

## **NATIONAL BUREAU OF ECONOMIC RESEARCH, INC.**

1050 MASSACHUSETTS AVENUE, CAMBRIDGE, MASSACHUSETTS 02138-5398

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### **Whistleblower Policy**

*Rationale: A whistleblower as defined by this policy is a director, officer, employee, contractor, volunteer or agent of the NBER who reports an activity or suspected activity that he/she reasonably and in good faith considers to be illegal, fraudulent, dishonest, or in violation of any adopted policy of the NBER to one or more of the parties specified in this policy. This policy sets forth the procedures applicable in these circumstances.*

### **Whistleblower responsibilities**

If an individual covered by this policy has knowledge of, or a concern of, illegal, fraudulent, or dishonest activity, or activity that is in violation of any adopted policy of the NBER, the individual should contact the Director of Research and Grants Management. If the complaint pertains to the Director of Research and Grants Management, it should be registered with the NBER President. If the complaint pertains to the President, it should be registered with a designated member of the NBER Board of Directors, currently Peter Henry. His contact information is noted below. In all cases, the individual must exercise sound judgment to avoid baseless allegations. An individual who intentionally or in bad faith files a false report of wrongdoing will be subject to discipline up to and including termination. Good faith reports of illegal, fraudulent, or dishonest activity, or activity that is in violation of any adopted policy of the NBER may be made anonymously.

Additionally the NBER maintains an Anti-Harassment Policy that encourages the reporting of unlawful or inappropriate harassment. Employees are encouraged to report potential problems as soon as they come to their attention. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal or dishonest activities include violations of federal, state or local laws, billing for services not performed or for goods not delivered, and fraudulent financial reporting.

### **Whistleblower protections**

The NBER will protect the whistleblower in two important respects. First, insofar as possible, the confidentiality of the whistleblower will be maintained. However, in some cases identity may have to be disclosed to conduct a thorough investigation, or to comply with the law. Second, the NBER will protect the whistleblower from intimidation, harassment, discrimination or other retaliation. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must

immediately contact the Director of Research and Grants Management, or, to the extent the Director of Research and Grants Management is the alleged retaliator, should refer to the alternative options for reporting as identified above. A whistleblower's right to protection against retaliation does not include immunity for any personal wrongdoing of the whistleblower that is alleged and investigated.

### **Investigations**

The Director of Research and Grants Management is responsible for investigating and coordinating corrective action, except when the complaint relates to that person, in which case responsibility shall rest with the President. In the case of complaints relating to the President, responsibility for investigation and coordination of corrective action shall rest with the designated NBER Board Member. Those responsible for investigation and coordination of corrective action shall report to the board. To the extent the board determines that such action is appropriate, complainants may be referred to independent third parties, including outside auditors or counsel, for investigation. If a whistleblower has concerns about the handling of his or her complaint, he or she may choose to contact either the President or the designated NBER Board Member directly.

This policy shall be distributed to all directors, officers, employees and volunteers who provide substantial services to the NBER.

Individuals with any questions regarding this policy should contact the Director of Research and Grants Management.

The designated external contact for whistleblowers is:

Peter Henry  
Director at Large of the NBER Board of Directors  
E-mail: peter\_henry@nber.org

### **Enhancement of Employee Whistleblower Protection (41 U.S.C. 4712)**

The federal government has enacted a program to add in protecting employees from reprisal by employers for having engaged in certain whistleblowing activities in connection with federal grants and contracts.

The program -- the Enhancement of Employee Whistleblower Protection -- is codified at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act (Public Law 112-239, enacted January 2, 2013, made permanent January 2017 by Public Law 114-261). This Program applies to all employees working for contractors, grantees, subcontractors, and sub-grantees on federal grants and contracts.

Under the program, an “employee of a contractor, subcontractor, grantee [or sub-grantee] may not be discharged, demoted, or otherwise discriminated against” as a reprisal for whistleblowing. “Whistleblowing” means disclosing information the employee “reasonably believes is evidence of” any of the following:

- Gross mismanagement of a federal contract or grant;
- The 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 or regulation related to a federal contract or grant (including the competition for, or negotiation of, a contract or grant).

Whistleblower protections are triggered if the employee discloses the above type of information to any of the following:

- 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;
- An authorized 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 sub-grantee who has responsibility to investigate, discover or address misconduct.

Whistleblower protections cannot be waived by any agreement, policy, form, or condition of employment.

The National Bureau of Economic Research is committed to complying with this Program. Additional details, including procedures for filing complaints, may be found in the full statute 41 U.S.C. 4712.