

MEMORANDUM

TO: Deans, Directors and Department Heads

FROM: Warwick A. Arden
Executive Vice Chancellor and Provost



SUBJECT: Whistleblower Protections

DATE: September 27, 2017

NC State is committed to achieving excellence in its compliance efforts. NC State's Policies, Regulations, and Rules provide guidance and standard practices for conducting the university's activities in compliance with all applicable laws and regulations and with honesty and integrity. NC State relies on individual faculty, staff, and students to report to appropriate offices in cases where it appears that a there is noncompliance.

North Carolina Law

North Carolina law prohibits employment retaliation against a state employee who files a report alleging certain categories of misconduct or mismanagement by state employees or agencies. All State employees are encouraged to report verbally or in writing to their supervisor, department head, or other appropriate authority, evidence of activity constituting:

- A violation of State or federal law, rule or regulation;
- Fraud;
- Misappropriation of State resources;
- Substantial and specific danger to the public health and safety; or
- Gross mismanagement, gross waste of monies, or gross abuse of authority.

NC State wants all members of the university community, regardless of their position, to feel comfortable in approaching a supervisor or manager with their concerns. Further, employees may report through the offices responsible for investigating their concerns. These offices can include the Office of Institutional Equity and Diversity (OIED), Human Resources (HR), Internal Audit Division (IAD), or other responsible offices as appropriate. Contact names and information for these offices of reporting are available at <https://compliance.ncsu.edu/reporting/hotlines/>

NC State is committed to protecting individuals who report concerns. Reporting suspected violations of law, policies, regulations or rules is a protected activity. Any adverse action (including intimidation, threats, or coercion) taken against an individual because the individual reported a concern constitutes retaliation and is strictly prohibited.

Federal Law

In addition to these expectations, there are federal regulations which provide protections for employees against reprisal for certain whistleblowing activities in relation to federal contracts and grants. (41 U.S.C. 4712) ("Regulation"). The Regulation includes providing employees notice of whistleblower rights and protections under federal law.

The Regulation states that employers are prohibited from discharging, demoting, or otherwise discriminating against an employee as a reprisal for disclosing information that the employee reasonably believes is evidence of:

- Gross mismanagement of a Federal contract;
- Gross waste of Federal funds;
- Abuse of authority (an arbitrary and capricious exercise of authority that is inconsistent with the mission or successful performance of a contract) relating a Federal contract;
- Substantial and specific danger to public health or safety; or
- Violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract).

The Regulation provides protection when a disclosure is made to:

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

If you believe there has been gross mismanagement, abuse of authority, substantial danger to public health or safety, or a violation of law, rule of regulation related to a Federal contract or grant, you are encouraged to report this concern. You may report this directly to NC State's Research Integrity Officer in the Office for Sponsored Program & Regulatory Compliance Services (<https://research.ncsu.edu/sparcs/compliance/integrity/>) or you may use NC State's EthicsPoint hotline by visiting [NC State EthicsPoint](#) or by dialing 844-599-8786.

NC State is committed to protecting individuals who report concerns. Reporting gross mismanagement, abuse of authority, substantial danger to public health or safety, or a violation of law, rule of regulation related to a Federal contract or grant is a protected activity. If you believe you have been retaliated against because you reported one of the activities above, please contact the Department of Employee Relations in the Division of Human Resources (<https://er.hr.ncsu.edu/>) or the Internal Audit Division (<https://internalaudit.ncsu.edu/>) or you may use NC State's EthicsPoint hotline by visiting [NC State EthicsPoint](#) or by dialing 844-599-8786.

You may also file a complaint outside of NC State by submitting it to the Inspector General of the Federal agency that issued the contract or grant under which the alleged activity occurred. Such complaints must be filed within three years of the date of the alleged retaliation.

Resources

[41 U.S.C. 4712: Enhancement of contractor protection from reprisal for disclosure of certain information](#)
[N.C.G.S. Chapter 126 Article 14: Protection for Reporting Improper Government Activities](#)