



## NON-RETALIATION/WHISTLEBLOWER PROTECTION POLICY

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| Area: Employee Relations                          | Number: 2576       |
| Subject: Non-Retaliation/Whistleblower Protection | Issued: 03/2013    |
| Applies To: All employees                         | Revised: 12/2014   |
| Source:   | Updated: 02/5/2015 |

### Purpose

The University expects members of the Georgia Southern community to report compliance concerns. GSU employees have an affirmative duty to report wrongdoing in a timely manner and to refrain from retaliating against those who report violations or assist with authorized investigations. The purpose of this policy is to comply with applicable federal and state laws prohibiting retaliation, and to promote the fair treatment of members of the University community who make good faith reports of potential University-related violations of law, regulations or University policies.

### Policy

Retaliation against members of the University community who make good faith reports regarding potential University-related violations of laws, regulations, or University policies is prohibited. Violators may be subject to disciplinary action up to and including termination.

#### Definitions:

**Good faith:** Honest belief that the information provided in support of a compliance concern is truthful based on the existing information. However, it does not mean that an individual has to be right.

**Wrongdoing:** Violations of GSU policies, state or federal law, violations of ethical and professional conduct, and fraud, waste, or abuse.

**Fraud:** A false representation of a matter of fact that is intended to deceive another. A fraudulent act may be illegal, unethical, improper, or dishonest.

**Waste:** The expenditure or allocation of resources in excess of need that is often extravagant or careless.

Abuse: The intentional, wrongful, or improper use of resources. Abuse may be a form of wastefulness, as it entails the exploitation of “loopholes” to the limits of the law, primarily for personal advantage.

## **Conduct to Report**

Wrongdoing should be reported. Examples of wrongdoing include, but are not limited to: GSU policy violations, discrimination, harassment, research misconduct, academic misconduct, and privacy violations. Fraud, waste, and abuse are defined further as follows:

A fraudulent should be reported and may include, but is not necessarily limited to:

- Embezzlement
- Misappropriation
- Alteration or falsification of documents
- False claims
- Asset theft
- Inappropriate use of computer systems
- Bribery or kickbacks
- Conflict of Interest
- Intentional misrepresentation of facts

Both *Waste* and *Abuse* should also be reported.

## **Procedure**

The University is committed to conducting its affairs honestly, ethically, and in compliance with applicable laws and regulations. Members of the University community are encouraged to report good faith concerns about University-related violations of laws, regulations or University policies. Attempts to resolve any such concerns normally should be made by contacting the appropriate supervisor or other contact person within the individual’s unit. If the member is, for any reason, uncomfortable with doing so, reports may be made directly to the University officials responsible for the subject area in question to the Equal Opportunity & Title IX, Office of Legal Affairs, or Human Resources.

Wrongdoing, fraudulent behavior, waste, abuse, or additional concerns can also be reported anonymously through the University’s toll free, 24-hour Ethics & Compliance Reporting Hotline at 877-516-3445 (*please reference the Ethics & Compliance Reporting Hotline for more detailed information*). One may also contact Global Compliance via the web at <https://georgiasouthern.alertline.com/gcs/welcome>.

Additionally, reports may be made to relevant external entities or governmental agencies responsible for the enforcement of laws containing non-retaliation provisions.

## **Protection against Retaliation – Whistleblower Protection**

GSU employees may not interfere with the right of another employee to report concerns or wrongdoing, and may not retaliate against an employee who has reported concerns or wrongdoing, who has cooperated with an authorized investigation, who has participated in appeal procedure, or otherwise objected to actions that are reasonably believed to be unlawful, unethical or a violation of GSU policy. The University will review complaints of retaliation. Anyone who believes he or she has been the victim of retaliation for reporting discrimination or harassment, or participating or cooperating in an investigation, should immediately contact the Associate Vice President for Human Resources. Any person found to have retaliated against a person who has participated or cooperated in an investigation will be in violation of this policy and will be subject to disciplinary action.

Federal guidelines state that employers who have violated workplace retaliation laws can be required to reinstate the employee, pay back wages and may be subject to punitive damages because of workplace harassment or retaliation when an employee has been successful at proving retaliation.

### **Conduct Prohibited**

A department may not fire, demote, harass, or otherwise “retaliate” against an individual. Retaliation is any action or behavior that is designed to punish an individual for reporting concerns or wrongdoing, cooperating with an investigation, participating in a grievance or appeal procedure or otherwise objecting to conduct that is unlawful, unethical, or violates GSU policy.

#### **Types of Retaliation:**

- Employment actions such as termination, refusal to hire, and denial of promotion.
- Unfair treatment as a result of the employee’s reaching out to: Human Resources, the supervisor’s unit head, Equal Opportunity & Title IX, etc. regarding their specific concerns.
- Other actions affecting employment such as threats, unjustified negative emotions, unjustified negative references, or increased surveillance.
- Any other action such as an assault or unfounded civil or criminal charges that is likely to deter reasonable people from pursuing their rights.
- Discloses, or threatens to disclose, information about a situation they feel is inappropriate, or potentially illegal.
- Provides information to or testifies against the alleged offending individual or Georgia Southern University.
- Objects to, or refuses to participate in, an activity they feel are in violation of federal and/or state law, Georgia Southern University and USG System policy, or accreditation requirements;
- Is involved in any compliance review or peer review process; or
- Files a valid or legitimate report or a complaint, or an incident report.

### **Post-Employment Retaliation**

- Designed to interfere with an individual's prospects for employment, such as giving an unjustified negative job reference;
- Refusing to provide a job reference; or
- And informing an individual's prospective employer about the individual's protected activity

### **False Reports/False Information**

Any employee who knowingly makes false reports, made with malicious intent, or with reckless disregard for/willful ignorance of facts that would disprove the allegation made, are not good faith reports, are prohibited by this Policy, and may subject the violator to disciplinary action. Additionally, any employee who intentionally provides false information during an investigation may be subject to disciplinary action, up to and including termination.