PURPOSE OF THIS POLICY

The University relies on individual faculty, staff, and students to report to the appropriate University officials when it appears that a member or members of the University community are not complying with the law or a university policy. The threat or fear of retaliation can be major deterrents to such reporting. The purpose of this policy is to clearly state that the University prohibits retaliation against those who make reports of possible non-compliance or participate in a complaint, investigation, grievance procedure, or hearing, or reasonably oppose a discriminatory practice, or invoke protected leave benefits such as Family Medical Leave or Parental Leave.

APPLICATION OF THIS POLICY

This policy applies to all members of the university community, including faculty, staff and other employees, students, and all others participating in university programs and activities.

DEFINITIONS USED IN THIS POLICY

*Materially Adverse Action:* Any action taken against an employee because the employee engaged in a protected activity that might deter a reasonable person from engaging in protected activity such as participating in any equal employment opportunity process.
Examples include unwarranted reprimands or negative evaluations; denial of promotion; refusal to hire; denial of job benefits; demotion, suspension and discharge; harassment, violence, or bullying; denial of committee assignments or professional development opportunities that could lead to further career advancement; and threats of any of these.

Reporter (Whistleblower): A person who makes a report of possible unlawful practice or violation of University policy or participates in a complaint, investigation, grievance procedure, hearing, or related activity. Reporters are sometimes referred to as “whistleblowers”. A “whistleblower” covered under this policy also includes someone who refuses to participate in an activity that would result in a violation of an applicable state or federal statute, rule or regulation.

Retaliation: Any materially adverse action taken against a reporter because they have participated or may participate in a protected activity such as making a complaint or report; serving as a witness; assisting in an investigation, grievance procedure, hearing, or related activity concerning an unlawful practice or violation of University policy; or opposing a discriminatory practice. For there to be retaliation, there must be a causal connection between the protected activity and the materially adverse action.

POLICY STATEMENT

Colorado State University prohibits retaliation, considers it a serious matter, and may impose disciplinary action against an employee for engaging in retaliation, in accordance with applicable policies and procedures (see References, below).

POLICY PROVISIONS

No person shall retaliate against another for:

1. Disclosing information concerning conduct that the reporter believes to be illegal or to violate a university policy;

2. Lodging a complaint, opposing a discriminatory practice, providing information or testimony, or otherwise participating in an investigation or university grievance proceeding or a legal or regulatory proceeding of an external enforcement agency; or

3. Cooperating or assisting in any manner with university officials carrying out an authorized employment action.
An adverse employment or academic decision or disciplinary action taken in accordance with established university procedures against an employee or student whose conduct or performance warrants such action will not constitute a violation of this policy, even if such action is later reversed, set aside, overruled, withdrawn or modified.

Examples of the types of retaliation that are prohibited include but are not limited to:

1. Violence, intimidation, harassment, threats, coercion, or bullying;
2. Taking a materially adverse action with respect to the reporter’s work assignments, salary, vacation or sick leave, and other aspects of employment;
3. Taking a materially adverse action against a relative or associate of the reporter as a means of retaliation against the reporter;
4. Interfering with an employee’s efforts to secure reasonable accommodations for an individual with a disability, or otherwise lawfully pursue their rights under the Americans with Disabilities Act or other disability law; and
5. Preventing an employee from inquiring about or otherwise discussing their compensation with others.

**Reporting Retaliation**

Reports of retaliation may be made using the [CSU System Compliance Reporting Hotline](https://www.csumanagedservices.org/compliance-center). Reports can be filed online, by phone call to (855) 263-1884, or by postal mail to:

Internal Auditing Department  
Attn: Reporting Hotline  
Colorado State University  
301 Johnson Hall  
0019 Campus Delivery  
Fort Collins, CO 80523-0019

Knowingly making a false report of retaliation in order to harm or undermine another person is also a violation of this policy and may be grounds for disciplinary action.

**Confidentiality**

Reports may be made anonymously, but doing so may hinder the University's ability to investigate and respond to the report. Confidentiality will be maintained to the extent possible, consistent with the need to conduct an adequate review and response.
Investigation

The University will investigate any reported violation of laws, regulations, policies, or procedures alleged to have been committed by a university official or employee. Anyone found to have engaged in such violations is subject to disciplinary action, up to and including termination of employment, subject to applicable University procedures. All members of the University community are expected and encouraged to report possible violations through appropriate University procedures through the Compliance Reporting Hotline. Results of the investigation may not be shared with the reporter due to applicable confidentiality requirements.

COMPLIANCE WITH THIS POLICY

The University considers retaliation to constitute a serious violation of university policy. Retaliation may subject an individual to university disciplinary sanctions and may also be a violation of the law subjecting the retaliator to civil and criminal prosecution.

For assistance with interpretation or application of this policy, contact the Office of Equal Opportunity or the responsible office overseeing a grievance or misconduct procedure.

REFERENCES

Colorado Employee Protection Act, C.R.S. § 24.50.5-101, et seq.

CSU Policy on Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation

CSU Policy on Violence in the University Community

CSU Policy on Workplace Bullying

Regarding disciplinary actions:

- For tenured faculty, section E.15 of the Academic Faculty and Administrative Professional Manual;
- For state classified personnel, the Human Resources Manual, section 3;
- For other employees, CSU Policy on Administrative Professionals and Non-Tenured Academic Faculty;

Policies of Colorado State University
Retaliation and Whistleblower Protection
• For students, the Student Conduct Code
### APPROVALS

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<td>Diana Prieto</td>
<td>Jannine Mohr, Deputy General Counsel</td>
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<td>Vice President for Equity, Equal Opportunity and Title IX</td>
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**FINAL APPROVAL:**
Colorado State University
Joyce E. McConnell, President

By:______________________________

Date:______________________________