

# **GATEWAY DEVELOPMENT COMMISSION**

It is the policy of the Gateway Development Commission pursuant to the GDC Act of 2019 that Wrongdoing by Commissioners, Officers or Employees of GDC or any person or entity doing business with the GDC, will not be permitted, tolerated or condoned. This Whistleblower Policy is intended to encourage and enable employees to make Protected Disclosures of Good Faith concerns within GDC and without fear of Retaliation.

## **Section 1: Definitions**

Unless otherwise provided, when used in this Policy:

“Board” means the Board of Commissioners of the Gateway Development Commission.

“Commissioner(s)” means the members appointed to the Board.

“Employees” means those persons employed at GDC, including but not limited to: full-time and part-time employees, those employees on probation, temporary employees, employees or contractors of GDC delivery partners and Officers. “GDC” means the Gateway Development Commission.

“Good Faith” means the reasonable belief of the individual making a Protected Disclosure of suspected Wrongdoing that such information is true and accurate.

“Inspector General” means the GDC Inspector General appointed by the Board in accordance with GDC’s Bylaws.

“Interference” means an action or attempt by a GDC Commissioner, Officer or Employee (or anyone acting on their behalf) that hinders, obstructs, discourages, bribes or directs or threatens an individual from making a Protected Disclosure under this Policy.

“Officer(s)” means positions identified as an Officer by GDC in accordance with the GDC Act and Bylaws.

“Protected Disclosure” is the act of communicating information in Good Faith about suspected Wrongdoing under this Policy to the Inspector General, a GDC Commissioner, Officer, GDC supervisor or an appropriate government agency. Protected Disclosures to the Inspector General may be made confidentially.

“Retaliation” or “Retaliate” means, without limitation, firing, discharging, demoting, suspending, disciplining, harassing, threatening, or discriminating against an Employee for acting as a Whistleblower.

“Whistleblower” means any Employee who makes a Protected Disclosure.

“Wrongdoing” means any act of misconduct, conflict of interest, malfeasance, theft, fraud or other inappropriate behavior by an Employee or any third parties doing business with GDC, including, but not limited to, such acts concerning GDC’s investments, travel, acquisition of real or personal property, the disposition of real or personal property, or any of its procurements.

## **Section 2: Whistleblower Access and Assistance Program**

Under the GDC Act, the Chief Ethics and Compliance Officer recommended to the Board a whistleblower access and assistance program to be administered by the Inspector General, and a Whistleblower Policy was adopted on July 12, 2021. On August 1, 2024, the Board appointed an Inspector General which required amendments to this Policy.

### **2.1 Protected Disclosures of Wrongdoing to the Inspector General**

The Inspector General receives and investigates “all complaints regarding fraud, waste and abuse by Commissioners, officers, and employees or third parties doing business with the Commission.” The Inspector General may initiate investigations based upon a report that it receives or through its own initiative.

Employees who have information concerning potential Wrongdoing by a Commissioner, Officer or Employee are strongly encouraged to make a Protected Disclosure to the Inspector General by contacting the **GDC Inspector General Whistleblower Hotline at 973 294 7645** or by email to **[inspectorgeneral@gatewayprogram.org](mailto:inspectorgeneral@gatewayprogram.org)**.

**Confidentiality:** The GDC Act requires “Any communication between an employee and the inspector general” through the Whistleblower Policy “shall be held strictly confidential by the inspector general” unless (a) the Employee making the Protected Disclosure “waives in writing the right to confidentiality” or (b) it is appropriate to disclose the communication to the Board and/or a law enforcement agency.

**Note:** Nothing in the Whistleblower Policy prohibits an Employee from making a Protected Disclosure directly to their supervisor, Officer or Commissioner or to an appropriate government agency.

## **2.2 No Retaliation or Interference Against Whistleblowers**

Employees making Protected Disclosures shall not be the subject of Retaliation. Further, Retaliation can also violate state and federal laws depending on the facts and circumstances.

Officers or Employees who Retaliate against an Employee for making a Protected Disclosure, or who attempt to interfere with any Protected Disclosure, shall be subject to disciplinary action, up to and including termination from employment.

## **2.3 Investigations of Protected Disclosures**

The Inspector General may determine to investigate potential violations of this Policy as well as any suspected related fraud, waste or abuse related to a Protected Disclosure. The Inspector General will direct all investigations initiated under this Policy and, where appropriate, may appoint an independent third-party investigator, which may include external auditors, outside counsel or other external investigators.

On at least a quarterly basis, the Inspector General shall report to the Board regarding the status of all open investigations initiated under this Policy as well as investigations closed since the last date of such report. The Inspector General may re-open any investigation under this Policy based on newly-disclosed evidence or take over supervision of an investigation as is appropriate and in the best interests of fairness and timeliness.

The findings of investigations initiated under this Policy shall, as appropriate, be set forth in written reports submitted to the GDC Board by the Inspector General which shall include findings of fact, conclusions, and recommendations concerning any disciplinary action. The Inspector General shall provide the Board with completed reports prepared under this Policy.

The Board shall take appropriate action, as needed, upon review of each report. Appropriate action may include referral to the GDC Chief Executive Officer for recommended disciplinary or administrative action or a referral to the appropriate government agency.

## **2.4 Investigations of Whistleblower Retaliation Claims**

All allegations of Retaliation will be fully investigated by the Inspector General in the same manner as set forth in Section 2.3 for investigations of potential Wrongdoing.

Any allegation of Retaliation will be taken and treated seriously, and irrespective of the outcome of the initial Whistleblower investigation and will be handled as a separate matter.

Affected Employees may also have rights to pursue claims of Retaliation under state and federal laws prohibiting Retaliation for the reporting of illegal or unethical activity.

## **2.5 Meritless Claims and Abuse of Process**

This Policy protects Good Faith reporting. However, it shall be a violation of the Whistleblower Policy for any Employee to make a report under this Policy that the Employee knows or reasonably should know to be untrue, unfounded or misleading or for which there is no basis. Any Employee who files a report in bad faith shall be subject to disciplinary action, up to and including termination of employment.

## **Section 3: GDC Whistleblower Policy FAQs**

### ***Q: What types of complaints does the GDC Inspector General investigate?***

A: The Inspector General initiates investigations of fraud, theft, wastefulness and abuse across all of GDC's operations.

### ***Q: What is Retaliation?***

A: Retaliation is taking an adverse action against a Whistleblower for making a Protected Disclosure. Adverse actions can include:

- Firing or laying off
- Demoting
- Denying overtime or promotion
- Reducing pay or hours
- Giving an Employee a reassignment that adversely affects his or her prospects for promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Blacklisting (intentionally interfering with an employee's ability to obtain future employment)
- Intimidating/harassing
- Making threats

***Q: What relief is available to an Employee who has been Retaliated against for Whistleblowing?***

A: Several forms of relief may be available, including:

- Job restoration
- Reversal of suspensions and other adverse actions
- Back pay
- Reasonable damages

***Q: Can Whistleblowers receive confidentiality or remain anonymous?***

A: Yes. Under this Policy, a Whistleblower may remain confidential (i.e., they are known only to the Inspector General unless he or she determines the disclosure of information is unavoidable or is otherwise legally compelled). The Inspector General will also accept Protected Disclosures from individuals who wish to remain anonymous (i.e., their identity is unknown even to the Inspector General). If the Whistleblower chooses to remain anonymous, however, the Inspector General may not be able to obtain additional information about any alleged Wrongdoing.

***Q: How does someone report Retaliation?***

A: Employees who believe that they or another Employee have been Retaliated against for making a Protected Disclosure under this Policy should report it to the Inspector General in the same manner as they would an initial Whistleblower Protected Disclosure by contacting the **GDC Inspector General Whistleblower Hotline at 973 294 7645** or by email at [inspectorgeneral@gatewayprogram.org](mailto:inspectorgeneral@gatewayprogram.org).