

JORDAN RIVER COMMISSION
REPORTING FRAUD & ABUSE POLICY

1.0 Background & Definitions

“Improper governmental action” means any action by a Jordan River Commission employee:

- a) That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
- b) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

2.0 Reporting Fraud or Abuse

Employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Jordan River Commission Executive Director, an Officer or member of the Executive Committee, or such other person as may be designated by the Executive Committee to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may also report the improper governmental action directly to a local law enforcement agency.

The individual to whom an improper governmental action is reported shall take prompt action to assist the Jordan River Commission in properly investigating the report of improper governmental action. Commission officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Commission employees may report information about improper governmental action directly to the Governing Board if the employee reasonably believes that an adequate investigation was not undertaken to determine whether an improper governmental action occurred, or that insufficient action has been taken to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

Notwithstanding any other provisions of this policy, the Auditor's Office for the State of Utah maintains a Hotline with information and procedures for reporting possible fraud, abuse, or improper government activity of any individual or organization. The State Auditor Hotline can be accessed and used for reporting in various ways:

Online: <https://auditor.utah.gov/hotline/>

Email: auditorhotline@utah.gov

US Mail: OSA Hotline, PO Box 142310, Salt Lake City, UT 84114-2310

Phone: 801-538-9777

Commission employees who fail to make a good-faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by the Commission in these procedures.

3.0 Complaints, Investigations, Review and Enforcement

Any person may file a complaint alleging a violation of this policy.

The complaint shall be in writing and shall, except as described in below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complaint shall be filed with the Executive Director, an Officer or member of the Executive Committee, provided the individual receives the complaint is not the person(s) being charged. The complainant shall include all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred. The Executive Director, an Officer or member of the Executive Committee who receives a complaint shall provide a copy to the person charged with a violation with the complainant identity redacted.

Within thirty (30) days after receipt of a complaint, the Executive Director, in consultation with the Executive Committee shall appoint an Investigator to conduct a preliminary investigation. If the Executive Director, Officer, or member of the Governing Board are implicated in the complaint, the Executive Committee may appoint an independent person who will conduct the investigation. Criminal allegations will be referred to the proper law enforcement agency.

If the Investigator determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Investigator shall advise the Executive Committee to dismiss the complaint. If the Executive Committee does dismiss the complaint, it shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the governing board.

This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of Commission employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. The Commission is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under Commission policy. A thorough investigation of complaints is the Commission's goal. It may not be possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, the Commission reserves the right to decline to investigate any complaint that is provided anonymously.

If a complaint is received anonymously the Executive Committee will determine either that the complaint has no merit or that it should be investigated. Such a recommendation will be made within ten (10) days of receipt of the complaint, if possible. The Executive Committee shall make the final determination on whether or not to continue the investigation and refer the matter to an Investigator or outside entity, or to end the investigation.

If a complaint is reported through the State Auditor's Hotline, the procedures may vary according to the State Auditor's procedures for receiving, reviewing and acting on a complaint.

4.0 Whistleblower Protection

Utah Code § 67-21-3 prohibits public employers from taking adverse action against their employees for reporting in good faith government waste or violations of law to the appropriate authorities. A public entity employee, public body employee, legislative employee, or judicial employee, is presumed to have communicated in good faith if they have given written notice or otherwise formally communicated the conduct to the person in authority over the person alleged to have engaged in the illegal conduct.