



## Model Organizational Policies for Abuse Prevention and Response

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# Whistleblower Policy

## Introduction

The whistleblower policy of Triangle Inc. is intended to provide a mechanism for the reporting of illegal activity including physical, sexual, economic, and emotional abuse of Triangle participants or the misuse of Triangle Inc. assets while protecting the employees or volunteers who make such reports from retaliation.

Staff, board members, consultants, and volunteers are encouraged to report suspected fraudulent or dishonest conduct (i.e., to act as “whistleblower”), pursuant to the procedures set forth below.

## Reporting

A person’s concerns about possible unlawful activity or fraudulent or dishonest use or misuse of resources or property should be reported to his or her supervisor or, if suspected by a volunteer, to the staff member supporting the volunteer’s work. A person’s concerns about abuse perpetrated by a Triangle staff member against a Triangle participant, person with a disability, or other member of the Triangle community should be reported to the Director of Human Resources.

If, for any reason, a person finds it difficult to report his or her concerns to a supervisor or staff member supporting the volunteer’s work, the person may report the concerns directly to Triangle Inc.’s Chief Executive Officer. Alternately, to facilitate reporting of suspected violations where the reporter wishes to remain anonymous, a written statement may be submitted to one of the individuals listed above.

## Whistleblower Protection

Triangle Inc. will protect whistleblowers as defined below:

- Triangle Inc will use its best efforts to protect whistleblowers who act in good faith against retaliation. Whistle blowing complaints will be handled with sensitivity, discretion, and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that whistleblower complaints will only be shared with those who have a need to know so that Triangle Inc. can conduct an effective investigation, determine what action to take based on the

results of any such investigation, and in appropriate cases, with law enforcement personnel. (Should disciplinary or legal action be taken against a person or persons as a result of a whistleblower complaint, such persons may also have the right to know the identity of the whistleblower.)

- Employees, consultants, and volunteers of Triangle Inc. may not retaliate against a whistleblower for informing management about an activity which that person believes to be fraudulent, dishonest or abusive to a Triangle participant, person with a disability, or other member of the Triangle community 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 fees. Whistleblowers who believe that they have been retaliated against may file a written complaint with the chief executive officer or to the president of the board. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

## Questionable Conduct

This policy is designed to address situations in which an employee or volunteer suspects another employee or volunteer has engaged in illegal acts or questionable conduct involving Triangle Inc.’s assets or the abuse or maltreatment of a person with a disability or other member of the Triangle community. This conduct might include outright theft (of equipment or cash), fraudulent expense reports, misstatements of any accounts to any manager or to Triangle Inc.’s auditors, or even an employee’s conflict of interest that results in financial harm to Triangle Inc. Triangle Inc. encourages staff and volunteers to report such illegal or questionable conduct.

## Making a Report

If an employee or volunteer suspects illegal conduct including abusive behavior or conduct involving misuse of Triangle Inc.’s

assets or in violation of the law, he or she may report it and will be protected against any form of harassment, intimidation, discrimination, or retaliation for making such a report in good faith.

Employees can make a report to any of the following Triangle Inc. executives at any time: their direct supervisor, Triangle Inc.'s chief executive officer, chief financial officer, or the director of human resources. Triangle Inc. will promptly conduct an investigation into matters reported, keeping the informant's identity as confidential as possible consistent with our obligation to conduct a full and fair investigation.

Alternatively, employees or volunteers can make a report by calling either the board president or the chair of the audit committee.

### Investigation of Reports

All reported violations will be promptly and thoroughly investigated and acted on appropriately. If a complaint alleging an ethical violation requires additional action, Triangle Inc. will respond promptly. Staff members must cooperate with any investigation and provide accurate and truthful information. Staff members must not disclose or discuss the fact that an investigation is being conducted or has been conducted and must not disclose the results of any investigation to anyone except to the extent allowed by the compliance officer. Triangle Inc.'s compliance officer is the HR Director. If possible, the staff member making the initial report will be informed about the status of the investigation and the outcome of the matter. However, Triangle Inc. has an obligation of confidentiality to all staff members, including those being investigated.

### Illustrative Types of Concerns

The following is a non-exhaustive list of the kinds of improprieties that should be reported:

- Supplying false or misleading information on Triangle Inc.'s financial or other public documents, including its Form 990.
- Providing false information to or withholding material information from Triangle Inc.'s board or auditors.
- Destroying, altering, mutilating, concealing, covering up, falsifying, or making a false entry in any records that may be connected to an official proceeding, in violation of federal or state law or regulations.
- Altering, destroying, or concealing a document, or attempting to do so, with the intent to impair the document's availability for use in an official proceeding or otherwise obstructing, influencing, or impeding any official proceeding, in violation of federal or state law or regulations.
- Embezzling, self-dealing, private inurement (i.e., Triangle Inc.'s earnings to the benefit of a director, officer, or senior management) and private benefit (i.e. Triangle Inc.'s assets being used by anyone in the organization for personal gain or benefit).
- Paying for services or goods that are not rendered or delivered.
- Discriminating against an employee or potential employee due to a person's race, color, religion, sex, sexual orientation, national origin, age, physical or mental impairment, or veteran status.
- Violating Triangle's Statement of Values and Code of Ethics, Conflict-of-Interest Policy, Harassment Policy, or Equal Employment Opportunity Policy.
- Hitting, kicking, punching, choking, or otherwise physically harming a person with a disability or other member of the Triangle community; Any sexual touching of any Triangle participant; threatening a Triangle participant with physical harm; stealing a Triangle participant's money or using that person's money without his/her consent; or any other allegation of abuse that is substantiated by the Massachusetts Disabled Persons Protection Commission.
- Facilitating or concealing any of the above or similar actions.

My signature below indicates my receipt and understanding of this Policy. I also verify that I have been provided with an opportunity to ask questions about the Policy.

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Employee Signature

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Date

# What To Do When A Triangle Participant Reports Abuse

## Introduction

- ☐ Thank the person for telling you.
- ☐ Even if you are upset or nervous, do your best to project a calm demeanor.
- ☐ If you are in a public or noisy part of the building ask the participant if they want to go to a quiet place to talk. If they say “no” respect that wish and stay where you are.
- ☐ Tell the person it’s OK to feel what they’re feeling (nervousness, fear) and assure them they did the right thing telling you.
- ☐ Tell the person you have to call DPPC but they can choose who else knows. Give them the option of being present and participating in the DPPC report.
- ☐ Make a report to DPPC.  
*\*See note A for reporting instructions.*  
*\*See note E for additional instructions for sexual assault*
- ☐ Ask the participant if you can go with them to talk to the IMPACT: Ability Program Coordinator to identify support and resources.
- ☐ Make sure the participant is physically safe. If you need help assessing this talk to the IMPACT: Ability Program Coordinator or Director of Operations.
- ☐ Ask the participant who else they want to know about the disclosure. If the alleged abuser is a Triangle employee, you must notify Triangle’s Human Resources Director. Otherwise, do not discuss with anyone you don’t have the participant’s permission to tell.  
*\*See note B for guardianship exceptions to this.*
- ☐ Due to the sensitive nature of this information do not enter it into the Triangle database unless the participant wants the information recorded.
- ☐ If the named perpetrator is a Triangle staff person tell the Director of Human Resources. Tell the participant that you are doing this in order to make sure everyone at Triangle is safe.
- ☐ If you have questions, doubts or concerns about the story do not share your doubts with the participant. You still must report to DPPC.  
*\*If so, see note C for help*

- ☐ Ask the person if they want to talk about the abuse to a therapist.  
*\*If so, see note D for instructions*
- ☐ TAKE CARE OF YOURSELF.  
*\*If you need help or support, see the IMPACT: Ability Program Coordinator or the Director of Human Resources*

## Notes

### A: Reporting Instructions

- ☐ Abuse is reportable to DPPC if the participant is between the ages of 18 and 59 and the alleged perpetrator is a guardian or other care-giver, household member, agency staff person, transportation provider, teacher, school staff person or any other person who is in a care-giving role. When in doubt, report. The DPPC hotline staff will assist you.
- ☐ To report abuse, call the DPPC hotline at 800.426.9009 **voice** or 888.822.0350 **TTY**.
- ☐ An oral and written report to DPPC is required.
- ☐ Offer the person as many options as you can for making the report: Do they want to be present when you do it? Do they want to talk to DPPC or do they want you to do it?
- ☐ If the person is over 60 DPPC may refer you to the Department of Elder Affairs.
- ☐ If the participant is under 18 report to Department of Children and Families: 800.792.5200

### B: Guardianship

- ☐ If the person has a guardian and the guardian is not the alleged abuser, you must tell the guardian.

### C: Doubts and Concerns

- ☐ It is an investigator’s job to investigate and our job to report. However, if necessary, Impact: Ability has a forensic neuropsychologist consultant who has expertise in making these assessments. If his services are needed talk to the IMPACT Director, Assistant Director, or the IMPACT: Ability Program Coordinator.

## What To Do When A Triangle Participant Reports Abuse

### D: Outside Therapy

- ☐ If the person has a therapist, ask if they feel comfortable talking about it with their therapist.
- ☐ If the person wants outside therapy and does not have a mental health provider, make a referral to Erin McCoy at the Beth Israel Deaconess Medical Center's Center for Violence Prevention and Recovery. Erin can be reached at 617.667.3454.

### E. Sexual Assault or Rape

- ☐ If the abuse involved a sexual assault or rape, medical examinations that preserve forensic evidence are available through the Massachusetts Sexual Assault Nurse Examiner (SANE) program. If the participant wants this, take them to the emergency department of a SANE-approved hospital. SANE Website with the closest locations can be found here: [www.mass.gov/dph/sane](http://www.mass.gov/dph/sane)

In Addition, according to The DPPC Brochure in this case you should also report to the police.

My signature below indicates my receipt and understanding of this Policy. I also verify that I have been provided with an opportunity to ask questions about the Policy.

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Employee Signature

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Date

# Acknowledgement of Mandated Reporter Status

Massachusetts law REQUIRES certain persons to report known or suspected abuse of people with disabilities. As an employee at a disabilities service agency, YOU are one of those persons - a "mandated reporter."

## When Abuse Must Be Reported

I am required to report or cause a report to be made to the Disabled Person's Protection Commission (DPPC) Hotline (1-800-426-9009 or 1-888-822-0350 TTY) whenever I have reasonable cause to believe that a person with a disability known to me in my professional or official capacity may be abused or neglected. I understand that I can make a report anonymously, that there is no charge when calling the Hotline number, and that the Hotline operates 24-hours per day, 7 days per week, 365 days per year. I understand that I am required to make a written report to DPPC within 48 hours following the verbal report.

## Abuse That Must Be Reported

**Physical abuse**, meaning the use of physical force against someone in a way that injures or causes pain to that person.

**Sexual abuse**, which occurs when someone is forced to engage in unwanted, unsafe, or degrading sexual activity or exploitation without their express permission or knowledge.

**Financial abuse**, the illegal or improper use of another person's funds, property or assets without their express permission or knowledge, by a person in a position of trust.

**Neglect**, which occurs when someone responsible for the care and well-being of a person with a disability fails to provide for the basic daily living needs of that person resulting in, or placing them at risk of, serious physical or emotional injury.

**Emotional abuse**, which may be verbal or non-verbal, and occurs when someone is attempting to control another person through threatening, humiliating, or intimidating actions.

**Mistreatment**, meaning the use of medications or treatments, isolation or physical or chemical restraints which harms or creates a substantial likelihood of harm.

## How To Handle An Abuse Disclosure

I understand that disclosures of abuse are a very serious issue. I understand that it is never my responsibility to decide if an individual reporting abuse (from herein, referred to as the discloser) is an accurate reporter or the incident occurred. I understand that Triangle supports a trauma informed response, meaning that in responding to an abuse disclosure, I am expected to treat the discloser with compassion, and offer as much choice as possible around next steps. I am expected to inform the discloser of all required responses, including but not limited to the report to DPPC,

and include them in such responses in whatever capacity they desire. I also understand that I should get only the minimal facts required to make a report, that questioning an individual can be re-traumatizing and that investigating abuse is the role of the DPPC-identified investigator and not myself. I understand that Triangle, Inc. has an Abuse Disclosure Checklist, available from Human Resources, and agree to follow it when responding to abuse.

I understand that maintaining confidentiality of the alleged victim is required according to Triangle, Inc. policy. I am only to share this information with other staff if the discloser gives me their express permission. Reports of abuse are not to be included in Triangle Participant Database, unless specifically requested by participant. Abuse reports are to be entered into the HCSIS database and I understand that I must make this entry or cause this entry to be made. If the alleged perpetrator is an employee of Triangle, Inc., I am required to tell the Director of Human Resources at Triangle, Inc.

I understand that the failure to report crimes and incidences of suspected abuse and neglect committed against persons with disabilities can result in severe consequences for the alleged victim, other potential victims, and the Mandated Reporter. Victims of abuse and neglect are at increased risk of further abuse, if it goes unreported. The frequency and severity of abuse and neglect are likely to increase over time if no intervention is made.

I further understand that as a Mandated Reporter, I can be fined up to \$1,000 for failure to report incidences of suspected abuse and neglect of individuals with disabilities. In addition, according to Triangle, Inc. policy, if I fail to report, I may be subject to disciplinary action, up to and including immediate termination.

I also understand that I am protected from retaliation from employees, consultants and volunteers of Triangle Inc. for reporting abuse through Triangle's Whistleblower Policy, which is available from Human Resources.

I, \_\_\_\_\_,  
*Employee Name*

affirm that I have read this statement and acknowledge that I understand that when I am employed at Triangle, Inc., I am required to report known or suspected abuse of people with disabilities in compliance with Massachusetts General Law, DPPC Enabling Statute [cMGL C19c Section 1].

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Date