



## UT System Administration Policy Library – Policy UTS131 Protection from Retaliation for Reporting Suspected Wrongdoing

Responsible Officer: Executive Vice Chancellor for Business Affairs

Sponsoring Office: System Audit Office

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Errors or changes to: [policyoffice@utsystem.edu](mailto:policyoffice@utsystem.edu)

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## **POLICY STATEMENT**

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UT System is committed to including employees in the process of ensuring that UT System operates in an ethical, honest, and lawful manner. It is therefore the policy of UT System to:

- a.** Encourage employees to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, known or suspected violations of laws, rules, policies, or regulations, or improper activities; and
- b.** Prohibit unlawful retaliation against employees as a consequence of good faith actions in the reporting of, or the participation in an investigation pertaining to, allegations of wrongdoing.

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## **RATIONALE**

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The purpose of this policy is to provide requirements and guidelines for the protection of individuals from retaliation for good faith actions in reporting, or participating in an investigation pertaining to, alleged violations of laws, rules, policies, or procedures applicable to The University of Texas System (UT System). The procedures within this policy are intended to aid administrators in complying with university policies that protect against unlawful retaliation by UT System as a consequence of such good faith actions. This policy does not establish any additional rights or causes of action.

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## **SCOPE**

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All institutions and UT System Administration

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## **WEBSITE ADDRESS FOR THIS POLICY**

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<http://www.utsystem.edu/policy/policies/uts131.html>

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## RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

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UT System Administration Policies & Standards	Other Statutes, Policies & Standards
	<a href="#">Texas Education Code § 65.31</a>

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## CONTACTS

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If you have any questions about UT System Administration Policy UTS 131, *Protection from Retaliation for Suspected Wrongdoing*, contact the following offices:

Subject	Office Name	Telephone Number	Email/URL
	Office of General Counsel	512-499-4462	<a href="mailto:ogcemail@utsystem.edu">ogcemail@utsystem.edu</a> <a href="http://www.utsystem.edu/ogc/">http://www.utsystem.edu/ogc/</a>

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## DEFINITIONS

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**Unlawful Retaliation:** Any action that adversely affects the employment or other institutional status of an individual (including discharging, demoting, suspending, threatening, harassing, or in any other manner discriminating against an employee in the terms and conditions of employment), that is taken by the institution or its employee because the individual has, in good faith, made an allegation concerning the violation of a law, rule, policy, or procedure, or of inadequate institutional response thereto, or has cooperated in good faith with an investigation of such allegation.

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## RESPONSIBILITIES

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### UT Institutions

- Adopts procedures for the handling of allegations of wrongdoing and for protecting against unlawful retaliation in accordance with this policy.

### UT System Employees

- Reports, or causes to be reported, and assists in any investigation of wrongdoing through administrative processes and procedures of the institution and UT System.

### Vice Chancellor for Administration

- Officially interprets this policy and is responsible for revising it as necessary to meet the changing needs of The University of Texas System and statutory requirements.

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## PROCEDURES

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### 1. Implementation

To implement this policy, each institution shall adopt or has adopted procedures for the handling of allegations of wrongdoing and for protecting against unlawful retaliation. The procedures, at a minimum, shall comply with this policy and shall be published in the institutional *Handbook of Operating Procedures*.

### 2. Reporting and Investigating Allegations of Wrongdoing

**2.1** All UT System employees have a personal and professional obligation to report, or cause to be reported, and to assist in any investigation by persons authorized or responsible for such matters, the following (collectively referred to as “wrongdoing”):

- a. Illegal or fraudulent activity;
- b. Financial misstatements, or accounting or auditing irregularities;
- c. Conflicts of interests, or dishonest or unethical conduct;
- d. Violations of the institutions code of conduct; and
- e. Violations of other laws, rules, or regulations.

Employees are expected to be truthful and cooperative in investigations of allegations of wrongdoing.

**2.2** Employees shall report allegations of wrongdoing through administrative processes and procedures of the institution and UT System, including but not limited to those established:

- a.** Pursuant to Business Procedures Memorandum 50 pertaining to embezzlement, misappropriation, and other fiscal irregularities;
- b.** For other specific issues, such as sexual harassment and employee grievances;
- c.** By the institution's Compliance Program; and
- d.** By the System-wide Compliance Program.

**2.3** All such processes and procedures shall contain the following elements:

- a.** A requirement that a designated official directly and regularly communicate with the individual who reported the allegation to keep the individual apprised of the status of the investigation, to the extent that the communication does not compromise the integrity of the investigation and provided that either the identity of the individual is known or the report is made through a process that allows for the individual to call back for progress updates;
- b.** A requirement that the officer receiving the allegation inform the unit head (or appropriate administrative official) of the allegation and a requirement that the officer with responsibility for investigating the matter keep the unit head apprised of the status of the investigation of the matter. If the unit head is the subject of the investigation, however, then the officer shall provide such information instead to the unit head's supervisor;
- c.** A requirement that, at the point and to the extent that the investigator determines that it will not compromise the integrity of the investigation, the investigator notify the individual against whom allegations are raised of the nature of the allegations and inform the individual of the status of the investigation;
- d.** A mechanism for evaluating allegations and determining the appropriate resolution or investigatory process;
- e.** A timeline for completing the evaluation and investigation of the allegation; and
- f.** A mechanism for elevating institutionally significant reports to the attention of the Audit, Compliance, and Management Review Committee of the Board of Regents. The mechanism is subject to the approval of the UT System Chief Audit Executive.

### **3 Protecting Against Unlawful Retaliation**

**3.1** No UT System employee shall take any disciplinary or retaliatory action against any individual for, in good faith, reporting, or causing to be reported, suspected wrongdoing, or for assisting in an authorized investigation of alleged wrongdoing. The prohibition against disciplinary action does not extend to disciplinary action for self-reported violations.

**3.2** Each institution shall adopt written procedures for receiving and investigating allegations of actions that violate the non-retaliation provisions in **Section 3.1**. Sample procedures that an institution may, but is not required to, adopt are contained in the attachment to this Business Procedures Memorandum.

**3.3** If an employee believes that he or she has been subjected to any action that violates the non-retaliation provisions in **Section 3.1**, the employee may file a complaint in accordance with the procedures adopted by the employee's institution pursuant to **Section 3.2** above.

**3.4** If it is determined through the institution's retaliation complaint proceedings that an employee has experienced retaliation in violation of **Section 3.1**, the institution shall take appropriate corrective action.

**3.5** This **Section 3** does not protect an employee who files a report or provides information that he or she knows to be false or who does not have a reasonable belief in the truth and accuracy of the information. An employee who is determined to knowingly have made false accusations or given false information during an investigation may be subject to disciplinary action, including termination of employment, in accordance with applicable institutional policies and procedures.

#### **4 Posting Notice of Procedures for Reporting Wrongdoing or Retaliation**

**4.1** Each institution will publish on its web site contact information for receiving allegations of wrongdoing and allegations of retaliation. While the contact information may be published on the web page specific to a particular administrative process or procedure, the institution shall also publish one web page on which contact information for all relevant processes and procedures is provided. The central web page shall also include links to the applicable processes and procedures for which contact information is given.

**4.2** The central web page shall also include a notification that if the alleged wrongdoing is significant or widespread or applies to the UT System as a whole, or if the individual is uncomfortable reporting the matter to the individual's institution, the individual may submit a report to the:

- a. System-wide Compliance Hotline;
- b. System-wide Compliance email address;
- c. UT System Chief Audit Executive;
- d. UT System-wide Compliance Officer; or

Vice Chancellor and General Counsel and UT System Ethics Officer.

#### **5. Interpretation**

The Vice Chancellor for Administration officially interprets this Business Procedures Memorandum and is responsible for revising it as necessary to meet the changing needs of The University of Texas System and statutory requirements.

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## FORMS AND TOOLS/ONLINE PROCESSES

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**Attachment:** [Sample Procedures for the Handling of an Allegation of Retaliation](#)

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## APPENDIX

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None

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Keywords: retaliation, reporting, fraud, whistleblower, whistleblowing, whistle blowing, personnel

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