

	ADMINISTRATIVE POLICY AND PROCEDURE	
GENERAL MANAGEMENT	WHISTLEBLOWER HOTLINE	GM-0017

1.0 Purpose:

This administrative policy and procedure sets forth the standard operating procedure for the North County Transit District’s (NCTD) Whistleblower Hotline (Hotline). This Hotline provides NCTD employees and contractors with the means to anonymously report ethical misconduct and acts of fraud, waste, and abuse. Additionally, the Hotline is a tool to assist NCTD management in the detection and identification of fraud, misconduct, serious violations of policy, and unsafe conditions.

2.0 Scope:

NCTD’s Hotline is available for use by all NCTD employees and contractors hired by and working on NCTD’s system or facilities. Navex Global, Inc. (Navex), an independent contractor, provides NCTD’s Hotline using its Ethics Point platform. The Hotline comprises both a web-based portal and a toll-free phone line, both of which are available for anonymous reporting 24 hours a day, 7 days a week.

3.0 Definitions:

- 3.1 **NCTD system** – The operations facilities and areas of service along each of “NCTD’s modes of operations” include BREEZE/LIFT/FLEX facilities and routes, SPRINTER facilities and the Escondido Subdivision, and COASTER facilities and the San Diego Subdivision).
- 3.2 **Whistleblower Hotline or Hotline** – The website and phone line through which NCTD employees and contractors may anonymously report ethical misconduct, fraud, waste, abuse, and other similar issues.

4.0 Responsibility:

- 4.1 All NCTD employees, regardless of role, with knowledge of details pertaining to a Whistleblower Hotline report, must maintain that information with the utmost confidentiality.
- 4.2 Hotline Administrators consist of the Authorized Officer, Primary Administrator, Alternate Administrator, System Advocates and Investigators.
- 4.3 The Authorized Officer, who is NCTD’s General Counsel, serves as NCTD’s contact with Navex and is responsible for authorizing access for Hotline administrators. The Authorized Officer is the only NCTD employee with authority to direct Navex to assign positions within the program.
- 4.4 The Primary Administrator, who is NCTD’s Compliance Officer, is responsible for managing the Whistleblower Hotline. This includes ensuring the Hotline remains accessible and operational and all reports filed via the Hotline are investigated promptly, with the utmost confidentiality, and followed through to final disposition. The Primary Administrator is responsible for general system administration and

Original Date:	Revision Date:	PAGE 1 OF 6
05/16/2016	06/15/2022	

conducting initial intake of reports submitted through the Hotline. The Ethics Point system automatically notifies Administrators via e-mail when reports are received and are ready for disposition. Once the report is received, the Administrator is responsible for conducting an initial review of the facts and making a recommendation to General Counsel as to the appropriate staff for conducting the investigation.

- 4.5 The Alternate Administrator, who is NCTD’s Staff Attorney, fills in when the Primary Administrator is not available or cannot access the system for more than one (1) business day. The Alternate Administrator has the same duties, responsibilities and system permissions as the Primary Administrator.
- 4.6 The System Advocate, who is NCTD’s Chief Administrative Officer, is responsible for the disposition of reports that implicate either a Primary or Alternate Administrator or the Authorized Officer directly. In the event that those members of the Hotline Administrators are directly implicated in a report, the Ethics Point system sends that report directly to the System Advocate and does not make that report visible/available to the implicated member(s).
- 4.7 Investigators of claims filed through the Hotline must understand this policy and procedure before conducting any investigations. Investigators of Hotline complaints will generally be assigned by the General Counsel, except in cases where a conflict exists. If a conflict exists, the Primary Administrator will assign an Investigator when necessary and appropriate.

5.0 Policy/Reference:

- 5.1 NCTD Board Policy No. 6 – Ethics Training
- 5.2 NCTD Administrative Policy *GM-0008, Standard of Conduct*
- 5.3 NCTD Employee Handbook

6.0 Procedures:

- 6.1 Receipt of Report: When a report is submitted via the Whistleblower Hotline, the Hotline Administrators receive an email notification from the Ethics Point system. Upon receiving the report, the Authorized Officer and The Administrator (Primary or Alternate) confirm with each other that they each received a notification. This acts as a control to ensure that the Administrators are aware of the report’s existence and starts the clock for the various response times and the investigation.
 - 6.1.1 If either an Administrator or the Authorized Officer is implicated in a report, the automated notification goes directly to the System Advocate. At that point, the System Advocate conducts the initial fact finding and subsequent investigation with the utmost discretion. The System Advocate brings in additional staff to aid in the investigation only when necessary and appropriate. After conducting an initial fact-finding process to determine

	ADMINISTRATIVE POLICY AND PROCEDURE	
GENERAL MANAGEMENT	WHISTLEBLOWER HOTLINE	GM-0017

which staff are implicated in the report, the System Advocate may bring back into the process any Hotline staff members not implicated in the report.

6.2 Communication with the Reporting Party:

6.2.1 Within three (3) business days of receiving a Hotline report, the Administrator acknowledges receipt of the report to the reporting party by inserting the following text in the “follow-up” section of the report on the Ethics Point portal or other text as approved by the General Counsel:

- Thank you for submitting a report using NCTD's anonymous whistleblower hotline. NCTD values your input and takes your concerns very seriously. NCTD will investigate your claim and will provide a response (via this portal) indicating the disposition of your claim upon the completion of our investigation. Please check back as we may need to request additional information from you. Additional information, if requested, will be solicited through this portal to maintain your anonymity. Thank you, NCTD Hotline Administrator

6.2.2 If additional information is needed from the reporting party, the Administrator acknowledges receipt of report with the following text or other text as approved by the General Counsel:

- NCTD is in the process of investigating the information that you submitted to NCTD’s whistleblower hotline on XX/XX/XX. To aid in the investigation, NCTD requests that you provide additional information regarding the following items (insert list below). After providing the additional information requested, please be sure to check back on a daily basis for additional follow-up inquiries or requests. It is NCTD’s goal to investigate and resolve all cases in a reasonable timeframe. However, we must treat all cases with proper care and ensure due diligence for the benefit of all parties involved. Thank you, NCTD Hotline Administrator

6.2.3 If the Administrator does not receive a response from the reporting party to the request in Section 6.2.2 above within two (2) business days, the Administrator posts the same message again and waits one (1) additional business day before proceeding without the additional information.

6.2.4 If any additional information is needed from the reporting party during the course of the investigation, and prior to a final determination, the Administrator will post the request on the portal.

6.3 Proposal of Investigator(s): The Administrator (Primary or Alternate) is to review the facts submitted via the Hotline report and make a recommendation to General Counsel as to the appropriate staff to conduct the investigation.

Original Date:	Revision Date:	PAGE 3 OF 6
05/16/2016	06/15/2022	

6.4 Conducting the Investigation: General Counsel serves as the primary investigator, with the Administrator (Primary or Alternate). If neither is available or if such staffing of the investigation is inappropriate given the circumstances of the report, General Counsel will defer determination of who should investigate the complaint to the System Advocate, as appropriate.

6.5 Summary of Findings: The assigned investigator will provide a summary of findings and all associated documentation to General Counsel, or his/her designee, at the conclusion of the investigation. If the investigation extends beyond five (5) business days, the investigator will provide updates to General Counsel, or his/her designee, on at least a weekly basis. Prior to initiating the next steps, General Counsel and/or the Administrator (Primary or Alternate) will review the findings and make a determination as to the best course of action. If General Counsel and/or the Administrator (Primary or Alternate) are implicated in the report, the investigator will review the findings with the System Advocate.

Reports of findings shall generally include the following:

- Date initial report received
- Nature of report (i.e. unethical behavior, theft, or unsafe condition, fraud, waste or abuse)
- Investigator(s) names
- Summary of communication with reporting party using Navex system (if any)
- Date of communications with reporting party (if any)
- Names of resources/contacts
- Summary of findings
- Date of findings

The final report package will include the summary detail noted at the beginning of this subsection, as well as a detailed accounting of the complaint, findings, recommendations and actions taken. Included with the report will be all available supporting documentation, statements, pictures and other items considered relevant by the investigator.

6.6 General Counsel has direct line reporting to NCTD’s Board of Directors in cases that warrant Board notification, which is consistent with the Federal Sentencing Guidelines. United States Sentencing Commission’s Guidelines §8B2.1 subsection (b)(2)(C) states, “*Specific individuals within the organization shall be delegated day-to-day operational responsibility for the compliance and ethics program.*” It goes on to state, “*To carry out such operational responsibility, such individual(s) shall be given adequate resources, appropriate authority and direct*

	ADMINISTRATIVE POLICY AND PROCEDURE	
GENERAL MANAGEMENT	WHISTLEBLOWER HOTLINE	GM-0017

access to the governing authority or an appropriate subgroup of the governing authority.”

- 6.7 Review and Quality Control: Prior to NCTD taking any action based on the findings and recommendations of an investigation, a neutral party within the Hotline staff will thoroughly review the findings and recommendations. A neutral party for these purposes is a Hotline staff member who did not lead the investigation. When General Counsel takes the lead on the investigation, the Administrator (Primary or Alternate) will perform a review of the findings. When someone other than General Counsel conducts the investigation, General Counsel will conduct a review of the findings.
- 6.8 Response to Reporting Party: Depending on the findings of the investigation and next steps identified, the Administrator (Primary or Alternate) will post one (1) of the two (2) responses below or other text as approved by the General Counsel:
 - 6.8.1 Thank you again for submitting your report. After conducting a thorough investigation and considering all of the facts, it has been determined that there were no findings to suggest additional actions are warranted. Thank you, NCTD Hotline Administrator
 - 6.8.2 Thank you again for submitting your report. After conducting a thorough investigation and considering all of the facts, we found that there was sufficient evidence to support your claim. Due to the confidential nature of cases submitted via the whistleblower hotline, NCTD is not permitted to share additional information with you as to the actions taken. However, rest assured that NCTD is taking the appropriate measures to resolve this/these issue(s) in an expedited fashion. If you continue to have concerns or you believe that the situation has not been resolved, please feel free to submit a follow-up report. Thank you, NCTD Hotline Administrator.

7.0 Records:

- 7.1 Records pertaining to the investigations and reports shall be retained according to NCTD’s records retention policy. Supporting documentation (i.e. emails, pictures, miscellaneous documents, memos of findings, recommendations by investigators, etc.) shall be considered exhibits of the official investigation and will be maintained in the General Counsel repository in Laserfiche.
- 7.2 The Manager of Administration shall retain copies of all original approved and superseded administrative policies and procedures in compliance with NCTD Administrative Policy and Procedure *GM-0000, Policy and Procedure Development and Management*.

8.0 Appendices:




None

	ADMINISTRATIVE POLICY AND PROCEDURE	
GENERAL MANAGEMENT	WHISTLEBLOWER HOTLINE	GM-0017

9.0 Training Requirements:

- 9.1 All NCTD employees will receive training on the use of NCTD’s Whistleblower Hotline during new hire orientation from the Office of General Counsel. During that session, employees receive information regarding the Hotline’s availability and its intended use, as well as quick reference materials with information on how to access the system. Annual re-training is included in the annual Standard of Conduct training pursuant to NCTD Administrative Policy *GM-0008, Standard of Conduct*.
- 9.2 The Compliance Officer provides NCTD’s primary operations contractors working on NCTD’s system or in its facilities, materials on the Hotline’s availability and use. The Compliance Officer does so by briefing management for each contractor on the program’s purpose and functionality, and Contractor’s management in turn provides training to their respective employees.

10.0 Approval Information:

COMPLIANCE OFFICER SIGNATURE	GENERAL COUNSEL SIGNATURE	CHIEF ADMINISTRATIVE OFFICER SIGNATURE
 Suzan Ehdai 06/15/2022 Compliance Officer	 Lori A. Winfree 06/15/2022 General Counsel	 Laura Coté 06/15/2022 Chief Administration Officer

REVISION RECORD:

The Revision Record shall include a listing of all substantive changes made to an Administrative Policy and Procedure. The Revision Record shall also be used as the location to explain if the document has been designated INACTIVE.

DATE	REVISION NUMBER	DESCRIPTION
05/16/2016		ADOPTION
09/15/2017	1	ANNUAL UPDATE.
06/05/2019	2	ANNUAL UPDATE, POLICY RENUMBERED FROM ADM-0014 TO GM-0017
06/15/2022	3	STAFF POSITION UPDATE.