OVERVIEW
“Whistleblowers” are employees who report violations of institutional, state, or federal statutes, rules or regulations to more senior members of management or to government officials. Usually, whistleblowing involves allegations that federal or state funds are being misused or misdirected away from their intended purposes.

Complaints made by whistleblowers should be investigated. The amount of investigation required depends on the facts and circumstances of the case. Ideally, the preferred method for investigating these claims is to obtain assistance from someone who does not have a close working relationship with the employees who are the focus of the complaint and yet who can be trusted to maintain confidentiality so that careers and reputations are not unnecessarily harmed.

Many times the investigation into whistleblowing complaints reveals no wrongdoing. Regardless of whether or not a complaint proves to be true, a whistleblower is legally protected against retaliation by supervisory personnel so long as the complaint was made in good faith. “Good faith” means the complaint was not known to be false when it was made, and there was a reasonable basis for concern. Retaliation may take a variety of forms, including (but not limited to) demotion, denial of promotion, discipline, termination, intimidation, transfer, reassignment, and reduced pay or hours.

A. False Claims Act
The False Claims Act, 31 U.S.C. § 3729 et seq., is the primary federal law governing whistleblowing. With the exception of tax fraud, which is governed by other laws, the False Claims Act proves legal liability for persons and organizations who improperly receive or avoid payment to the federal government of funds that belong to the federal government. Among the things the False Claims Act prohibits are the following:
1. Presenting false claims for payment;
2. Using false records to get claims approved;
3. Conspiring to defraud the government with false claims; and
4. Using false records to avoid government obligations.

B. Georgia Law
To help combat fraud and waste, the State of Georgia provides its own mechanism whereby the University System can investigate and correct financial mismanagement. O.C.G.A. § 45-1-4 authorizes public employers (like USG) to receive and investigate complaints and information received from employees concerning fraud, waste, and abuse. Here are some of the more significant points of the Georgia law on how to conduct fraud investigations:
1. The identity of complaining employee cannot be revealed unless disclosure of the person’s identity is unavoidable during the investigation. If the employee’s identity must be disclosed, USG must give the employee seven days written notice of that fact before the disclosure actually occurs;
2. No retaliatory action can be taken against an employee who makes complaint of fraud or waste to a supervisor or government agency, unless the complaint was knowingly false or made with reckless disregard for the truth; and
3. No retaliatory action can be taken against an employee who refuses to participate in a practice that the employee reasonably believes violates a rule, regulation or law. Employees who violate legal, constitutional or statutory privileges, or other legally recognized confidentiality obligations, are not protected against retaliation by this law. For example, a university law enforcement official who learns of possible fraud when mistreating a suspect may receive no legal protection by this statute.