

Whistle Blower Policy

PURPOSE

Grand Traverse County is committed to the highest standard of personal, ethical and legal standard for achieving business. Ensuring ethical and legal standard is the responsibility of every employee and is reflected in our relationship with internal and external customer. Accordingly, it is essential for each employee to exhibit responsible and ethical business behavior in all transactions/engagement either with internal or external customers. In context, Grand Traverse County encourages and supports employees making disclosures of any such suspected instances of unethical/improper behavior and intends to provide mechanism by way of "Whistle Blower Policy" to channelize reporting of such instances/complaints to ensure proper governance.

GUIDELINES

The guidelines of the whistle blower policy are as follows:

- a) To define improper/unethical behavior.
- b) To define the scope and constitution of the Whistle Blower Committee and Investigator for the purpose of fact finding.
- c) To outline a mechanism/channel to report suspected instances of improper/unethical behavior.
- d) To outline the investigative procedure for such reported instances.
- e) To propose a review procedure for the investigated instances.
- f) To outline measures to protect disclosing employees against retaliation or recriminatory action from within the County.

DEFINITIONS

- a) **Chairperson** The chairperson will be the County Administrator.
- b) **Employee** means every employee (probationer and confirmed) of the County, including heads of the functions and includes an ex-employee of the County.
- c) **Whistle Blower Committee** means the Committee comprising of County Administrator, Human Resource Director, Legal or any other person or Committee constituted for this purpose as deemed by the management (herein after referred to as "Committee").
- d) **Investigators** mean those persons authorized, appointed, consulted or approached by the County/Whistle Blower Committee for investigation.
- e) **Protected Disclosure** means any good faith communication that discloses or demonstrates an intention to disclose information that may be evidence of unethical or improper activity.
- f) **Subject** means a person who is the focus of investigative fact finding either by virtue of Protected Disclosure made or evidence gathered during the course of an investigation.

g) **Whistle Blower** means an employee making a protected disclosure under this Policy. He/she is neither an investigator nor a finder of facts, nor does he/she determine the appropriate corrective or remedial action that may be warranted.

h) **Improper/unethical behavior** for the purpose of this policy means and includes suspected or alleged illegal, false, misleading, dishonest, deceptive, unethical, corrupt or unconscionable conduct. A descriptive illustrative list of issue is mentioned in annexure A and shall also include other acts pertaining to breach of policy/misappropriation/harassment, etc.

Constitution and Scope of Whistle Blower Committee/Investigator

The Whistle Blower Committee shall comprise of the members as mentioned below. The decision of nomination and appointment of Committee members shall be the discretion of the County and would not be by way of any nomination/voting procedure. The County can at its discretion change the structure of the Committee or the Committee members as it deems fit at any given point of time. In the event of any suspected disclosure against any of the Committee member, the alleged Committee member shall be replaced with appointment of a new Committee member by the chairperson of the Committee.

Title		Designation
County Administrator		Chairperson
Human Resources Director		Committee Member
Finance Director		Committee Member

The Committee may, on their own, conduct or review the fact finding exercise or, may at its discretion, appoint an investigator/group of investigator/department personnel to investigate into the suspected wrongful, unethical or improper act/behavior and such appointment of the investigator would only be for a specific case. While appointment of any investigator, the Committee shall exercise due caution to ensure that the aforesaid investigator/group of investigators has no conflict of interest and would conduct the investigation in true spirit of governance.

The investigator so appointed shall derive authority from the Committee and shall have access to review reports/data as relevant in context of the reported incidence/instance. The investigation shall ordinarily complete within 30 days of receipt of the disclosures and shall be reviewed by the Committee in case of any delay/lapses. The cases so referred to the Committee for review of action would be on a monthly basis.

Process for Filing a Complaint

The opportunity provided under this policy is for disclosing wrongful/unethical/improper acts which are considered to be in deviation of the policy defined either by negligence or intentional disregard and should not be used as a defense or a mechanism to mislead the County against a legitimate action initiated.

The perspective behind such policy being good governance, the County encourages disclosures in good faith but any false allegations of alleged wrongful conduct to the Committee shall be subject to disciplinary action up to and including termination/dismissal from employment. Hence deliberate and false reporting shall not be tolerated and would expect the whistle blower to disclose his/her identity. The identity of the whistle blower would be kept confidential to avoid any retaliation or

victimization during the course of investigation and the County reserves it right to not investigate into complaints which are anonymous.

However, an employee/staff member after being aware of the conduct and considering the appropriateness of any suspected unethical/improper behavior can disclose/raise a concern/complaint in writing or email to the members of the Committee or the Chairman of the Committee either with or without information to his/her immediate superior.

All such written complaints should be sent to each of the following members of the committee which are the County Administrator, Finance Director and Human Resources Director.

The Human Resources Department would be custodian of all such complaints.

On having reported the incidence/instance to the Investigation Committee, the Investigation Committee would appoint/authorize an investigator/group of investigators or department personnel to investigate into such acts.

The decision to conduct an investigation is not an accusation and is to be treated as a neutral fact-finding process. The outcome of the investigation may or may not support a conclusion that an improper or unethical act was committed and, if so, by whom.

The investigation officer(s) so appointed hence would conduct the preliminary fact-finding and analysis to determine whether or not the reported alleged improper or unethical act is material and establish the same on the following consideration:

- a) The allegation, if true, constitutes an improper or unethical activity, and;
- b) Either the allegation is accompanied by information specific enough to be investigated or matters that do not meet this standard may be worth management review, but should not be undertaken as an investigation of an improper or unethical activity.

Based on the consideration/assessment, if the investigation officer(s) determines that the matter does not qualify as a whistleblower case, he/she may directly without further investigation resolve the matter and shall convene the decision including the rationale for such determination in writing or email to the Committee to maintain transparency.

Post preliminary assessment and consideration, if the investigator establishes that the matter qualifies for further investigation, he may accordingly complete the investigation within the stipulated period and submit his report to the Committee with his recommendation. The Committee based on the facts provided would decide on the course of action/ratify the recommended action. The implementation of action would be done by the Human Resource Department.

Technical and other resources/data as required may be drawn upon to augment the investigation.

It is expected that the subject co-operate with the Investigation Committee or the authorized person(s) appointed to conduct the investigation. The subject will be informed of the allegations before commencement of a formal investigation in writing/email and would have the right to represent his/her case. It is expected that the subject refrains from interfering in the investigation process by non-cooperation, mollified intent, undue influence or tampering record/evidence; the Committee/Investigator in that event shall decide on the basis of evidence available and shall base their decision on fair judgment.

The disciplinary or corrective action as decided by the Committee and would be in line with current practices.

Review

In the event of the subject being aggrieved by the initial order and submits his representation for re-consideration by offering certain facts/evidence for change of action, it would be the discretion of the Committee whether to re-consider such claims else the initial order shall be final.

Following are some of the issues which Grand Traverse County encourages to be reported:

- Any unlawful act whether civil or criminal.
- Breach of County's policies.
- Breach of or failure to implement or comply with any approved County policy.
- Knowingly breaching any state/national laws or regulations.
- Unprofessional conduct or business practice.
- Fraudulent or corrupt practices (including the offering or accepting of bribes or other gaining undue advantage from a relationship with the County).
- Questionable practices that have in any manner circumvented the laid down procedures and policies of the County.
- Dangerous practice(s) likely to cause physical harm/damage to any person/property.
- Failure to rectify or take reasonable steps to report a matter likely to give rise to significant and avoidable cost or loss to the County.
- Abuse of power or authority for any unauthorized or hidden purpose.
- Unfair discrimination, coercion, harassment in the course of employment or provision of services.
- Any violation of Governance weaknesses.
- Possible irregularities or financial reporting Issues.

Note: This policy may differ for those employees who are members of recognized unions, organizations, or associations. Any questions related to the content of this policy, or its interpretation, should be directed to Human Resources.

Approved Policy 7/2019