

# AZUSA PACIFIC UNIVERSITY

## POLICIES AND PROCEDURES MANUAL

**Title:** Whistleblower Protections in Federal Grants and Contracts  
**Policy Number:** PO2014037  
**Replacing Policy Number:** No prior policy  
**Effective Date:** March 11, 2014  
**Issuing Authority:** Office of the President  
**Responsible Office:** Office of Research and Grants

### **Policy Statement**

Federal legislation (specifically 41. U.S.C. section 4712) provides whistleblower protection to employees working for contractors, grantees, subcontractors and subgrantees on federal grants and contracts. 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, these whistleblowing protections cannot be waived by any agreement, policy, form or condition of employment.

### **Definitions**

For purposes of this statute “**whistleblowing**” is defined as making a disclosure “that the employee reasonably believes is evidence of any of the following: (i) gross mismanagement of a federal contract or grant; (ii) a gross waste of federal funds; (iii) an abuse of authority relating to a federal contract or grant; (iv) a substantial and specific danger to public health or safety; or (v) 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).”

### **Reason For Policy**

To qualify under the statute, the employee’s **disclosure** must be made to: (i) a Member of Congress, or a representative of a Congressional committee; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a federal employee responsible for contract or grant oversight or management at the relevant agency; (v) an official from the Department of Justice, or other law enforcement agency; (vi) a court or grand jury; or (vii) a management official or other employee of the contractor, subcontractor, grantee, or subgrantee who has the responsibility to investigate, discover, or address misconduct.”

## **Policy**

No University employee who qualifies as a “whistleblower” under 41 U.S.C. section 4712 (described above) may be discharged, demoted, or otherwise discriminated against as a reprisal for “whistleblowing” (as defined). In addition, whistleblowing protections cannot be waived by any University agreement, policy, form or condition of employment.

The Office of Research and Grants shall inform all University employees working on any federal grant, contract, subgrant or subcontract that they are subject to the whistleblower rights and remedies of federal law. APU shall reference this policy in subgrants and subcontracts.