

I. Purpose

This directive sets forth U.S. Department of Education (ED) policies and procedures for responses to Hotline complaints referred to the ED Principal Officers by the Office of Inspector General (OIG). It provides general guidelines for addressing the various types of complaints referred to ED officials for review and action.

II. Authority

Under the Inspector General Act of 1978, 5 U.S.C. App. 3 (the Act), ED employees can provide the Inspector General (IG) with information regarding possible violations of law, rules, or regulations; mismanagement; or fraud, waste, and abuse in ED programs and operations, without fear of reprisal and with assurance that the complainants will be kept confidential unless disclosure becomes necessary during the course of an investigation. The Act authorizes the OIG to receive complaints, and to conduct, supervise, or coordinate other activities to promote economy and efficiency and to prevent and detect fraud and abuse in ED programs and operations.

III. Applicability

This directive applies to all ED Principal Officers.

IV. Definitions

- A. Principal Officer means the official in charge of an organization designated as a Principal Office (PO) as defined in B.
- B. Principal Office, for the purpose of this directive, is an organization headed by an Assistant Secretary or equivalent.
- C. Complaint means an allegation of possible wrongdoing on the part of an ED employee, consultant, contractor, grantee, etc., reported to the OIG Hotline (Hotline).

V. Responsibilities

- A. ED Principal Officers

Principal Officers are responsible for:

1. Reviewing complaints referred to their offices by the OIG;
2. Taking necessary actions on review findings; and

3. Replying in a timely manner back to the appropriate respondent, the Assistant Inspector General for Investigations (AIGI), or the Deputy Assistant Inspector General for Investigations (DAIGI).

Principal Officers are also responsible for promptly reporting to the OIG any apparent criminal violations disclosed during the review. Criminal acts include, but are not limited to: embezzlement, bribery, solicitation of bribes, fraud against the Government, and conspiracy to commit any of the foregoing acts.

- B. The Hotline Supervisor is responsible for the timely handling (receipt, screening, and disposition) of employee and public complaints received through the Hotline.

VI. Procedures and Requirements

- A. Hotline Reporting Procedures

The most efficient and convenient method to report allegations is by using the Hotline. The Hotline is available as a direct line of communication for ED employees and contract personnel as well as private citizens. The Hotline may be reached by dialing toll free 1-800-647-8733 (1-800-MISUSED) or local (202) 245-6911, Mondays, Wednesdays, and Fridays between the hours of 9:00 AM and 11:00 AM and Tuesdays and Thursdays between the hours of 1:00 PM and 3:00 PM, Eastern time. Letters can be sent to the U.S. Department of Education, OIG Hotline, 400 Maryland Avenue, SW, 8th Floor-PCP, Washington, DC 20202-1500, by fax at 202-245-7047, Internet/website at <http://www.ed.gov/about/offices/list/oig/index.html> or by e-mail at oig.hotline@ed.gov.

- B. Complaint Referral

Complaints that do not appear to require an OIG audit, formal investigation, or inspection are referred to the appropriate Principal Officer for review and any necessary action. All pertinent facts about the allegations are referred, with the exception of the complainant's identity. Information concerning ED employees or other sensitive matters will be labeled "Eyes Only" (to be opened by addressee only).

1. Within 45 calendar days of the referral, the Principal Officer will notify the AIGI or DAIGI of the status of any review of the OIG referral. If the Principal Officer determines that no further action is warranted, he/she will return the complaint to the appropriate OIG official with a memorandum explaining the reason(s) for the Principal Officer's determination. This 45-day response period is not warranted in all instances. For example, sometimes the referral is sent to the PO for response directly to the complainant or for the PO's information and/or review only.
2. Upon completion of the Principal Officer's review and/or initiation/completion of any recommended action(s), the Principal Officer will provide a memorandum to the AIGI or DAIGI describing any findings and any action(s) taken.

C. Review by Principal Officer

Referrals to the appropriate Principal Officer will be made after considering several factors, such as the degree of alleged noncompliance with applicable regulations, misuse of ED's funds, and ineffective or inefficient procedures. Typically, the PO officials are more aware of their particular mission areas and usually the complaint can be resolved and proved or disproved at the PO level by a simple review of the allegations. The OIG does not define the limits and parameters of a PO's action. The goal is to determine if the allegation is accurate or inaccurate. All complaints will be handled by the Principal Officer on a case-by-case basis.

Review effort and action expected depend largely on the nature and the degree of the alleged impropriety. Generally, there are three categories of complaints referred to Principal Officers.

1. Employee Misconduct

Appropriate conduct of employees on the job (for example, time and attendance, misuse of resources and materials, and overall job performance) is a basic responsibility of employees and their first-line supervisors. Alleged wrongdoing in these areas shall be addressed by the appropriate official within the OIG contacting the supervisor concerned to determine whether he/she is cognizant of such activity and what prior action, if any, has been taken.

- a. If the supervisor is not aware of the alleged wrongdoing, a review into the allegation should be initiated by the supervisor.
- b. If the supervisor's review discloses that the allegation is true, then it is the supervisor's responsibility to take appropriate corrective and/or disciplinary action, unless criminal violations are uncovered. (See VI. D. below.)

See Personnel Manual Instruction 751-1 for policies and guidelines for disciplinary actions.

2. Impropriety by Program Participants

Allegations concerning non-Federal individuals or organizations that participate in ED programs, or otherwise receive ED funding, will be referred to the appropriate Principal Officer for programmatic/compliance review. The review should establish the facts and circumstances regarding the alleged impropriety. If the allegation is found to be true, the Principal Officer will take appropriate administrative action.

3. Administration and Procedures

At times, the OIG receives complaints about ED procedures or practices that, in the complainant's opinion, could be improved or abolished. These types of complaints will be referred for consideration by appropriate program or administrative officials, whose first step should be to ascertain the complainant's understanding of the involved procedure or practice. If the complaint appears to be valid, a review of the procedure or practice should be undertaken by the Principal Office to determine the worthiness of the suggestion, followed by appropriate action as indicated by the results of the review.

D. Disclosure of Criminal Violations

Principal Officers are required to immediately notify the OIG if, during the course of any review, potential or apparent criminal violations are disclosed. Upon disclosure to the OIG of such information, the Principal Officer should take no further action in the matter other than in coordination with the OIG.