VP Administration or the President.

### **Effective Date and Publication**

This policy will become effective on November 1, 2008, and will remain in effect until such time that new and/or supplementary procedures and guidelines may be written to assure compliance with current applicable laws, regulations and policies. The

**Association will post this Policy on its website and include it in the Employee Handbook.**