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

To define how the University provides for the protection of any person or group within its community from retaliation who, in good faith:

a. make reports of possible non-compliance;
b. participates in investigations, grievance procedures, or hearings;
c. invokes protected leave benefits such as Family Medical or Parental Leave; or
d. reports alleged violations of policies, laws, rules or regulations applicable to Colorado State University.

APPLICATION OF THIS POLICY

This policy applies to all university employees, students, contractors and affiliated persons.

EXEMPTIONS FROM THIS POLICY

None.
DEFINITIONS USED IN THIS POLICY

**Bad Faith Report**: A report made that is knowingly false and/or made with malicious intent.

**Good Faith Report**: A report made with an honest and reasonable belief that a university-related violation of law or policy may have occurred.

**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 Activities**: Good faith reporting, whether internally or externally, or inquiring about suspected wrongful or unlawful activity; assisting others in making such a report; and/or participating in an investigation or proceeding related to suspected wrongful or unlawful 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 University policy. Examples include, but are not limited to:

- Bringing a complaint about discrimination, harassment, or bullying against oneself or others
- Bringing a complaint 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 and discriminating behavior
- Intervening to protect others from harassing behavior
- Requesting accommodation for a disability or for religious beliefs
- Bringing a complaint 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**

The University encourages individuals to bring forward information and/or complaints about violations of state or federal law, University policy, rules, or regulations. Retaliation against any individual who, in good faith, reports and/or participates in the investigation of alleged violations, or who assists others in making such a report, is strictly forbidden. This policy does not protect an individual who knowingly files a report or provides information as part of an investigation that is false or is filed in bad faith. The University will take appropriate action, up to and including dismissal, against any employee, student, or affiliated person who violates this policy. 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). Application of this policy does not supersede other university policies addressing retaliation, but may be used as guidance.

**POLICY PROVISIONS**

No person shall retaliate against another for:

1. Disclosing information concerning conduct that the Reporter believes to be illegal or in violation of 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.

Any action taken or threatened that would dissuade a reasonable person from engaging in activities protected by this policy may also be considered retaliatory.

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

1. Violence, intimidation, harassment, threats, coercion, or bullying;
2. 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
3. Preventing an employee from inquiring about or otherwise discussing their compensation with others.
4. Threatening or taking materially adverse actions against a student that interferes with the student’s education, training, and future career opportunities.
5. Work-related threats, warnings, or reprimands;
6. Negative or lowered evaluations;
7. Transfers to less prestigious or desirable work or work locations;
8. Making false reports to government authorities or in the media;
9. Filing a civil action;
10. Threatening reassignment; scrutinizing work or attendance more closely than that of other employees, without justification;
11. Removing supervisory responsibilities;
12. Engaging in abusive verbal or physical behavior that is reasonably likely to deter protected activity, even if it is not yet "severe or pervasive" as required for a hostile work environment;
13. Requiring re-verification of work status, making threats of deportation, or initiating other action with immigration authorities because of protected activity;

14. Terminating a union grievance process or other action to block access to otherwise available remedial mechanisms;

15. Taking (or threatening to take) a materially adverse action against a close family member (who would then also have a retaliation claim, even if not an employee);

16. Unsubstantiated adverse performance evaluations or disciplinary action;

17. Adverse decisions relating to the terms or conditions of employment or education;

18. Interference with or denial of promotion or advancement opportunities (whether employment-related or academic);

19. Reduction in a student’s grade;

20. Interference with or denial of participation in University programs or activities;

21. Unfounded negative job references or interfering with one’s job search;

22. Denial or removal of co-authorship on a publication;

23. Repeated intimidation or humiliation, derogatory or insulting remarks, or social isolation which may occur indirectly or directly from co-workers and/or a supervisor; or

24. Physical threats and/or destruction of personal or state property

**Reporting Retaliation**

Reports of retaliation may be made using the [CSU System Compliance Reporting Hotline](https://www.colostate.edu/about/strategic-planning/torimpact/policies/). Reports can be filed online, by phone call to (855) 263-1884, or by postal mail to:

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

Office of General Counsel
Attn: Reporting Hotline  
Colorado State University  

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: Title IX Sexual Harassment  
CSU Policy: Discrimination and Harassment  
CSU Policy: Violence in the University Community  
CSU Policy: Bullying in the Workplace
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: Administrative Professionals and Non-Tenured Academic Faculty;
- For students, the Student Conduct Code
- CSU Policy: Consensual Relationships
### APPROVALS

**Policy Owner**  
Diana Prieto, Vice President for Equity, Equal Opportunity and Title IX

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**Legal Review**  
Jannine Mohr, Deputy General Counsel  
Office of General Counsel:

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**FINAL APPROVAL:**  
Colorado State University  
Joyce E. McConnell, President

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