POLICIES OF COLORADO STATE UNIVERSITY
UNIVERSITY POLICY

Policy Title: Retaliation and Whistleblower Protection
Policy ID # 3-0160-003

Effective Date: Click here to enter a date.
Category: 3. Human Resources

Policy Owner: Vice President for Equity, Equal Opportunity and Title IX
Contact(s): CSU System Compliance Reporting Hotline
Phone: (855) 263-1884
Office of Equal Opportunity
Email: oeo@colostate.edu
Phone: (970) 491-5836

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 faculty, staff, other employees and students.

DEFINITIONS USED IN THIS POLICY

Materially Adverse Action: Any action taken against a person because they engaged in a protected activity that might deter a reasonable person from engaging in the activity, such as participating in any complaint and/or investigation process. Examples include, but are not limited to, 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.

Protected Activity: Taking some action that is permitted or protected by state and/or federal laws with respect to employment discrimination, harassment, or other violation of law or CSU policy. Examples include, but are not limited to:

- Complaining about discrimination against oneself or others
- Complaining about fraud or misuse of public funds or resources
- Providing information or participating in a complaint, investigation, grievance procedure, hearing, or related activity
- Resisting harassing behavior
- Intervening to protect others from harassing behavior
- Requesting accommodation for a disability or for religious beliefs
- Complaining that pay practices are discriminatory

This list is not exhaustive, and there could be other examples of protected employee activity.

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 as set forth in this or any other University policy, considers it a serious matter, and may impose disciplinary action against an
employee or student 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 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 or student'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.

6. Threatening or taking materially adverse actions against a student that interferes with the student's education, training, and future career opportunities.
Reporting Retaliation

Reports of retaliation may be made using the CSU System Compliance Reporting Hotline. 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; however, doing so may hinder the University’s ability to investigate and respond to the report. Confidentiality, including the identity of the whistleblower, will be maintained to the extent possible, consistent with the need to conduct an adequate review and response.

Addressing Reported Violations

The University will address any reports of retaliation that is a 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. Results may not be shared with the Reporter in certain instances 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

CSU Policy on Discrimination and Harassment

CSU Policy on Title IX Sexual Harassment

CSU Policy on Violence in the Workplace

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

- For students, the Student Conduct Code
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