San Francisco Bay Area Rapid Transit District
Whistleblower and Antiretaliation Policy

(Approved by the BART Board, October 8, 2026)

I. Declaration of Policy

The San Francisco Bay Area Rapid Transit District ("District") is committed to high standards of ethical, moral, and legal professional conduct. The District expects its Directors, Board-Appointed Officers (BAOs), employees, consultants, and contractors to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the District must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws, regulations, and District policies and procedures.

II. Reporting Responsibility

All Directors, BAOs, employees, consultants, and contractors have a responsibility to safeguard District assets and to report misconduct or misappropriation of District assets in accordance with this Whistleblower and Antiretaliation Policy. Directors, BAOs, and employees must report suspected or known instances of fraud to the Office of the Inspector General. Members of the public are encouraged to report known or suspected misconduct by Directors, BAOs, employees, consultants, and contractors as described below.

III. Misconduct

"Misconduct" is defined in this Whistleblower and Antiretaliation Policy as any activity undertaken by a District Director, BAO, employee, consultant, or contractor in the performance of their official duties, including activities deemed to be outside the scope of their employment or contractual obligations, that jeopardizes the safety of passengers or District employees, violates a local, state, or federal law or regulation relating to corruption, malfeasance, bribery, theft or misuse of District property, false claims, fraud, coercion, conversion, gross misconduct or incompetence, or willful omission to perform a duty, or otherwise violates any applicable District Code of Conduct or District policy, or is economically wasteful or inefficient.

This definition of misconduct is not intended to be an exclusive listing of the illegal or improper activity covered by the Whistleblower and Antiretaliation Policy but is intended to serve as a guide to reporting all serious improprieties that impact the integrity and effective operation of the District.

IV. No Retaliation

This Whistleblower and Antiretaliation Policy is intended to encourage and enable employees and others to raise serious concerns within the District before seeking resolution outside the District.

Accordingly, no Director, BAO, employee, consultant, contractor, or member of the public who, in good faith, reports suspected misconduct under this Whistleblower and Antiretaliation Policy or who cooperates in the investigation of misconduct shall suffer harassment, retaliation, or adverse employment consequence or business opportunity as a result of making such a report or cooperating in an investigation. An employee who retaliates against someone who has reported misconduct in good faith or who has cooperated in the investigation of misconduct is subject to discipline, up to and including termination of employment. Retaliation complaints should be reported to the office that investigated the original misconduct complaint.

V. Reporting Misconduct

The District encourages its Directors, BAOs, employees, consultants, contractors, and members of the public to share their questions, concerns, suggestions, or complaints with someone who can address them properly. For employees, their supervisor is often in the best position to address areas of concern. Consultants, contractors, members of the public, and other stakeholders, as well as employees who are not comfortable speaking with their supervisor or are not satisfied with the supervisor's response, are encouraged to report their concern to the District as described below. Supervisors and managers are required to report alleged violations of law to the District's Chief of Police and General Counsel. The Chief of Police will coordinate as appropriate with the District Attorney who has jurisdiction.

All reports may be made regardless of ancestry, age, color, disability, genetic information, gender, gender identity, gender expression, marital status, medical condition, military or veteran status, national origin, race, religion, sex, and sexual orientation.

Equal Employment Opportunity (EEO), Equity, and Contract Compliance Complaints – The Office of Civil Rights handles complaints regarding equity and equity programs, including EEO, Title VI of the civil Rights Act of 1964, Environmental Justice, Disadvantaged Business Enterprise (DBE), Small Business (SB), and compliance with state and federal contract and labor requirements. Complaints may be made as follows:

- Contract compliance, DBE, and SB complaints may be submitted by calling 510-464-6324.
- Labor compliance complaints may be submitted by calling 510-287-4951.
- Environmental Justice, Equal Employment Opportunity, Title VI and harassment complaints may be made by calling 510-464-6107 or filling out a form in the appropriate language available at www.bart.gov/guide/titlevi.

Police Officer Complaints – Complaints received by any office in the District regarding sworn or nonsworn police staff or their activities are to be forwarded to the Office of the Independent Police Auditor. Complaints may also be made as follows:

- Office of the Independent Police Auditor - Call 510-874-7477 or fill out the complaint form available at www.bart.gov/about/policeauditor/complaint-form.
- BART Police Citizen Review Board - Make a public comment at one of their meetings.
- BART Police Department Office of Internal Affairs - Call 877-679-7000 or email ia@bart.gov.

Fraud, Waste, or Abuse Complaints – Complaints may be made to the Office of the Inspector General's whistleblower hotline at www.bart.gov/oighotline or by calling 510-464-6100. Both options are available 24/7. Calls are taken and reports submitted through a third-party hotline provider to ensure anonymity for those` who wish not to provide their name. More information regarding the types of complaints that may be provided through the whistleblower hotline are available at https://oig.bart.gov/about-investigations. The Inspector General's authority to investigate fraud, waste, and abuse includes the authority to investigate complaints against all levels of executive leadership, and the authority to investigate complaints of retaliation arising from OIG investigations.

Complaints Against the OIG or staff in the OIG – 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.

Other - 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 Ethics Officer can be contacted at 510-464-7516 or ethicsofficer@bart.gov.

VI. Acting in Good Faith

Anyone who reports misconduct must be acting in good faith and have reasonable grounds for alleging the misconduct. Any allegations that were known to be false when made or were made with willful disregard for their truth or falsity will be viewed as a serious disciplinary offense.

VII. Anonymous Allegations and Confidentiality

Complainants may report misconduct or suspected misconduct anonymously. However, individuals are encouraged to put their names to allegations of misconduct because appropriate follow-up questions and investigation may not be possible unless the complainant provides their contact information. Complainants' names will be kept

confidential to the extent possible and to the extent permitted by law. Reports of misconduct or suspected misconduct will be shared with other individuals, including individuals outside the District's organization, only as necessary to conduct an adequate investigation.

VIII. Handling of Reported Misconduct

The appropriate District representative will acknowledge receipt of the reported misconduct within five business days, unless the report was submitted anonymously. If the complainant submits information to support that an investigation is warranted, reports will be investigated as promptly as time and resources allow, and appropriate corrective action will be taken if warranted by the investigation. Supervisors and managers may forward misconduct reported directly to them to the Office of Civil Rights, Office of Inspector General, or Independent Police Auditor to conduct the investigation, which may employ the services of an independent investigator in cases where the alleged misconduct creates a significant exposure of liability to the District, requires specialized expertise, or in other special circumstances that justify independent investigation.

IX. Disciplinary Action

Management will be provided the results of investigations and may take disciplinary action for substantiated allegations, up to and including termination of employees or, to the extent permitted by law, barring consultants and contractors from performing future work for the District.

DEFINITIONS AND EXAMPLES OF FRAUD, WASTE, AND ABUSE

Fraud - A false or dishonest representation about a material fact used as a tool for personal or financial gain or to deprive the District of something of value through intentional deceit, misrepresentation, or concealment of something that should have been disclosed. Fraud can occur through the spoken word or by an individual's conduct and actions. Examples include:

- Bribery, gratuities and kickbacks
- Claiming pay for hours not actually worked
- Bid rigging and collusion
- Inferior product substitution
- Falsified invoices
- Records falsification
- Contractor and supplier overbilling
- Theft/embezzlement of District materials and supplies
- False Worker's Compensation claim

Waste - Using or expending resources carelessly, negligently, extravagantly, or to no purpose, whether intentional or not. Waste often results from deficient practices, systems, internal controls, decisions, or oversight. Examples include:

- Unnecessary processes/procedures
- Making travel choices that are unnecessarily extravagant or expensive
- Making procurement/vendor selections that are unnecessarily extravagant or expensive
- Purchasing products that are deficient
- Buying unnecessary equipment or supplies
- Discarding equipment or supplies that could be donated or sold

Abuse - Behavior that violates a policy or is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary business practice given the facts and circumstances. Examples include:

- Ethics and Code of Conduct violations, such as soliciting or receiving gifts from prohibited sources, or acting with a prohibited conflict of interest
- Providing information to a potential bidder that gives the bidder an unfair advantage
- Misuse of authority or position, such as a supervisor or manager asking staff to perform personal errands
- Personal use of District equipment, resources, or information
- Creating unnecessary overtime

- Willful dereliction of duty
- Use of District facilities to perform non-District work