

# San Francisco Bay Area Rapid Transit District

## Whistleblower Policy

### I. Declaration of Policy

The San Francisco Bay Area Rapid Transit District (“District”) is committed to high standards of ethical, moral and legal professional conduct. The District expects its Directors, officers, and employees to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the District must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

### II. Reporting Responsibility

It is the responsibility of all Directors, officers and employees to report Misconduct in accordance with this Whistleblower Policy.

### III. Misconduct

“Misconduct” is defined in this Whistleblower Policy as any activity by a District officer, employee, or Board member, or a District consultant or contractor that jeopardizes the safety of passengers or District employees, violates a state or federal law or regulation or involves corruption, fraud, bribery, theft or misuse of District property, gross incompetence, or otherwise violates any applicable District Code of Conduct or District policy.

This definition of Misconduct is not intended to be an exclusive listing of the illegal or improper activity covered by the Whistleblower Policy, but is intended to serve as a guide to reporting all serious improprieties that impact the integrity and effective operation of the District.

### IV. No Retaliation

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the District before seeking resolution outside the District.

Accordingly, no Director, officer or employee who in good faith reports suspected Misconduct under this Whistleblower Policy or who cooperates in the investigation of Misconduct shall suffer harassment, retaliation or adverse employment consequence as a result of making such a report or cooperating in an investigation. An employee who retaliates against someone who has reported Misconduct in good faith or who has cooperated in the investigation of Misconduct is subject to discipline, up to and including termination of employment.

### V. Reporting Misconduct

The District encourages its Directors, officers and employees to share their questions, concerns, suggestions, or complaints with someone who can address them properly. In

most cases, an employee's supervisor is in the best position to address areas of concern. However, if an employee is not comfortable speaking with his or her supervisor or is not satisfied with the supervisor's response, the employee is encouraged to contact the District Ethics Officer. Supervisors, Managers and the District Ethics Officer are required to report alleged violations of law to the District's Chief of Police and General Counsel. The Chief of Police will coordinate as appropriate with the District Attorney who has jurisdiction.

**VI. Acting in Good Faith**

Anyone who reports Misconduct must be acting in good faith and have reasonable grounds for alleging the Misconduct. Any allegations that prove not to be substantiated and which were known to be false when made or were made with willful disregard for their truth or falsity will be viewed as a serious disciplinary offense.

**VII. Confidentiality**

Reports of Misconduct or suspected Misconduct may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of Misconduct or suspected Misconduct will be kept confidential to the extent possible and to the extent permitted by law. Reports of Misconduct or suspected Misconduct will be shared with other individuals, including individuals outside the District's organization, as necessary to conduct an adequate investigation.

**VIII. Anonymous Allegations**

This Whistleblower Policy encourages individuals to put their names to allegations of Misconduct because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be looked into appropriately, but consideration will be given to: the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.

**IX. Handling of Reported Misconduct**

The employee's supervisor or other District representative will acknowledge receipt of the reported Misconduct within five business days, unless the report was submitted anonymously. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation. The Ethics Officer may employ the services of an independent investigator in cases where the alleged Misconduct involves an expenditure or loss to the District in excess of \$250,000.00, or creates a significant exposure to liability to the District or in other special circumstances that justify independent investigation.