

**Tennessee Technological University  
Policy No. 770**



Effective Date: January 1, 2018

**Policy No.:** 770

**Policy Name:** Whistleblower Protection in Research

## **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 (which are those individuals acting on behalf of Tennessee Tech), 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, Administrative Council, and University Assembly.

## **III. Definition**

Whistleblowing — disclosing information that an individual believes is evidence of gross mismanagement of a federal contract or grant; gross waste of federal funds; abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health; 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.

## **IV. Policy**

- A.** Tennessee Tech will comply with federal regulations and policies provided in 42 CFR Section 50.104(b) and PHS 2000(b) 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 is involved;
  4. There is 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), 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, 41 USC § 4712, “Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information” that applies to covered 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, he/she 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 TTU Policy 131 (Preventing and Reporting Fraud, Waste, or Abuse).
- F.** Tennessee Tech will not retaliate, as defined by applicable law, against any person for reporting a complaint, pursuant to this policy, 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 or his/her designee has the final authority to interpret the terms of this policy.

## **VI. Citation of Authority for Policy**

T.C.A. § 49-8-203(a)(1)(E); 42 CFR 50.104(b); PHS 2000b; NDAA PL 112-239, codified 41 U.S.C. § 4712; 48 CFR 3.908; 42 CFR 50.103(d)(13); 41 U.S.C. § 4712

### **Approved by:**

Administrative Council: 11/15/17; 4/8/15

University Assembly: 11/29/17; 4/22/15