



Proposed Revisions to District Whistleblower Policy – Second Review

January 6, 2021



Image Source: <https://creativecommons.org/licenses/by-nc-nd/3.0/>



Image Source: <https://creativecommons.org/licenses/by-nc/3.0/>

Item for Discussion



Reporting Misconduct	BART Management Language	OIG Concern
Ethics Complaints and Questions	The District’s Ethics Officer handles complaints and questions regarding ethics and improprieties, conflicts of interest, and provides leadership and advice on governance issues to ensure that ethical behavior is consistently adhered to throughout the District.	The language, “handles complaints and questions regarding ethics and improprieties” is not specific enough for those who want to file complaints to know when they should report something to the Ethics Officer vs. the Office of the Inspector General or the Office of Civil Rights. The basis for the concern is that anything that is required to be reported to the Office of the Inspector General or the Office of Civil Rights is technically an impropriety and can include conflicts of interest. More clarity is needed as to what type of improprieties should be reported to the Ethics Officer vs. the OIG or OCR.

Item for Discussion



Complaints About OIG or OIG Staff	Proposed Language
No language in previous draft policy.	Complaints against the OIG or OIG staff should be made to the Office of the General Counsel who, in consultation with the Board President, will determine whether to hire an outside consultant to conduct an independent investigation and present the report to the General Counsel. The General Counsel will discuss the report with the Board President to determine the next steps, if any, to be taken.