

## Memorandum

To: University Research Community

From: Roberto M. Gutierrez, Director of Pre-Award  
Division of Research

Subj.: Whistleblower Protection

Date: April 17, 2014

Florida International 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 Division of Research would like to advise the University Research Community of the 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, grantees, subcontractors, and subgrantees 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, 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;

DIVISION OF RESEARCH—DIRECTOR OF PRE-AWARD

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- An 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, grantee or subgrantee who has the responsibility to investigate, discover or address misconduct.

The University has contracted with EthicsPoint to provide a confidential internet and telephone based reporting tool to give University faculty, staff and students an anonymous and confidential way to report fraud, waste, abuse or other violations of law or University policy. Additional details about EthicsPoint is available online at <https://compliance.fiu.edu/ethicspoint.html>.

Additional information regarding whistleblower protection is available at <http://research.fiu.edu/whistleblower/>.

Please note that whistleblower protection and other items of interest will be discussed at our upcoming Quarterly Research Administrator's Meeting (QRAM) scheduled for April 29, 2014 from 10 am– 12 noon in the MARC Pavilion. If interested in attending our upcoming QRAM meeting, please RSVP by visiting [https://fiu.qualtrics.com/SE/?SID=SV\\_bxZZfbd51wzzFP](https://fiu.qualtrics.com/SE/?SID=SV_bxZZfbd51wzzFP).

If you have any questions about this guidance then please feel free to contact your Pre-Award or Post Award representative (<http://research.fiu.edu/dor/pages/staff-directory.html>) at 305-348-2494 for further assistance.