

# **NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

## **Policy Number 3 – Whistle Blower Protection Policy**

- I. Purpose.** The purpose of this policy is to provide the Northern Virginia Transportation Authority (NVTA), executive management, employees, staff from member jurisdictions and the public, who participate in the NVTA’s business, a means of raising concerns – without retribution -- in the event they believe any person(s) associated with the NVTA has been, or is engaged in, illegal or unethical behavior relevant to the NVTA’s operation or is in violation of written NVTA policy.
- II. General.** The Northern Virginia Transportation Authority shall adhere to all federal, state and local laws, and regulations that apply to the NVTA and to the NVTA policies. In support of this overarching principle, this policy has been established to encourage person(s) to feel confident in raising concerns, to ensure person(s) raising a concern(s) receive a response for their concerns, and that if they raise concerns there will be no retaliation (for having raised the concern).

For employees and jurisdiction staff an “open door” policy exists. They are encouraged to share their questions, concerns, suggestions or complaints with the Executive Director. In the event where there are circumstances that this may be inappropriate, staff should contact the Chief Financial Officer (CFO) or the NVTA Counsel.

### **III. Specific Provisions.**

- A. General protection.** Everyone’s support is necessary in achieving compliance with relevant laws, regulations, and policies. In the interest of ensuring such compliance, a person(s) raising a concern is protected from retaliation if they bring an alleged unlawful activity or practice that is relevant to the parties of interest of the NVTA to the attention of the Executive Director and provides the NVTA with a reasonable opportunity to investigate and correct the alleged unlawful or inappropriate activity or behavior.
- B. Complaint.** If any person(s) associated with the NVTA reasonably believes in good faith that some policy, practice, or activity of the NVTA is in violation of law or written NVTA policy, a written complaint must be filed by that person with the Executive Director, or, the CFO. A complaint involving the Authority Chairman shall be filed with the Finance Committee Chairman. Anonymous complaints are acceptable, however may hinder any investigation. The Executive Director shall inform the Authority Chairman of any complaint and keep the Chairman informed of any investigation and its outcome. Depending on the nature, seriousness, and sensitivity of the complaint, the Authority Chairman shall inform the Authority members (in closed session). The Authority shall establish the appropriate investigatory steps to be taken.
- C. Examples.** Some examples of unlawful activity, policy, or practice include but are not limited to:

1. Theft, either petty or serious
2. A criminal offense (Federal or Commonwealth of Virginia)
3. Breach of statutory regulations, including health and safety
4. Breach of NVTA policy
5. Dishonesty
6. Any attempts to cover-up or conceal any of the above

**D. Investigation.** Once a complaint has been received, the complainant will be informed by the Executive Director, or responsible person, as noted in Section III.b, within ten (10) business days of how the investigation will proceed and if it will result in an internal inquiry or a more formal investigation. Upon conclusion of any investigation, the complainant shall be informed of its results (with appropriate sensitivity to any confidential information). All complaints shall remain confidential (other than in cases where appropriate investigatory agencies may need to be involved).

**IV. Non-retaliation.** The NVTA shall not retaliate against a person(s) who in good faith has made a protest or raised a complaint against some practice of the NVTA or of another individual or entity with whom the NVTA has a business relationship on the basis of a reasonable belief that the practice is in violation of law or NVTA written policy and complainant follows the procedures outlined in this policy.

**V. Informed Staff.** The Executive Director shall ensure the NVTA and jurisdiction staff are aware of this policy.

**Approved by the Finance Committee:** December 5, 2014

**Approved by Northern Virginia Transportation Authority:** December 11, 2014