

## **TOWN OF NEW CANAAN WHISTLEBLOWER POLICY**

### **Purpose**

The Town of New Canaan is committed to providing a safe workplace with high standards of business and personal ethics in the conduct of its governmental roles and educational missions. This Whistleblower Policy is designed to help fulfill that goal by encouraging Town employees and public officials (whether elected, appointed or volunteer) to report evidence of wrongdoing relating to the official duties or service of another employee, public official or contractor.

Town employees and public officials who make reports are to be free of intimidation, discrimination or harassment, and this Policy is intended to enable employees and public officials to raise serious matters with the Town without fear of retaliation.

### **Effective Date**

This Policy shall be effective immediately and shall remain in effect until revised or rescinded.

### **Applicability**

This Policy is applicable to employees and public officials of the Town of New Canaan including Board of Education employees and officials ("Town employees" or "public officials").

### **Non-Exclusivity**

This Policy is not in lieu of and does not supersede or negate laws, ordinances, policies or collective bargaining agreements which require Town employees and public officials to report wrongdoing, including abuse and neglect, to appropriate legal and regulatory authorities and agencies.

### **Definitions**

"Whistleblowing" means reporting what one reasonably and genuinely believes is wrongdoing by another Town employee, public official or a contractor in the course of his, her or its employment or service for the Town.

"Wrongdoing" includes, but is not limited to, theft, dishonesty, fraud, falsification of records, danger to public safety or health, bribery, unauthorized use or misuse of government property, gross abuse of authority, and violations of state or federal law or regulation, or of any municipal ordinance, regulation, rule or policy; provided, however, for the purpose of this Policy alone, wrongdoing does not and shall not include violations of the Town's Ethics Code. Those violations are to be brought directly to the attention of the Ethics Board in accordance with the procedures set forth in the Ethics Code.

A "whistleblower" is a Town employee or public official who, in good faith, reports alleged wrongdoing by another Town employee, public official or contractor as it relates to his, her or its official duties or services for the Town.

Anyone reporting a violation must act in good faith, and have reasonable grounds for believing that the reported information indicates that a wrongdoing has occurred. If, however, the reporting individual knowingly makes a false report or engages in other conduct that violates this Policy, that individual shall not be defined as a whistleblower, and the whistleblower protections outlined in this Policy will not be afforded to that individual.

### **Reporting Process and Guidelines**

Any Town employee or public official having knowledge of any wrongdoing by (i) another Town employee, (ii) a public official, or (iii) any contractor providing services to the Town, should report such wrongdoing in accordance with the guidelines set forth below.

- If the matter does not involve the employee's immediate supervisor or the chair of the Town body on which the public official serves, the employee or official can report the wrongdoing to his or her supervisor or chair.
- If the matter does involve an immediate supervisor or chair, the employee or official may report the wrongdoing to the next person in the chain of command up to and including his or her department head, the Town's Director of Human Resources, or the Town Administrator.
- If an employee or official believes that multiple levels in the chain of command may be involved or, if the employee or official prefers, he or she may report the wrongdoing to the Town's Director of Human Resources, the Town Administrator, or the First Selectman.
- If the matter involves public school employees or officials, the report should be made to the New Canaan Public School's Director of Human Resources, the Superintendent of Schools or the Chair of the Board of Education, provided, however, if the report concerns any of those officials, the report may be made directly to the Chair or Secretary of the Ethics Board of the Town of New Canaan.
- If the employee or official believes that none of the above described reporting guidelines are applicable or appropriate, the report may be made to the Ethics Board Chair or Secretary.

- Any report received by the Town of alleged wrongdoing by a Board of Education employee or official will be referred to the Superintendent of Schools, unless the alleged wrongdoing involves the Superintendent of Schools, in which case the matter will be referred to the Chair of the Board of Education and the Ethics Board. If such a matter involves the Superintendent and the Board of Education, the matter will be referred to the Ethics Board.

Whistleblowers have a responsibility to be prepared to be interviewed by and candid with those to whom they make a report of alleged wrongdoing and shall cooperate by providing all known information regarding any reported allegations.

Anonymous whistleblowers must provide sufficient corroborating evidence to justify the commencement of an investigation. An investigation of unspecified wrongdoing or broad allegations will not be undertaken without support.

### **Internal Investigation Regarding Wrongdoing**

Once a wrongdoing is reported and an investigation is warranted, the scope, conduct and nature of the investigation will be decided, in accordance with applicable law, by (i) the person receiving the report in consultation with, as appropriate and applicable, the Town's Director of Human Resources, the Town Administrator, the First Selectman, the Public School's Director of Human Resources, the Superintendent of Schools, or the Chair of the Board of Education, or (ii) the Ethics Board. Town employees and public officials have a duty and are required to participate and assist in investigations when asked.

In the case of suspected criminal conduct reported by a whistleblower, the Town may elect to refer such allegations to an appropriate public authority for potential investigation before or in lieu of any internal investigation by the Town. In such cases, if determined appropriate by the supervisor, department head or First Selectman in consultation with the Town's Director of Human Resources, the Town employee suspected of criminal misconduct may be placed on administrative leave. If the suspected criminal activity involves public school employees or officials, the decision regarding administrative leave will be made by the Superintendent of Schools in consultation with the Public School's Director of Human Resources. If the suspected criminal misconduct involves a non-elected public official, that public official may be suspended from his or her participation in Town service by the First Selectman in consultation with the chair, department head or supervisor of the Town body on which such official serves.

Where an investigation confirms that wrongdoing has occurred, the Town will promptly take corrective action. That corrective action may include discipline up to and including discharge from Town employment or service, banning from Town facilities or property, or other appropriate legal or disciplinary action. Depending on the nature and severity of the offense or offenses, serious discipline up to and including termination of employment or service may be issued without lower levels of discipline having been issued. Discipline of Town employees will be issued in accordance with procedures outlined in

their relevant collective bargaining agreements or the Town's personnel rules as applicable.

### **Confidentiality**

Reported matters will be handled as discreetly and respectfully as possible. Confidentiality and anonymity cannot, however, be guaranteed to Town employees and public officials who have made a report of alleged wrongdoing, nor to individuals participating in investigatory proceedings related to such wrongdoing. Confidentiality will be maintained to the extent permissible under applicable laws, including the Connecticut Freedom of Information Act. Certain documentation related to the report or investigatory proceedings may be subject to disclosure in accordance with applicable law including the Freedom of Information Act. Absent consent of the involved parties to a broader disclosure, only those documents or information required to be disclosed by state or federal law will be released to the requesting individual, agency, or other entity. Documentation will remain on file as required by applicable law including state records retention requirements, after which time they may be destroyed once approval has been received from the appropriate legal or regulatory authority.

### **Resolution**

When the investigation is complete, the Town employee or public official who initiated the report will be informed, to the extent appropriate and allowable by law, of the results of the investigation.

### **False Reports**

Disciplinary action up to and including termination of employment or service may be imposed if it is determined that a false report was knowingly made under this Policy. Depending on the nature and severity of the offense or offenses, more serious discipline up to and including termination may be issued without lower levels of discipline having been issued. Discipline of Town employees will be issued in accordance with procedures outlined in the relevant collective bargaining agreements or the Town's personnel rules as applicable. Nothing herein precludes Town employees or officials from referring false reports to the appropriate legal or regulatory authorities and nothing herein shall prejudice the rights of anyone falsely accused of wrongdoing from pursuing available legal and equitable remedies.

### **Retaliation Prohibited**

The Town strictly forbids retaliation against whistleblowers, and any such individual making a report in good faith will not be discharged, disciplined, threatened, harassed, penalized or discriminated against for reporting what they perceive to be wrongdoing. Retaliation of any kind toward any whistleblower who in good faith reports alleged wrongdoing or participates in any related proceedings will not be tolerated and in the event that a Town employee or public official is found to have retaliated against a whistleblower, he or she will be subject to discipline, up to and including termination of

employment or Town service, in accordance with the relevant collective bargaining agreements or the Town's personnel rules, as applicable.

Any individual who feels he or she has been retaliated against under this Policy is encouraged to report such retaliation using the reporting guidelines set forth above. Employees also retain the right the right to file a complaint as provided by law, including but not limited to the State of Connecticut Commission on Human Rights and Opportunities.

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Approved by the Board of Selectmen  
on  
June 24, 2019