

# Protection for Reporting Improper Government Activities

Version 1

 Print

<b>Policy</b>	REG01.15.14
<b>Title</b>	Protection for Reporting Improper Government Activities
<b>Category</b>	Governance and Administration
<b>Sub-category</b>	Governance - General
<b>Authority</b>	Chancellor
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<b>Contact</b>	Office of Internal Audit and Management Advisory Services; 252-328-9027
<b>Related Policies</b>	<p>ECU Faculty Manual - Part VII, Section II (<a href="https://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/part7section2.pdf">https://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/part7section2.pdf</a>)</p> <p>Regulation on Research Misconduct - REG10.45.01 (<a href="https://policy.ecu.edu/10/45/01/">https://policy.ecu.edu/10/45/01/</a>)</p> <p>Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence – REG06.40.03 (<a href="https://policy.ecu.edu/06/40/03/">https://policy.ecu.edu/06/40/03/</a>)</p> <p>University Investigative Responsibilities Regulation (<a href="https://policy.ecu.edu/01/15/12/">https://policy.ecu.edu/01/15/12/</a>)</p> <p>East Carolina University HIPAA Regulations – REG12.60.26 (<a href="https://policy.ecu.edu/12/60/26/">https://policy.ecu.edu/12/60/26/</a>)</p>
<b>Additional References</b>	<p>North Carolina General Statute Chapter 126, Article 14 (<a href="https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_126/Article_14.html">https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_126/Article_14.html</a>)</p> <p>Pilot Program for enhancement of contractor protection from reprisal for disclosure of certain information, 41 U.S.C. § 4712 (<a href="https://uscode.house.gov/view.xhtml?req=(title:41%20section:4712%20edition:prelim)">https://uscode.house.gov/view.xhtml?req=(title:41%20section:4712%20edition:prelim)</a>)</p> <p>ARRA Whistleblower Provisions (<a href="https://www.oig.dol.gov/recovery/arrawhistleblowers.htm">https://www.oig.dol.gov/recovery/arrawhistleblowers.htm</a>)</p> <p>Office of Grants and Contracts Federal Whistleblower Procedures (pdf) (<a href="https://rede.ecu.edu/ora/wp-content/pv-uploads/sites/462/2019/07/POL-Whistleblower-Protections-v-Oct-2016.pdf">https://rede.ecu.edu/ora/wp-content/pv-uploads/sites/462/2019/07/POL-Whistleblower-Protections-v-Oct-2016.pdf</a>)</p> <p>ECU Department of Human Resources SHRA/CSS Employee Handbook (pdf) (<a href="https://humanresources.ecu.edu/wp-content/pv-uploads/sites/21/2021/01/SHRA_CSS_Employee_Handbook.pdf">https://humanresources.ecu.edu/wp-content/pv-uploads/sites/21/2021/01/SHRA_CSS_Employee_Handbook.pdf</a>)</p>

## 1. Introduction

1.1 Pursuant to North Carolina General Statute §126-84 East Carolina University employees have a duty to report, verbally or in writing to their supervisor, department head, or other appropriate authority, including the Chancellor or other appropriate campus offices with authority as designated by the Chancellor as described in Article 3 below, evidence of activity by a State agency, including East Carolina University, or any employee that constitutes:

1.1.1. A violation of State or federal law, rule or regulation, or a University policy implementing the same;

1.1.2. Fraud;

1.1.3. Misappropriation of State resources;

1.1.4. Substantial and specific danger to the public health and safety; or

1.1.5. Gross mismanagement, a gross waste of monies, or gross abuse of authority.

1.1.6 It is the policy of the State of North Carolina that employees shall be free of intimidation or harassment when reporting to public bodies about matters of public concern; including offering testimony to or testifying before appropriate legislative panels.

## 2. Definition(s)

2.1 The term “employee” in this regulation applies to any individual who is employed by East Carolina University regardless of employee classification (faculty, non-faculty, EHRA, SHRA, CSS, student employee, etc.), status (full-time, part-time, etc.), or funding source (state-funded, grant-funded, etc.)

## 3. Protection from Retaliation

3.1 No head of any State Department, agency, or institution, including the Chancellor, nor any other employee exercising supervisory authority shall discharge, threaten, or otherwise discriminate against an employee regarding the employee’s compensation, terms, conditions, location, or privileges of employment because that employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, activity as described in N.C. Gen. Stat. § 126-4 (See also Article 1 of this Regulation) unless the employee knows or has reason to believe that the report is inaccurate.

3.2 No employee may retaliate against another employee because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity as described in N.C. Gen. Stat. § 126-84 (See also Article 1 of this Regulation).

3.3 No head of any State Department, agency, or institution, including the Chancellor, or other employee exercising supervisory authority shall discharge, threaten, or otherwise discriminate against a employee regarding the employee’s compensation, terms, conditions, location, or privileges of employment because that employee has refused to carry out a directive which in fact constitutes a violation of State or federal law, rule or regulation or poses a substantial and specific danger to the public health and safety.

3.4 No employee shall retaliate against another employee because the employee has refused to carry out a directive that may constitute a violation of State or federal law, rule or regulation, or poses a substantial and specific danger to the public health and safety.

3.5 The protections of this Regulation and Article 14 of Chapter 126 the North Carolina General Statutes shall include employees who report any activity described in N.C. Gen. Stat. § 126-84 ((See also Article 1 of this Regulation)to the State Auditor as authorized by N.C. Gen. Stat. § 147-64.6B or Program Evaluation Division as authorized by N.C. Gen. Stat. § 120-36(10).

## 4. Notice

4.1 ECU shall post notice or otherwise inform its employees of the protections and obligations of this Regulation and Article 14 of Chapter 126 of the North Carolina General Statutes in accordance with applicable law.

## 5. Additional actions or protections

5.1 External sponsors of specific ECU programs may have additional protections for whistleblowers or may mandate additional reporting requirements for activities that they fund.

5.2 ECU will comply with sponsor requirements for whistleblower protections and notifications.

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### **East Carolina University**

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