



HAYS COUNTY

Disclosure / Whistle-Blowing Policy

Employees are often the first to realize that there may be something seriously wrong within the organization. However, they may refrain from expressing their concerns because they feel speaking up would be disloyal to their colleagues or supervisors. They may also fear harassment or retaliation.

Hays County is committed to the highest standards of openness, honesty, and accountability. In consideration of that commitment, Hays County expects employees and others with serious concerns about any aspect of Hays County's ongoing operations to come forward and voice those concerns. This Disclosure / Whistle-Blowing Policy is intended to encourage and enable staff to raise serious concerns within Hays County, without fear of retaliation.

1. **Scope**

This policy aims to:

- Provide avenues for employees to raise serious concerns and receive feedback on any action taken.
- Reassure employees that they will be protected from retaliation or harassment for providing information in good faith.
- Inform employees of the procedures to initiate further investigation if they are dissatisfied with the outcome.

The Grievance Process (Section 3.23 Hays County Employee Personnel Policy) enables employees to lodge a grievance relating to their own employment. This Disclosure / Whistle-Blowing Policy is intended to encompass serious concerns that are not addressed in the grievance process, or other policies. That concern may be about something that:

- Is unlawful
- Violates Hays County's stated policies
- Falls below established standards or practices
- Represents improper conduct

2. **Safeguards**

Harassment or Retaliation – Hays County recognizes that the decision to report a concern can be a difficult one to make, not least because of the fear of retaliation from those responsible for the misconduct. Hays County will not tolerate harassment or retaliation and will take action to protect those who raise a concern in good faith. If an employee who raises a concern is already the subject of disciplinary procedures, this does not mean that those procedures will stop as a result of their disclosure.

Confidentiality – Hays County will attempt to protect an individual's identity if they report a serious concern and do not want their name disclosed. The investigation process however,

may reveal the source of the information, and/or a statement by the individual may be required as part of the evidence.

Anonymous Allegations – This policy encourages individuals to put their names to allegations. Concerns expressed anonymously are much less powerful, but will be considered. In exercising this discretion, the factors to be considered include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegations from attributable sources

Untrue Allegations – If an allegation is made in good faith, but is not corroborated by the investigation, no action will be taken against the originator of the allegation. If individuals make malicious allegations, disciplinary action may be considered against that individual

3. **Raising a Concern**

For less serious issues, employees should raise concerns with their supervisor. In general, however, the Disclosure / Whistle-Blowing Policy should be applied for potentially more serious and sensitive issues. The first step is to approach a supervisor. If the subject of the allegation happens to be a supervisor, then the Department Head/Elected Official or County Auditor should be contacted. In all cases, an initial investigation will determine whether or not a full investigation is required.

Concerns should be reported in writing using the **Antifraud Disclosure Form**. The form can be obtained, confidentially, from the County Auditor, or accessed on the Hays County Intranet. The background and history of the issue, together with pertinent dates, should be included on the form. As much detail as possible, should be documented, including the reason why the individual suspects fraud. The sooner the concern is reported, the sooner and easier it is to investigate and take action. Although employees are not expected to prove the truth of an allegation, they will need to demonstrate that there are sufficient grounds for concern.

4. **How the Complaint Will Be Handled**

The action taken by the County Auditor will depend on the nature of the concern. The matters raised may be investigated internally and/or reported to the police. For more specific details of the response to a complaint, refer to the Hays County Antifraud Policy.

The amount of contact between the investigator and the originator of the complaint will depend on the nature of the issues raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be requested from the originator of the complaint. Hays County will take steps to minimize any difficulties that the originator of the complaint may experience as a result of their concern.

Hays County realizes that the originator of the complaint needs to be assured that the matter has been properly addressed. To help with this, whenever appropriate, and subject to legal constraints, the originator of the complaint will receive information about the outcome of the investigation.