|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **POLICY NUMBER & TITLE:** | | 00200 Standard of Conduct | | |
| **Owner:** | Board of Directors | | **Policy Division:** | Corporate Compliance Program |
| **Effective:** | 5/2008 | | **Last Reviewed/Revised:**  **(QA/CC Only)** | 4/12/2023 |

**PURPOSE**

To set forth Summit’s commitment to require its workforce to comply with its Standard of Conduct, codes of conduct specific to certain Summit programs or professional licensing/credentialing code of conduct requirements. This policy provides guidance and a decision-making framework for personnel to use when uncertain about the right course of action to take in ethical decision-making situation.

**SCOPE**

*This policy applies to the following:*

|  |  |  |
| --- | --- | --- |
| Employees | Consultants | Vendors |
| Board of Directors | Contractors | Volunteers |

*In the following programs/departments:*

|  |  |  |  |
| --- | --- | --- | --- |
| **Early Intervention & Education Division** | **Behavioral Health Division** | **Community Division** | **Adult Division** |
| Academy Preschool Integrated | Behavioral Pediatrics Clinic | B.F.F.S.\* | ACCES-VR |
| Academy Preschool Self-Contained | Consulting & Professional Training | Community Habilitation\* | Community Pre-Vocational (P.A.C.E.)\* |
| Academy School-age | Summer Programs | Family Education & Training\* | Pathway to Employment\* |
| Academy Enhanced | Other: | Intensive Beh. Support\* | SEMP\* |
| DDC Evaluations |  | Intensive Respite\* | Day Habilitation (S.T.E.P.S.)\* |
| Early Autism Program (Early Intervention-under age 3) |  | Respite On-Site\* | Other: |
| Early Autism Program (Preschool 3-5 yrs.) |  | Respite Off-Site\* |  |
| Eligibility Evaluations |  | S.T.A.R.\* |  |
| Other: |  | Other: |  |
|  |  |  |  |
| **Department** |  |  |  |
| Administrative Services | Behavior Support | Facilities | Quality Assurance |
| Finance | Development | Human Resources | Compliance |
| IT | Marketing & Communications | Public Affairs | Research & Development |
|  |  |  |  |

\*notates OPWDD programs

**POLICY**

Summit expects all employees, contractors, and volunteers who provide services (collectively herein referred to as personnel) to conduct themselves in accordance with Summit’s values, its Standard of Conduct and the Corporate Compliance Plan, the Employee Handbook, and all applicable policies, regulations, and laws, as well as to act in a manner that positively affects the operations and reputation of the agency and the quality of life of the individuals we serve.

* Summit assists personnel by providing the Standard of Conduct training to all employees during new hire orientation.
* Summit reminds personnel of the Standard of Conduct regularly.

**Guidance for Complying with the Standard of Conduct:**

Acting in an ethical manner within the workplace involves an understanding of many variables including the following:

**Scope of practice** –Personnel must act in a manner that is consistent with their professional scope of practice. Licensed and/or certified personnel must perform job related activities that are within their level of competence and within their professional boundaries. Licensed and/or certified professionals should stay active in appropriate professional organizations and must follow discipline-specific codes of ethical conduct.

**Non-licensed or non-certified personnel** must perform job duties that are within their job descriptions or contracts and for which they have received appropriate training. They must not perform duties that are within a restricted scope of practice of a licensed/or certified profession.

**Laws and regulations** –Personnel must be familiar with the laws and regulations that govern their work-related activities and ensure they follow those laws and regulations.

**Summit policies, procedures, and standards** – Personnel must be knowledgeable in all of Summit’s policies and procedures and are required to follow them accordingly.

**Rights of others** – Personnel must treat all individuals served by Summit, as well as Summit staff members and stakeholders, with dignity and respect, protect the rights of these individuals and strive to enhance their quality of life.

**Summit’s reputation** – Personnel are expected to actively promote Summit’s positive reputation in the community and refrain from engaging in activities that may tarnish that reputation. This includes activities that may occur outside of regular work hours and work activities.

**Ethical decision-making framework**:

Even if the above variables are considered, personnel may frequently have to make decisions that do not have clear answers. In addition, there may be situations where the above standards conflict with one another. To assist you in those situations, we have created a decision-making framework for your reference. Personnel are strongly encouraged to seek supervision throughout the decision-making process.

SEE ATTACHED DECISION MAKING FLOWCHART (APPENDIX A)

**Violations:**

Personnel who suspect that someone at Summit has engaged in unethical behavior must report their concerns to their supervisor or the Corporate Compliance Officer or contact the **Compliance hotline at** 1-866-690-3759 . Staff will not be retaliated against for making a good-faith report of unethical behavior. All staff must assist in the resolution of compliance issues to the best of their ability. Violations of this policy may result in discipline ranging from an oral warning to, in the most extreme cases, termination (See the Summit Center Employee Handbook for more information on disciplinary policies and the Compliance Investigation Policy, GA 0206, for information on investigations).

**DEFINITIONS**

* N/A

**REFERENCES: LAWS, REGULATIONS, SUB-REGULATORY GUIDANCE**

* [NYS Social Services Law § 363-d](https://www.nysenate.gov/legislation/laws/SOS/363-D)
* [18 NYCRR 521](https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=I84ae22806fb211dea6a4a15c533a372d&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))
* [14 NYCRR 633.8](https://govt.westlaw.com/nycrr/Document/I5039097ecd1711dda432a117e6e0f345?transitionType=Default&contextData=%28sc.Default%29&bhcp=1)
* [OPWDD ADM #2014-03](https://opwdd.ny.gov/system/files/documents/2020/01/nadsp-memo.pdf)
* [OPWDD 16-INF-01](https://opwdd.ny.gov/system/files/documents/2020/02/inf-2016-01-direct-support-core-competencies-and-code-of-ethics.pdf)

**RELATED POLICIES / PROCEDURES / FORMS / ATTACHMENTS**

* [Corporate Compliance Plan and Program](https://thesummitcenter.sharepoint.com/:w:/r/sites/PoliciesProcedures/_layouts/15/Doc.aspx?sourcedoc=%7B04E614E1-DC3A-46CA-B2CD-DCD44597E657%7D&file=00204%20Corporate%20Compliance%20Plan%20and%20Program.docx&action=default&mobileredirect=true&DefaultItemOpen=1)
* [Conflict of Interest Policy #202](https://thesummitcenter.sharepoint.com/:w:/r/sites/PoliciesProcedures/_layouts/15/Doc.aspx?sourcedoc=%7BA2E93F42-B7B3-4FC3-9932-8B56BC179490%7D&file=00202%20Conflict%20of%20Interest%20and%20Gifts%20Policy-Staff.docx&action=default&mobileredirect=true&DefaultItemOpen=1)
* [Compliance Investigation Policy #207](https://thesummitcenter.sharepoint.com/:w:/r/sites/PoliciesProcedures/_layouts/15/Doc.aspx?sourcedoc=%7B62DFD82A-79E4-4771-8E0D-81481AE64890%7D&file=00207%20Compliance%20Investigation%20policy.docx&action=default&mobileredirect=true&DefaultItemOpen=1)
* Flow Chart for Ethical Decision Making – Appendix “A” (see attached)

**DISTRIBUTION**

* All staff
* HR (new hire binder)
* QA/CC Administrator for updating CC training

**HISTORY**

|  |  |  |  |
| --- | --- | --- | --- |
| **Revised/**  **Reviewed Date** | **Summary of Change** | **Approver Title** | **Approver Date/Initials** |
| 04/12/2023 | Added references that require a Code of Conduct from an OPWDD perspective. Added link to new Code of Ethics document. | CEO | SRA-04/12/2023 |
| VP Education and Behavioral Health | ALJ-04/12/2023 |
| Corporate Compliance Officer (Acting) | SRA-04/12/2023 |
| Corporate Compliance Committee- Board | \*see below 1/19/23 |
| 7/21/2021 | Added, if unsure of an ethical decision dilemma, employee should consult with Compliance. | CEO | SRA 02/25/21 |
| VP Education and Behavioral Health | AJ 02/25/21 |
| Corporate Compliance Officer | CAD 02/25/21 |
| Corporate Compliance Committee- Board | Not Required for this update (CD 7/20/21) |
| 1/1/2016 | Added supporting laws and regulations references and updated “Purpose” statement. |  |  |
| 10/2014 |  |  |  |
| 5/2014 |  |  |  |
| 7/2010 |  |  |  |

\*Revisions finalized on 4/12/23 were approved by Board of Directors January 19, 2023

Appendix “A”

Flow Chart for Ethical Decision Making

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Given a questionable ethical situation, problem, or incident, does an ethical problem exist?

Pursue supervision and consultation with Compliance and/or seek legal counsel.

Do these standards conflict with Summit’s?

# Yes

# No

Is there a relevant professional, legal, or ethical standard?

# No

Weigh the pros and cons of each possible decision, considering the rights of others and Summit’s reputation.

Make your final decision

Does a definitive Summit policy, procedure or standard exist?

# Stop

# No

# Yes

# Yes

# No

# Yes