

CHAPTER 3. REPORTING VIOLATIONS AND RELEASING INFORMATION

SECTION 1. COLLECTION AND RECEIPT OF INFORMATION

3-1 RESPONSIBILITIES OF DEPARTMENTAL MANAGEMENT AND EMPLOYEES.

- A. Heads of Primary Organizations. Primary Organization Heads and other heads of organizations who report to the Secretary are responsible for: (1) assuring that any instances of, and information on, any known or suspected violations of laws, rules, or regulations, gross mismanagement, waste of funds, abuse of authority, or substantial and specific danger to the public health and safety are promptly reported to the OIG; (2) assuring that appropriate instructions are issued to employees to facilitate the reporting of the matters described above; and (3) taking appropriate corrective actions on such reported violations.
- B. All Employees. All employees of the Department, within the limits of their authority and duties, are responsible for: (1) taking appropriate action to foster the enforcement of laws, executive orders, regulations, and other applicable directives; (2) maintaining high standards of ethical conduct; and (3) promoting efficiency and effectiveness in the administration of the Department's programs and activities.

These responsibilities require that all employees: (1) promptly report to their supervisors or directly to the OIG, instances of, and information on, any known or suspected violations of law, rules, or regulations, or gross mismanagement, waste of funds, abuse of authority or substantial and specific danger to the public health and safety; and (2) assist the OIG, when requested, in any subsequent audit, investigation, or other review of such matters.

3-2 COOPERATION DURING AUDITS AND INVESTIGATIONS. The OIG can accomplish the objectives of the Inspector General Act only with the cooperation of all HUD employees. The IG Act authorizes the Inspector General to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Department. Accordingly, HUD managers and supervisors must ensure that employees at all levels cooperate with the OIG during audits and investigations by:

- A. Disclosing and providing information pertaining to the matters being reviewed.

- B. Making available applicable files, records, reports, agreements, contracts, correspondence, or other required information.
- C. Informing the OIG of matters which they believe warrant the OIG's

review.

Although HUD employees are required to cooperate fully with the OIG during audits and investigations, such employees may invoke the protection of the Fifth Amendment to the Constitution of the United States with respect to self-incrimination when matters of a criminal nature are involved. However, furnishing false or misleading information, or refusing to answer questions in any administrative matter, may result in action against the employee concerned.

- 3-3 UNREASONABLE REFUSAL OR NON-PROVISION OF INFORMATION OR ASSISTANCE. Section 6(b)(2) of the Inspector General Act provides that whenever information or assistance requested is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General is to report the circumstances to the Secretary without delay.

The Inspector General will consider a request for information or assistance as unreasonably refused or not provided when both the following conditions are present: (a) the OIG's audit, survey, evaluation or investigation cannot be satisfactorily completed unless the request is fulfilled; and (b) the official refusing to honor the request can reasonably and legally fulfill it.

- 3-4 ISSUANCE OF SUBPOENAS. Section 6(a)(4) of the Inspector General Act authorizes the Inspector General to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by the Inspector General Act.

The subpoena is enforceable by order of any appropriate United States District Court. However, procedures other than subpoenas are to be used by the Inspector General to obtain documents and information from other Federal agencies.

SECTION 2. PROTECTION OF EMPLOYEES WHO FURNISH INFORMATION

- 3-5 STATUTORY PROVISIONS. Section 7(b) of the Inspector General Act provides that the Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of an employee without the consent of that employee, unless the Inspector General determines such disclosure of the employee's identity is unavoidable during the course of the investigation.

2/91

3-2

2000.3 REV-4

Similar requirements for protecting the identities of confidential sources of information are found in the Civil Service Reform Act of 1978, the Privacy Act of 1974 and the Freedom of Information Act.

- 3-6 PROTECTION OF EMPLOYEES. Section 7(c) of the Inspector General Act provides that employees are prohibited from threatening, taking, recommending, or approving any personnel action as reprisal against other employee (s) for making disclosures to the OIG. However, employees who make disclosures known to them to be false or done with willful disregard for the truth are not so protected and may be subject to disciplinary action.

Reports or allegations of reprisals against employees that come to the OIG's attention will be sent to the Office of Special Counsel, Merit Systems Protection Board, for investigation pursuant to an agreement between the Special Counsel and the IG.

SECTION 3. HOTLINE

3-7 HOTLINE ACTIVITIES. HUD employees and the public can report suspected fraud, waste, or mismanagement involving HUD programs and activities to any OIG Regional Office of Audit or Investigation. In addition, a telephone hotline, maintained in Headquarters OIG, is available to HUD employees and the public for reporting any suspected wrongdoing. The use of the hotline for reporting complaints should not be looked upon as a requirement; rather, the hotline is an alternative to reporting matters directly to one's supervisor or in person or writing to the OIG.

- A. Operation of the Hotline. The hotline number is (202) 708-4200, via TDD number 708-2451, or 1-800-347-3735. Field staff can call the hotline number through the Federal Telecommunications System by dialing 8-458-4200. Hotline calls are answered by OIG personnel between the hours of 8:00 a.m. and 4:30 p.m., Eastern Time, Monday through Friday. A telephone answering machine records all calls received after working hours, on non-workdays or when a staff member is not otherwise available during duty hours.
- B. Processing of Hotline Calls. Confidentiality provisions described in Paragraph 3-5 are applicable to all calls from HUD employees. After initial receipt and preliminary screening, a determination is made whether the OIG will handle the complaint or refer it to the appropriate office within HUD responsible for follow-up.

3-3

2/91

2000.3 REV-4

Complaints or allegations dealing with possible criminal matters or complaints or allegations involving serious noncompliances with applicable HUD regulations, policies or requirements generally are referred to the OIG. Other less serious complaints or matters requiring technical review may be referred to the applicable HUD program office.

A complaint or allegation may be administratively closed if it is nonsubstantive or lacks sufficient information to enable appropriate follow-up to be made.

- C. Reporting on Follow-up Results and Final Disposition. The office responsible for following up on the hotline complaint or allegation is required to inform the Office of Management and Policy (OMAP) of the results of the follow-up by transmitting a copy of the final report or a memorandum summarizing the report and plan of action, if appropriate, including target dates.

OMAP is responsible for monitoring the evaluation and implementation of corrective actions planned on those complaints or allegations referred to HUD program officials.

- D. OIG Liaison With Other Hotlines. The GAO has established hotline numbers which are available to the public, as well as government employees, for the reporting of fraud, waste and related irregularities. In addition, other agencies have established hotlines similar to HUD's. Complaints received through these hotlines which relate to HUD programs are referred to

OMAP.

SECTION 4. RELEASING INFORMATION

3-3 GENERAL POLICY ON RELEASING REQUESTED INFORMATION. The Inspector General's policy is one of full and responsible disclosure of its identifiable records consistent with the public interest concerning national security, personal privacy, and required confidentiality, as recognized by 5 United States Code (USC) 552 and 552a (the Freedom of Information Act and the Privacy Act). A requested record shall not be withheld unless withholding is required by law, or the record comes within one of the nine exemptions in 5 USC 552, and it is in the public interest to withhold such information.

Audit reports and related audit information may be requested by members of the public, State and local governments, Congress, or other Federal agencies. All such requests, except those received from other Federal agencies, Congressional committees or agencies, Congressional committees

2/91

3-4

2000.3 REV-4

or subcommittees, and other bodies of Congress including the General Accounting office, generally will be treated as requests under the Freedom of Information Act pursuant to the provisions in this section and those in HUD Handbook 1327.1, Freedom of

Information. All requests [or investigation files must be furnished promptly to the Office of Investigation in Headquarters for review and reply.

3-5

2/91