ASMBS American Society for Metabolic and Bariatric Surgery

WHISTLEBLOWER

Approved August 2026

The ASMBS is strictly required under the law to be certain that any person acting in good faith as a "whistleblower" will not suffer any retaliation or adverse repercussions. A whistleblower is anyone who, in good faith, discloses to a supervisor or management employee with the authority to investigate, discover, or terminate misconduct, any conduct that the employee reasonably believes violates any provision of federal or state law. Federal law includes in the definition of a whistleblower one who discloses allegedly fraudulent conduct to a federal regulatory or law enforcement agency, a member of Congress, or any committee thereof.

Notwithstanding the specific provisions of the various laws, the ASMBS fully acknowledges the need for a policy that encourages – and does not at all discourage – its employees to bring to its attention any instances in which the ASMBS and its employees and members fail to comply with the law. The ASMBS will not permit any retaliation or punishment directed against an individual who acts in good faith to bring to the ASMBS's attention what the individual reasonably believes to be a violation of the law. Violations of the law by ASMBS or its staff only create exposure to the ASMBS for the expenditure of resources and possible liability. It is completely in ASMBS's interest to recognize, address, and end any conduct that constitutes a violation of the law.

Employees who wish to report possible violations of the law should do so without fear of reprisal, but they should take care to report them to appropriate management personnel, which will include any member of the Executive Leadership Team. If reporting to a particular individual raises issues for the reporting employee, the report may also be made directly to the Chief Executive Officer, Legal Counsel, and/or the President.

The ASMBS's policy is that any good faith report or complaint will be fully and honestly investigated and evaluated. Where the conduct identified constitutes a violation of the law, the ASMBS shall immediately take prompt and remedial steps to ensure that the conduct is discontinued. Where practicable, the ASMBS may share the investigation results with the person who brought the conduct to its attention, but it shall have no duty. If the conduct is found not to be a violation of the law or otherwise wrongful or unethical, the ASMBS will, depending upon the circumstances, provide the whistleblower an explanation of why it reached that conclusion.

A copy of the ASMBS's Whistleblower Policy follows.

General
The ASMBS's compliance policies require directors, officers, and employees to observe high business and personal ethics standards in their duties and responsibilities. Employees and representatives of the ASMBS must always practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Duty to Report Wrongful Conduct
It is the responsibility of all directors, officers, and employees to report any suspected or actual wrongful conduct per this Whistleblower Policy. Wrongful conduct might include violations of federal or state law; serious violations of the ASMBS policies; questionable accounting reports or internal controls; unethical business conduct; instances of dishonesty or fraud; sexual harassment; or discrimination based on race, gender, sexual preference, religion, national origin, or disability; or other serious improprieties that might impact the integrity, reputation, legal status, or effective operation of the ASMBS.

Prohibition against Retaliation
No director, officer, or employee who, in good faith, reports wrongful conduct, including a violation of the law or of any of ASMBS's policies, shall suffer harassment, retaliation, or adverse employment consequences as a result thereof. An employee who takes retaliatory action against someone who has reported a violation in good faith is subject to disciplinary action up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within ASMBS before seeking resolution outside the organization.

Process for Reporting Violations
The ASMBS has and shall maintain an open-door policy and encourages employees to share their questions, concerns, suggestions, or complaints with a management team member who is in the best position to address them properly. In most cases, an employee's supervisor is best positioned to address an area of concern. However, if any person raising a concern or complaint is uncomfortable speaking with his or her supervisor or is not satisfied with the supervisor's response, the employee is strongly encouraged to speak with someone in the Human Resources Department or anyone in management whom the employee is comfortable approaching. Supervisors and managers must report suspected violations of law or policy to the ASMBS's CEO or President, who is responsible for investigating all reported violations. Individuals should contact the CEO, Comptroller, and President for suspected fraud or discomfort in following the open door policy.

Compliance Officers
The ASMBS's CEO, President, and Comptroller shall be the Compliance Officers with respect to this policy and shall be responsible for investigating and resolving all reported complaints and

allegations concerning violations of law or policy. At their discretion, they shall advise the Executive Leadership Team and/or the Board of Directors. These individuals shall have direct access to the Chief Executive Officer and Board of Directors and shall report periodically as appropriate on compliance activity.

Accounting and Auditing Matters
The Executive Committee of the Board of Directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls, or auditing. Any officer of ASMBS shall immediately notify the Committee of any such complaint and work with the Committee until the matter is resolved.

Requirement of Good Faith
Anyone filing a complaint concerning a violation or suspected violation of law or policy to come within the scope of this Whistleblower Policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and to have been made maliciously, without reasonable basis, or with knowledge of their falsity will be subject to disciplinary action up to and including termination.

Confidentiality
Violations or suspected violations may be submitted confidentially by the complainant. While complaints or concerns may be submitted anonymously, employees are encouraged to identify themselves to increase the submission's credibility and facilitate follow-up investigation. Reports of violations or suspected violations will be kept confidential to the greatest possible extent and consistent with the need to conduct an adequate investigation.

Handling of Reported Violations
The Compliance Officer to whom a complaint or report is sent will notify the sender and acknowledge receipt of the reported violation or suspected violation within ten business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.