WORKING WITH WHISTLEBLOWERS: DO'S AND DON'TS

Congress plays a critical role in learning from and protecting whistleblowers in furtherance if of its Article I constituent and oversight responsibilities. This work may require heightened sensitivity because of the high stakes involved. Here are some "Do's and Don'ts" to help guide you when a whistleblower contacts your office. Reach out to the Office of the Whistleblower Ombuds for further information and see the related Whistleblower Intake Checklist in its **library of guidance documents**.

DO'S

Do thank the whistleblower for reaching out.

- Acknowledge the courage it takes to come forward.
- Exercise sensitivity and compassion; it can build trust and help to establish an initial rapport.

Do share key disclaimers, such as:

- The Constitution and other laws establish the right for whistleblowers to communicate with Congress.
- There is still a risk of retaliation; consult experienced counsel to help mitigate that risk.
- Most whistleblowers should blow the whistle on their own time and with their own resources.
- The disclosure of classified information may only be done through lawful channels.

Do ask if they are represented by counsel or open to looking for counsel.

- An experienced attorney can help them navigate the difficult road ahead and reinforce their ability to work safely and effectively with your office.

Do ask about their goals in coming forward.

- Hearing their goals may inform your assessment of whether and how you will work with them and inform any follow-up.

Do use active, structured listening.

- Use key questions to guide the conversation, then summarize their responses to help them feel heard and to ensure you understand the facts correctly.

Do discuss your office's practices for protecting whistleblower confidentiality.

- Clause 21 of the House Code of Conduct mandates certain protections for whistleblower confidentiality.

Do share resources with the whistleblower. For example:

- Whistleblower Survival Tips and a menu of nonprofit support organizations (available at **https://whistleblower.house.gov**).

NEXT PAGE: **DON'TS** ➔

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OFFICE OF THE WHISTLEBLOWER OMBUDS

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DON'TS

⊘ Do not communicate from your non-work device or account, and:

- Use a secure tracking system for making a record of the case.
- Limit access to those with a need to know.

⊘ Do not provide legal advice to whistleblowers.

- While it is important to share guiding resources, make clear it is not legal guidance.

⊘ Do not commit to an action or timelines until you are sure you can deliver.

- This will help to manage expectations and foster a cautious and deliberate approach.

⊘ Do not guarantee confidentiality.

- There are numerous factors beyond your control (e.g., surveillance, actions taken by the whistleblower).

⊘ Do not share the whistleblower's information without first obtaining their consent.

- Provide the whistleblower the opportunity to discuss and/or review potential communications around their information to ensure it is accurate and maintains their desired confidentiality.

⊘ Do not be afraid to work with whistleblowers for your oversight purposes or to serve your constituents!

- The Office of the Whistleblower Ombuds can help you at every step through confidential coaching and best practice guidance.

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