

INTERIM University Policy

POLICY NAME: Policy on Protection from Retaliation for Reporting Misconduct

POLICY NUMBER: INTERIM POLICY

Authority Title and Review Information:	Name and Date
Approval Authority:	President
Responsible Executive:	Executive Vice President for Administration and Provost
Responsible Office:	Human Resources and Faculty & Academic Staff Affairs
Responsible Officer:	Vice President of Human Resources and Vice Provost for Faculty & Academic Staff Affairs
Policy Category:	
Effective Date:	
Last Review Date:	
Next Review Date:	NOTE: Interim policies must undergo the complete process for approval of a new policy or revision within 18 months of issuance. If the Responsible Office fails to complete the policy process within 18 months of issuance, the policy may be removed from the University Policies website and be deemed ineffective at that point

I. POLICY STATEMENT

Retaliation by University Community Members against employees or students who in good faith report or participate in a review or investigation into Misconduct is prohibited. Protection from Retaliation is essential to the University’s mission to create a safe and respectful learning and working environment. Employees and students must be able to report in good faith behavior they believe violates legal and policy standards without fear of Retaliation.

This policy does not replace other University policies that prohibit retaliation. Where another more specific policy or procedure applies, such as the University’s Anti-Discrimination Policy; Relationship Violence and Sexual Misconduct and Title IX Policy; Mandatory Reporting for Relationship Violence, Sexual Misconduct, and Stalking Policy;

or Procedures Concerning Allegations of Misconduct in Research and Creative Activities, concerns of retaliation will be evaluated under the more specific policy.

II. SCOPE

This policy applies to University Community Members, who are defined below as a member of the University's Board of Trustees, officers, administrators, executive managers, faculty (paid or unpaid), staff, employees, visiting scholars, volunteers and other persons acting on behalf of the University.

III. DEFINITIONS

Adverse Action: an action that has a materially adverse impact on an individual. In the context of employment, it includes, but is not limited to, a demotion, termination, decrease in wages or salary, a material loss of benefits, significantly diminished material responsibilities, or other material changes to the terms or conditions of employment. Adverse action in the context of education includes, but is not limited to, a grade not based on class or test performance; denial of access to a course, program, organization, or housing; denial of support, services or other assistance given to other students; denial of an award or scholarship that otherwise would have been received.

Misconduct: wrongful conduct, by the University or a University community member that is illegal under applicable federal, state, or local laws, is fraudulent, or is in violation of any of the University's policies or procedures. Misconduct includes, but is not limited to, violations of University policy and the law including academic misconduct, fraud, unauthorized use of the University's property or resources, fraudulent or dishonest financial reporting, bribery, or kickbacks. For purposes of this policy, Misconduct does not include conduct prohibited by the University's Anti-Discrimination Policy or the Relationship Violence and Sexual Misconduct and Title IX Policy.

Protected Activity: a good faith report¹ of Misconduct or participation in a review or investigation of Misconduct.

Retaliation: a materially adverse action taken because of an individual's Protected Activity.

University Community Member: a member of the University's Board of Trustees, officers, administrators, executive managers, faculty (paid or unpaid), staff, employees, visiting scholars, volunteers and other persons acting on behalf of the University.

IV. POLICY

¹ This includes actions indicating an individual is about to report Misconduct.

The University prohibits Retaliation against individuals who report or are about to report suspected Misconduct or participate in a review or investigation of Misconduct.

The University values University Community Members' right to freedom of speech, expression, religion, assembly, and the preservation of academic freedom. This Policy shall not be interpreted to violate First Amendment rights, or to chill speech or expression.

V. POLICY PROCEDURES

A. Reporting Retaliation

Employees and students who experience or learn about Retaliation are encouraged to report the incident as soon as possible to a University official. Supervisors and administrators are expected to report incidents of Retaliation they observe or learn about in the workplace, classroom, or otherwise as soon as practical.

Reports should be made to the following University resources:

- Supervisor or Manager
- Department Head
- Professor/Instructor
- Human Resources; (517) 353-4434 or 800-353-4434
- Office of Employee Relations; (517) 353-5510; hr.er@hr.msu.edu
- Office for Faculty & Academic Staff Affairs; 517-353-5300;
<https://fasaffairs.msu.edu>
- Faculty Grievance & Dispute Resolution Office; 517-353-8884;
<https://fgo.msu.edu>
- University's Misconduct Hotline- Anonymous; 800-763-0764;
<https://misconduct.msu.edu>

Confidential Resources – employees or students may choose to discuss incidents with a confidential resource like the ones listed below. A conversation or contact with a confidential office will generally not result in a report to the University.

- MSU Counseling and Psychiatric Services (CAPS) (<http://caps.msu.edu/>)
- MSU Employee Assistance Program (<http://eap.msu.edu>)
- University Ombudsperson (<https://ombud.msu.edu/>)

B. Response to Reports of Retaliation

The University is committed to a fair fact-finding inquiry, investigation, or other University dispute resolution process in response to reports of Retaliation and will offer individuals

a reasonable opportunity to be heard. Decisions about Retaliation will be based on available information, University policies, and applicable laws.

VI. VIOLATIONS

Employees who violate this policy may be subject to disciplinary action, including dismissal, pursuant to the applicable employee disciplinary process.

VII. RELATED INFORMATION AND ATTACHMENTS

VIII. HISTORY

*To be completed by the Office of Audit, Risk and Compliance

Action	Description
Issued:	
Approved by:	
Revised:	