

Notice of Rights and Remedies for Whistleblowers under the Federal Acquisition Regulation (FAR) Program

The Federal Acquisition Regulation (FAR) Program has implemented enhanced [whistleblower protections](#) for employees of Federal contractors and subcontractors.

What is prohibited?

As a Federal contractor/subcontractor, Illinois Tech is prohibited under federal law from discharging, demoting, or otherwise discriminating against an employee as a reprisal for disclosing to any of the entities listed below (see Entities/Persons to whom disclosures may be made), information that the employee reasonably believes is evidence of any of the following:

- Gross mismanagement of a Federal contract;
- Gross waste of Federal funds;
- Abuse of authority relating to a Federal contract;
- A substantial and special danger to public health or safety; or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract).

A reprisal is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

Entities/Persons to whom disclosures may be made:

- A Member of Congress;
- An Inspector General;
- The Government Accountability Office;
- A Federal Employee responsible for contract oversight or management at the relevant agency;
- An authorized official of the Department of Justice or other law enforcement agency
- A court or grand jury; or
- A management official or other employee of the University who has the responsibility to investigate, discover, or address misconduct.

Where and when complaints may be filed:

An employee of the University who believes that they have been discharged, demoted, or otherwise discriminated against for having made a disclosure of the type described above may submit a complaint to the Inspector General of the agency concerned within three (3) years of the date on which the alleged reprisal took place.

Note: This right to file a complaint with the Inspector General is separate and distinct from the employee's right to file a complaint of whistleblower retaliation under the University's policies.

Potential statutory remedies:

If the head of the agency determines that there is sufficient basis to conclude that the University subjected the complainant to a reprisal as prohibited above, the head of the agency may take one or more of the following actions:

- Order the University to take affirmative action to abate the reprisal;
- Order the University to reinstate the complainant-employee to the position that the person held before the reprisal, together with compensatory damages (including back

pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken;

- Order the University to pay the complainant-employee an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency.

Right to go to court:

If the head of the agency issues an order denying relief or has not issued an order within 210 days after the submission of the complaint or within 30 days after the expiration of an extension of time granted and there is no showing that such delay is due to the bad faith of the complainant, then:

- The complainant will be deemed to have exhausted all administrative remedies with respect to the complaint; and
- The complainant may bring a de novo action at law or equity against the University to seek compensatory damages and other relief available under 41 U.S.C. 4712 in the appropriate district court of the United States, which shall have jurisdiction over such action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. The complaint must be filed within two (2) years of the date on which remedies are deemed to have been exhausted.