



**SUB-TOPIC
REPORTING SUSPECTED VIOLATIONS AND PROTECTION FROM RETALIATION**

I. POLICY

The University of Texas at Dallas is committed to including employees in the process of ensuring that the University operates in an ethical, honest, and lawful manner. It is the policy of the University to:

- A. Encourage employees to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, known or suspected violations of laws, rules, policies, or regulations, or improper activities; and
- B. Prohibit unlawful retaliation against employees as a consequence of good faith actions in the reporting of, or the participation in an investigation pertaining to, allegations of wrongdoing.

II. DEFINITIONS

- A. Unlawful Retaliation – any action that adversely affects the employment or other institutional status of an individual (including discharging, demoting, suspending, threatening, harassing, or in any other manner discriminating against an employee in the terms and conditions of employment), that is taken by the University or its employee because the individual has, in good faith, made an allegation concerning the violation of a law, rule, policy, or procedure, or of inadequate institutional response thereto, or has cooperated in good faith with an investigation of such allegation.
- B. Appropriate Vice President – For the purpose of Section III. C., the term “Appropriate Vice President” means the Executive Vice President and Provost for complaints arising from academic areas; and the Senior Vice President for Business Affairs for complaints arising from all other units of the University.

III. PROCEDURES

A. Reporting and Investigating Allegations of Wrongdoing

- 1) All University employees have a personal and professional obligation to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, the following (collectively referred to as “wrongdoing”):
 - a. Illegal or fraudulent activity;
 - b. Financial misstatements, or accounting or auditing irregularities;
 - c. Conflicts of interest, or dishonest or unethical conduct;
 - d. Violations of the institution’s code of conduct; and
 - e. Violations of other laws, rules, or regulations.

Employees are expected to be truthful and cooperative in investigations of allegations of wrongdoing.

- 2) Employees shall report allegations of wrongdoing through administrative processes and procedures of the University and the U. T. System, including, but not limited to, those established:
 - a. Pursuant to Business Procedures Memorandum 50 pertaining to embezzlement, misappropriation, and other fiscal irregularities;
 - b. By specific policy, such as sexual harassment and employee grievances;
 - c. By the University’s Compliance Program; and
 - d. By the System-wide Compliance Program.



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B. Protecting Against Unlawful Retaliation

- 1) No University employee shall take any disciplinary or retaliatory action against any individual for, in good faith, reporting, or causing to be reported, suspected wrongdoing, or for assisting in an authorized investigation of alleged wrongdoing. The prohibition against disciplinary action does not extend to disciplinary action for self-reported violations.
- 2) If an employee believes that he or she has been subjected to any action that violates the non-retaliation provisions in Section B. 1, the employee may file a complaint in accordance with the procedures outlined in Section C.

C. Submission of Retaliation Complaint

- 1) A complaint alleging retaliation must be submitted in writing to the UTD Director of Human Resources. The complaint must contain the following information (the “mandatory information”):
 - a. Name of the complainant;
 - b. Contact information, including address, telephone, and e-mail address, if applicable;
 - c. Name of the person directly responsible for the alleged retaliation;
 - d. Date and place of the alleged retaliation;
 - e. Nature of the alleged retaliation;
 - f. Detailed description of the specific conduct that is alleged to constitute retaliation;
 - g. Copies of documents pertaining to the alleged retaliation;
 - h. Names of any witnesses to the alleged retaliation;
 - i. Corrective action requested by the complainant;
 - j. Complainant’s signature and date of filing; and
 - k. Any other relevant information.
- 2) The following communications do not constitute a retaliation complaint and will not be investigated or resolved pursuant to this process:
 - a. Oral allegations;
 - b. Anonymous communications;
 - c. Courtesy copies of correspondence or a complaint filed with others;
 - d. Inquiries that seek advice or information only; and
 - e. Pre-complaint consultations and informal resolution activities.
- 3) A written complaint must be filed within thirty (30) calendar days of the occurrence of the alleged retaliation.
- 4) Within five (5) working days after receipt of a written retaliation complaint, the Director of Human Resources will send the complainant a brief acknowledgment of the complaint, stating that the complaint will be evaluated, and advising the complainant that he or she will be contacted within a given time. The acknowledgment letter will be sent with a copy of this policy. The Director of Human Resources also shall keep the complainant apprised of the status of the



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- 4) investigation of the matter, to the extent that the Director of Human Resources determines that the communication does not compromise the integrity of the investigation.
- 5) Also within five (5) working days after receipt of a written retaliation complaint, the Director of Human Resources shall inform the unit head of the allegation. The Director of Human Resources also shall keep the unit head apprised of the status of the investigation of the matter. If the unit head is the subject of the investigation, however, then the Director of Human Resources shall provide this information instead to that individual's supervisor.
- 6) The Director of Human Resources shall inform the individual against whom the allegations are raised (the "respondent") of the nature of the allegations and of the status of the investigation at the point and to the extent that the Director of Human Resources determines that it will not compromise the integrity of the investigation.
- 7) The Director of Human Resources will initiate an investigation if the written, signed complaint contains all of the mandatory information and is timely, within the scope of this policy, and states sufficient specific facts, which, if determined to be true, would support a finding that the non-retaliation provisions of this policy were violated. Notwithstanding that the complaint meets the foregoing requirements, the Director of Human Resources may determine not to proceed with a complaint investigation for any one of the following reasons:
 - a. the complainant withdraws the complaint;
 - b. corrective action has been taken, or has been offered and rejected;
 - c. another complaint resolution process is more appropriate; or
 - d. litigation or another complaint process is pending.
- 8) If the Director of Human Resources determines not to proceed with a complaint investigation, he or she will send a notification letter to the complainant stating the reason for that determination. The notification letter will also include a statement informing the complainant that the complainant may appeal the determination not to proceed. The appeal must be delivered to the appropriate Vice President, or his or her designee, within ten (10) working days after the complainant's receipt of the notification letter. The appeal must be in writing and signed by the complainant and must state why the decision not to proceed with an investigation of the retaliation complaint was in error.
- 9) The Vice President or designee will respond within twenty (20) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned, the complaint is sent back to the Director of Human Resources for investigation in accordance with the procedures outlined below.
- 10) If it is determined that the institution will proceed with a retaliation complaint investigation, the Director of Human Resources, or his or her designee, will interview the complainant, the respondent, and any other persons whom the investigator determines may have pertinent factual information related to the retaliation complaint. The investigator shall also gather and examine relevant documents. Facts will be considered on the basis of what is reasonable to persons 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.



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- 11) During the retaliation complaint investigation process, the complainant and the respondent will provide the Director of Human Resources or designee with all documents relied upon regarding the issues raised in the complaint.
 - 12) The investigator will provide a proposed statement of findings, copies of relevant documents, and relevant physical evidence to the Vice President, or his or her designee, within thirty (30) working days of receipt of the respondent's statement, unless unusual circumstances require more time. The Vice President or designee and the investigator shall meet within ten (10) working days thereafter to discuss the findings.
 - 13) Within fifteen (15) working days after that meeting, the Vice President or designee shall take one of the following actions:
 - a) Request further investigation into the complaint;
 - b) Dismiss the complaint; or
 - c) Find that the non-retaliation provisions of this policy were violated, in which event the vice president or designee, following consultation with the investigator or other knowledgeable persons as appropriate, shall determine disciplinary or corrective actions to be taken.
 - 14) The Vice President or designee shall notify in writing the complainant, respondent, and appropriate unit head of his or her decision, and shall attach a copy of the final statement of findings to the notification. The Director of Human Resources shall retain copies of the Vice President's letter, the statement of findings, and relevant documents in accordance with the institution's records retention schedule.
 - 15) If a retaliation complaint is directed against an official who would otherwise act on the complaint, the function assigned to that official in these procedures will be delegated by the Vice President, or the President, as appropriate, to another person.
- D. If it is determined through the proceedings that an employee has experienced retaliation in violation of this policy, the University shall take appropriate corrective action.
- E. 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 determined to have made false accusations knowingly, or to have given false information during an investigation may be subject to disciplinary action, including termination of employment, in accordance with applicable institutional policies and procedures.