

# University of Arkansas at Pine Bluff

## Faculty/Staff Handbook

Policy: **WHISTLE-BLOWER PROTECTION AND FRAUD PROTECTION**  
Policy #: **7.13**

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If you communicate, or someone authorized to act on your behalf communicates in good faith to an appropriate authority the existence of waste of public funds, property, or manpower, including federal funds, property, or manpower, administered or controlled by a public employer, or a violation or suspected violation of a law, rule, or regulation adopted by the state of Arkansas or one of its political subdivisions by a state agency or institution, you cannot be discharged, threatened, or otherwise discriminated or retaliated against for making that report verbally or in writing.

The violation you report must be more than technical or minimal in nature, of a state statute or regulation, of a political subdivision ordinance or regulation, or of a code of conduct or code of ethics designed to protect the interest of the public or a public employer. "Waste" means a state agency's or an institution of higher education's conduct or omissions which result in substantial abuse, misuse, destruction, or loss of public funds, property, or manpower belonging to or derived from the State or local political subdivision's resources. Your communication about the violation or waste must be made at a time and in a manner that gives the public employer reasonable notice of the need to correct the waste or violation. You communicate in good faith when you have a reasonable basis in fact for your report of waste or a violation. Good faith is lacking when you do not have personal knowledge of a factual basis for your report or when you knew or reasonably should have known that your communication about the waste or violation is malicious, false, or frivolous.

If you participate or give information in an investigation, hearing, court proceeding, legislative, or other inquiry, or in any form of administrative review, you cannot be discharged, threatened, or otherwise discriminated or retaliated against for that action.

You cannot be discharged, threatened, or otherwise discriminated or retaliated against if you object to or refuse to carry out a directive that you reasonably believe violates a law or a rule or regulation adopted under the authority of the laws of the state.

However, if your employer can prove that adverse action has been taken against you because of your misconduct, poor job performance, or a reduction in the workforce unrelated to the communication you made, you are not protected by this Act.

If you allege a violation of these "Whistle-Blower" protections, you may bring a civil action for appropriate injunctive relief or actual damages, or both, within one hundred eighty (180) calendar days after the occurrence of the alleged violation.

The "Whistle-Blower" Act does not permit disclosures which would diminish or impair the rights of any person or public official to the confidentiality of records or working papers that are protected by statute or common law.

You must report any detected or suspected fraud involving employees, consultants, vendors, contractors, outside agencies doing business with the University or any other parties with a business relationship to the University. You may make the report by calling the confidential, toll-free UA System Fraud Hotline: 866-252-9838.

The Internal Audit Department will coordinate the investigation with the University's General Counsel and other affected areas, both internal and external. If you have a question about whether an action constitutes fraud, you may contact the Internal Audit director for guidance. Actions constituting fraud include, but are not limited to:

- a. An entry into the accounting records that is intentionally made to represent what is not true or does not exist, with intent to deceive;
- b. Forgery of a check, bank draft, wire transfer or any other University financial document;
- c. Unauthorized alteration of any financial document or account belonging to the University;
- d. Misappropriation of funds, securities, supplies or other University assets;
- e. Impropriety in the handling or reporting of money or financial transactions;
- f. Disclosing confidential and proprietary information to outside parties for personal gain, except as allowed under the Arkansas Freedom of Information Act or other law;
- g. Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the University, except as provided in gift policies;
- h. Unauthorized destruction, removal or use of records, furniture, fixtures and equipment for personal gain;
- i. Any similar or related inappropriate conduct.

The Internal Audit Department treats all information received confidentially. If you suspect dishonest or fraudulent activity, you must notify the Internal Audit Department and should not attempt personally to conduct investigations or interviews related to the suspected fraud. Investigative results will not be disclosed to or discussed with anyone other than those who have a legitimate right to know. Great care must be taken in the investigation of suspected improprieties or wrongdoings to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

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**Resource(s):** Arkansas Code Ann., § 21-1-601 et. Seq.; Act 1523 of 1999 as amended by Act 601 of 2003, Board Policy 355.1

**Approved by:**

**Approval date:**

**Custodian:**