

**Tennessee Technological University
Policy No. 770**



Effective Date: July 1, 2015

Policy No.: 770

Policy Name: Whistleblower Protection in Research

Policy Subject: Whistleblower, Enhanced Whistleblower Protection

Date Revised: July 1, 2015

I. Purpose

The purpose of the policy is to proactively promote legal and policy compliance by encouraging all members of the Tennessee Tech community to report any financial improprieties, illegal practices or policy violations regarding all aspects of research that are committed by Tennessee Tech's employees or agents, and to protect from retaliation, as defined by applicable law, those who make such good-faith reports.

This policy establishes the process and procedures for Tennessee Tech's faculty members, staff, students, alumni, agents, contractors, and sub-awardees to report any violations regarding any aspects of whistleblowing or reprisals from disclosure of certain information.

II. Review

This policy will be reviewed every three years or whenever circumstances require review, whichever is earlier, by the Associate Vice President for Research with recommendations for revision presented to the Vice President for Research and Economic Development.

III. Definition

Whistleblowing—disclosing information that an individual believes is evidence of any of the following:

- A.** Gross mismanagement of a federal contract or grant;
- B.** Gross waste of federal funds;
- C.** Abuse of authority relating to a federal contract or grant;
- D.** A substantial and specific danger to public health; or
- E.** 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.

IV. Policy

- A.** Tennessee Tech will comply with federal regulations and policies provided in 42 CFR Section 50.104(b) and PHS 2000(b) as may be amended from time to time, to notify the appropriate federal agency if:
 - 1.** An allegation of research misconduct involves federally-funded research;

2. An inquiry finds that an investigation is warranted;
 3. An immediate health hazard involved;
 4. An immediate need to protect federal funds or equipment;
 5. There is an immediate need to protect the interests of the whistleblower, or of the subject of the allegations;
 6. The alleged incident is probably going to be reported publicly; or
 7. There is a reasonable indication of possible criminal violation.
- B.** Tennessee Tech will comply with the Public Health Service (PHS) Act as provided in the Code of Federal Regulations 42 CFR 50.103(d)(13), as may be amended from time to time, regarding the undertaking of diligent efforts to protect the positions and reputations of those persons who, in good faith make allegations.
- C.** In addition, Tennessee Tech will comply with the National Defense Authorization Act (PL 112-239, codified at 41 USC 4712) “Pilot Program for the Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information” that applies to agreements.
- D.** If any Tennessee Tech employees, students, alumni, contractors or agents, and guests have a good faith reason to believe or suspect that a violation of any federal or state law related to research has or will occur, s(he) may report the violations or suspected violations to the Vice President for Research and Economic Development.
- E.** Policy and procedures for preventing and reporting fraud, waste, or abuse can be found in Tennessee Tech Policy 131.
- F.** Tennessee Tech will not retaliate, as defined by applicable law, against any person for reporting a complaint pursuant to this policy or to law enforcement officers, governmental agencies or bodies, or persons with supervisory authority over the complainant.
- G.** Tennessee Tech will not retaliate, as defined by applicable law, against any person who provides information regarding a complaint, or otherwise assists in any investigation regarding a complaint related to waste, fraud or abuse.
- H.** Tennessee Tech will take appropriate action in response to any complaint, including, but not limited to, disciplinary action (up to and including termination) against any person who, in Tennessee Tech’s assessment, has engaged in

misconduct and will report such misconduct to the relevant civil or criminal authorities as required by law.

V. Interpretation

The Vice President for Research and Economic Development and or his/her designee has the final authority to interpret the terms of this policy.

VI. Citation of Authority for Policy

Tennessee Tech Policy 131; 42 CFR 50.104(b); PHS 2000b; NDAA PL 112-239, codified 41 USC 4712; 48 CFR 3.908; 42 CFR 50.103(d)(13); 41USC 4712

Approved by:

Administrative Council: 2015-04-08

University Assembly: 2015-04-22