

Office of Sponsored Research Whistleblower Policy

Wellesley College requires all employees (including faculty) to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. The College has adopted a Whistleblower policy for employees to report a concern of financial wrongdoing outside of the traditional reporting mechanism. The full College Whistleblower Policy and Disclosure Form are available here:

<https://www.wellesley.edu/sites/default/files/assets/departments/humanresources/files/policies/whistleblowerpolicy.pdf>

All employees are expected and encouraged to report suspected instances of fraud, waste, abuse, and mismanagement related to grants and contracts to the Director of Sponsored Research at 781.286.2079 or the Wellesley College Compliance Hotline, available 24 hours a day, 7 days a week, at 877.269.6176.

For federal grants, employees may also contact the U.S. Department of Commerce Office of Inspector General Hotline:

Call: 800.424.5197

Email: hotline@oig.doc.gov

Website: www.oig.doc.gov

Pilot Program for Enhancement of Employee Whistleblower Protections

Wellesley College is required to inform all employees working on federal grants or contracts of the Pilot Program for Enhancement of Employee Whistleblower Protections, enacted by Congress in 2013.

Congress has enacted many whistleblower protection statutes to encourage employees to report fraud, waste, and abuse. The latest whistleblower protection statutes went into effect on July 1, 2013. The statute, 41 U.S.C. §4712, applies to all employees working for contractors, grantees, subcontractors and subgrantees on federal grants and contracts. The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112i 239, enacted January 2, 2013) mandates a pilot program titled "Pilot Program for Enhancement of Contractor Employee Whistleblower Protections."

This program requires all grantees, their subgrantees and subcontractors to:

1. Inform their employees working on any Federal award that they are subject to the whistleblower rights and remedies of the pilot program;
2. Inform their employees in writing of employee whistleblower protections under 41 U.S.C. §4712 in the predominant native language of the workforce; and,
3. Contractors and grantees will include such requirements in any agreement made with a subcontractor or subgrantee.

The statute (41 U.S.C. §4712) states that an "employee of a contractor, subcontractor, grantee [or subgrantee] 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 or grant (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;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, grantee, or subgrantee who has the responsibility to investigate, discover or address misconduct.

The requirement to comply with, and inform all employees of, the "Pilot Program for Enhancement of Contractor Employee Whistleblower Protections" is retroactively effective for all grants and subgrants issued **beginning July 1, 2013**.

Source: <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-14-068.html>