

TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Employee Relations

NUMBER: 02.05.14

TITLE/SUBJECT: Retaliation Policy
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I. PURPOSE AND SCOPE

This policy has been established to inform all University employees of the prohibitions against retaliation. This policy applies to all faculty and staff employees of the University.

II. DEFINITIONS

1. Retaliation: any action that has the effect of punishing a person for engaging in a legally protected activity, such as alleging discrimination, making a discrimination or harassment complaint, or assisting in a discrimination or harassment investigation. The EEOC has determined that there are three (3) essential elements of a retaliation claim: (1) engaging in a legally protected activity; (2) an adverse employment action, such as suspension, demotion, or termination; and (3) a causal connection between engaging in the protected activity and the adverse employment action. Other examples of adverse employment actions include, but are not limited to, harassment, intimidation, threats or coercion.

III. POLICY PROVISIONS

1. It is the policy of Texas Southern University that positive employee relations and morale can best be achieved and maintained in an environment that promotes ongoing open communication between administration, staff, faculty, and students, including open and candid discussions of problems and concerns. The University encourages staff, faculty and students to express their issues, concerns or opinions without fear of retaliation or reprisal. Therefore, the University wishes to make clear that it considers acts or threats of retaliation to constitute a serious violation of University policy.
2. Retaliation against any person who seeks assistance from the Offices of General Counsel, Internal Audit, Institutional Compliance or Human Resources, or who files a claim of discrimination, including sexual harassment, is prohibited.
3. Direct or indirect retaliation against anyone who, in good faith, raises or points out compliance-related violations or issues is also prohibited.
4. There shall be no retaliation against any participant or witness in an investigation of a complaint, grievance or compliance violation.

5. Any employee who retaliates against a fellow employee or a student in violation of the law and/or this policy is subject to disciplinary action, up to and including termination of employment.
6. All administrators, managers and faculty should take proactive measures to assure staff or students that the University encourages the reporting of problems and prohibits retaliation or reprisal for reporting such problems.
7. Allegations of retaliation will be investigated by the Office of Human Resources.

IV. WHISTLEBLOWER PROVISIONS

1. Pursuant to federal law, the University may not suspend terminate, or otherwise discriminate against, a staff member who reports a violation of the law to the appropriate law enforcement authority or University official if the employee's report is made in good faith.
2. Employees wanting to report fraud and/or ethics violations should contact the Office of Internal Audit. Employees may also call the University's Fraud and Ethics Hotline at 1-866-588-3344.

V. REPORTING PROCEDURE

1. An employee who has a complaint of retaliation by anyone at work, including any supervisor, co-worker, or visitor, should report such conduct to his or her supervisor. In addition, the employee should report the retaliation to the University's Office of Human Resources. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee should go directly to the Office of Human Resources. If the complaint involves the Director of Human Resources, or other HR staff member, the employee should make a report to the University's Associate Vice President/CHRO.
2. All complaints must be submitted in writing within one hundred eighty (180) days of the incident (or last of a series of incidents) that is the basis of the complaint. For more information, contact the Office of Human Resources at 713-313-7521.
3. Any employee who believes he/she has been discriminated against in violation of this policy may file a grievance pursuant to the University's Complaint and Grievance Policy – MAPP 02.05.01.
4. Relief through a grievance proceeding may include:
 - 4.1. Reinstatement in former position;
 - 4.2. Compensation for wages lost during any period of suspension or termination and/or;

4.3. Reinstatement of any fringe benefits or longevity lost because of any suspension or termination.

VI. CONFIDENTIALITY

The University will make every attempt to keep the information provided in the complaint and investigation process confidential to the fullest extent permitted by the circumstances and allowed by law.

VII. ABANDONMENT OF COMPLAINT

1. The following acts on the part of the employee may constitute abandonment of a complaint:
 - 1.1. Failing to respond or take an action required by the procedure within the specified time limit;
 - 1.2. Failing to appear for a scheduled meeting without adequate cause; or
 - 1.3. Otherwise failing to advance the complaint in a timely manner, as determined by the Office of Human Resources.
2. The Associate Vice President/CHRO may unilaterally declare a complaint to be abandoned and close the file, or may undertake a review of the status of the complaint upon request of the department head. No further action or appeal will be allowed following such determination of abandonment and closure of the file.

VIII. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President/CHRO

Review: Every three years, on or before September 1

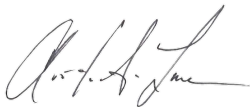
APPROVALS



Responsible Party/Policy Owner



Vice President



President

Effective Date 2/1/2018