

Office of Research Administration

Notice to Employees of Whistleblower Protections

The University is committed to ensuring that sponsored projects are conducted free of fraud, waste and abuse and in accordance with applicable law, the award document and the sponsor's requirements. The research community is advised of recently enacted whistleblower protections described below.

Among the statutes enacted by Congress relating to whistleblower protection to encourage employees to report fraud, waste, and abuse is 41 U.S.C. § 4712 (the "Statute") which applies to employees working for contractors, subcontractors, and grantees on Federal grants and contracts. The Statute mandates a pilot program entitled "Pilot Program for Enhancement of Contractor Employee Whistleblower Protections" which requires this notification to employees working on federally sponsored projects.

The Statute states that an employee of a contractor, subcontractor or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for "whistleblowing." In addition, whistleblower protections cannot be waived by any agreement, policy, form, or condition of employment.

Whistleblowing is defined as making a disclosure "that the employee reasonably believes" is evidence of any of the following:

- Gross mismanagement of a Federal contract or grant;
- A gross waste of Federal funds;
- An abuse of authority relating to a Federal contract or grant;
- A substantial and specific danger to public health or safety; or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

To qualify under the Statute, the employee's disclosure must be made to:

- A Member of Congress, or a representative of a Congressional committee;
- An Inspector General;
- The Government Accountability Office;
- A Federal employee responsible for contract or grant oversight or management at the relevant agency;
- An authorized official from the Department of Justice or other law enforcement agency;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor or grantee who has the responsibility to investigate, discover, or address misconduct.