**Non-Retaliation Policy UPPS No. 04.04.56**

**Issue No. 1**

**Effective Date: 04/19/2022**

**Next Review Date: 06/01/2025 (E3Y)**

**Sr. Reviewer: Assistant Vice President for Human Resources**

**POLICY STATEMENT**

*Texas State University is committed to preventing retaliation against those who make bona fide reports of possible non-compliance.*

**01**. **BACKGROUND INFORMATION**

* 1. No member of the Texas State University community shall intimidate or take retaliatory action against another member of the university community who engages in good faith conduct as set forth below. Acts of retaliation violate university policy and may be unlawful, and as such, will not be tolerated. Any individual found to have retaliated shall be subject to disciplinary action up to and including termination of employment.
	2. The types of retaliation or retaliatory actions that are prohibited include but are not limited to:
1. intimidation and bullying;
2. adverse actions with respect to the reporter’s work assignments, salary, leave, benefits, and other terms of employment;
3. unlawful discrimination;
4. disciplinary actions;
5. alteration of work environment;
6. change in work schedule;
7. reassignment;
8. demotion;
9. termination of employment;
10. adverse actions against a relative of the reporter who is a member of the university community; and
11. threats to do any of the above.

Note that adverse personnel, academic or other disciplinary action against an employee or student whose conduct or performance warrants such action for reasons unrelated to the reporting of a concern will not be deemed a violation of this policy.

* 1. Anyone reporting retaliation must act in good faith and have reasonable grounds for believing that retaliation has occurred. Individuals who make false retaliation reports will be disciplined in accordance with existing university and Texas State University System (TSUS) policies and procedures.
	2. This policy applies to all members of the university community which may include, but is not limited to faculty, staff, students, volunteers, independent contractors, and third-party vendors.

**02. DEFINITIONS**

* 1. Misconduct – any activity by a university employee that violates a law, regulation, grants requirement, or university or TSUS policy. Types of behavior that fall within misconduct include but are not limited to:

a. misuse of grant money, university property, or resources;

b. impropriety or fraud with respect to financial reporting or accounting,

 embezzlement, theft; or

c. conspiring with or coercing another to engage in any of such

 behaviors.

* 1. Retaliation – any adverse action an individual experiences as a consequence of that individual:
1. reporting misconduct;
2. filing a grievance;
3. participating in a university investigatory, grievance, mediation, or appeals procedure;
4. filing a complaint alleging prohibited discrimination (including harassment); or
5. otherwise objecting to a practice that is unlawful, unethical, or in violation of university or TSUS policy.

**03. PROCEDURE FOR REPORTING INCIDENTS OF RETALIATION**

03.01 Any incident of retaliation by an employee should be reported within 10 business days of the alleged action. Reports of retaliation may be made to any of the following offices or individuals:

a. Office of Human Resources;

b. Office of the Provost and Vice President for Academic Affairs;

c. dean’s offices;

d. divisional vice presidents;

e. ombudspersons;

f. TSUS Office of Internal Audit;

g. Institutional Compliance and Ethics.

If the report is received by an office external to Human Resources (HR), the office will forward the complaint to HR. HR will review the concern and determine the appropriate course of action or if it needs to be routed to the appropriate department for investigation or follow-up. Response timelines will follow those prescribed within the applicable policies based on the nature of the reported concerns.

**04. REVIEWERS OF THIS UPPS**

04.01 Reviewers of this UPPS include the following:

Position Date

Assistant Vice President for June 1 E3Y

Human Resources

Assistant Vice President for June 1 E3Y

Institutional Compliance

**05. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedures from the date of this document until superseded.

Assistant Vice President for Human Resources; senior reviewer of this UPPS

Vice President for Finance and Support Services

President