| | | |
|---|---|---|
| Section 6<br>Subject 6.1 | Compliance Policies<br>General Compliance | 04/11/2003 - Originated<br>06/14/2013 - Reviewed w changes<br>- Reviewed w/o changes<br>07/17/2013 -Effective |
| **Policy 3.2.9** | **Non-Retaliation Policy** | Human Resources - Author |

# Non-Retaliation Policy

## Definitions

***Unlawful Retaliation*** - any action that adversely affects the employment of an individual that is taken by the institution because the individual has, in good faith, made an allegation concerning a violation of the law, policy, or procedure and/or has participated in good faith with an investigation of such allegation.

Adverse actions do not include petty slights and annoyances, including, but not limited to: stray negative comments in an otherwise positive or neutral evaluation; "snubbing" a colleague; or negative comments or disciplinary actions that are justified by an employee's work performance or history.

Employees are not excused from continuing to perform their jobs or follow their Department's legitimate workplace rules because they have filed a complaint or have participated in an investigation.

## Policy

The University of Texas Medical Branch is committed to including all UTMB employees, students and volunteers in the process to ensure that UTMB operates in an ethical, honest, and lawful manner. All UTMB employees, students and volunteers shall be allowed to freely discuss and raise questions to managers or to the appropriate personnel about situations they feel are in violation of federal and state law, UTMB and/or UT System policy, and/or accreditation and regulatory requirements.

The purpose of this policy is to provide requirements and guidelines for the protection of individuals from retaliation for good faith actions in reporting or participating in an investigation pertaining to alleged violations of laws, policies or procedures. UTMB will not intimidate, threaten, coerce, discriminate against, or take any retaliatory action against any employee, student, volunteer, patient, legally authorized representative, association, organization or group who participate in such good faith actions.

All supervisors are responsible for enforcing this policy. Individuals who violate this policy will be subject to the appropriate and applicable disciplinary process, up to and including termination or dismissal.

UTMB complies, with applicable federal and state laws and regulations, strives to maintain an environment which does not discriminate against

## Policy, continued

applicants or employees on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation, genetic information, or veteran status.

## Employee Obligation

All UTMB employees, students and volunteers have a personal obligation to report any activity that appears to violate applicable laws, regulations, rules, policies, procedures, or the Standards of Conduct Guide to any member of UTMB's management and/or UTMB's Human Resources Department. Employees may also make reports through the Fraud and Abuse Hotline (800-898-7679).

This Policy does not protect an employee who files a report or provides information that he or she knows to be false or who does not have a reasonable belief in the truth and accuracy of the information. An employee who is determined to knowingly have made false accusations or provide false information during an investigation may be subject to disciplinary action, up to and including termination of employment, in accordance with applicable institutional policies and procedures.

## Retaliation Complaint Procedure

If an employee believes that he or she has been subject to any action that violates the non-retaliation provisions above, the employee should file a complaint with any member of UTMB's management and/or UTMB's Human Resources Department.

A complaint should include the following:

1. Name of the complainant;
2. Contact information, including address, telephone, and e-mail address, if applicable;
3. Name of the person directly responsible for the alleged retaliation;
4. Date and place of the alleged retaliation;
5. Nature of the alleged retaliation;
6. Detailed description of the specific conduct that is alleged to constitute retaliation;
7. Copies of documents pertaining to the alleged retaliation;
8. Names of any witnesses to the alleged retaliation;
9. Complainant's signature and date of filing; and
10. Any other relevant information.

If it is determined through the institution's investigation process that an employee was subjected to retaliation, the appropriate action will be taken.

## Investigation of Retaliation

The Office of Human Resources Employee Relations will review any allegations of retaliation brought to its attention and, if appropriate, conduct and internal investigation.

An internal investigation may consist of the following:

1. Interviews of the complainant, the respondent, or any other person whom the investigator determines may have pertinent factual information related to the retaliation complaint;
2. Examination of relevant documents; and
3. Any other action that may be necessary to adequately investigate the complaint.

Facts will be considered on the basis of what is reasonable of ordinary sensitivity and not on the basis of a particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the alleged retaliation.

## References

45 C.F.R. §164.530(g)

Texas Government Code, Chapter. 554, Protection for Reporting Violations of Law

IHOP Policy 3.1.9, *Discipline, Dismissal and Appeal Policy for Classified Employees*

IHOP Policy 7.1.3, *Student Conduct and Discipline*