

Campus Administrative Policy

Policy Title: Whistleblower and Retaliation Policy

Policy Number: 3040 Functional Area: General Administration

Effective: October 11, 2019
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Supersedes: N/A—New Policy

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Responsible Officer: Executive Vice Chancellor for Administration and Finance |
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Applies to: CU Anschutz
 CU Denver
 CU South Denver Location

A. INTRODUCTION

The University of Colorado Denver | Anschutz Medical Campus (“university”) is committed to conducting its affairs and its tri-part mission of Education, Research, and Clinical Affairs ethically and in accordance with federal and state laws and regulations as well as university policy. Each member of the faculty, staff and student body is expected to share in that expectation. To that end, the university is committed to investigating allegations where an employee or student brings forwards concerns and is retaliated against in response.

B. POLICY STATEMENT

1. Retaliation is a negative action that would dissuade a reasonable person from engaging in the protected conduct or complaint. Examples include but are not limited to retaliation for raising allegations of research misconduct, retaliation for raising violation of federal policies regarding human subjects research, fiscal management, or retaliation for raising violations of federal financial aid policy.
2. A whistleblower is an individual who discloses information to the university, a governmental agency/legislator of university activity that is in violation of law, rule or regulation, an abuse of authority, waste of public funds, or mismanagement of public funds. All funds at the university are public funds. Whistleblowers may also be employees or students who provided information to the university or a governmental agency conducting an investigation, hearing or inquiry into alleged violations by the university of any law, rule or regulation, or employees or students who object to or refuse to participate in any activity, policy or practice of the university which is in violation of any law, rule or regulation. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate university management officials are charged with these responsibilities. The employee or student must exercise sound judgment to avoid baseless allegations.
3. This Policy is not intended to replace or supersede the authority of the Office of Internal Audit and its responsibilities to investigate fiscal misconduct and other possible university violations. Allegations regarding the fiscal misconduct of funds must be forwarded to Internal Audit: <http://www.cu.edu/internalaudit%20/fraud-and-fiscal-misconduct-awareness-and-reporting>
4. Reporting. If an employee or student has knowledge or information of retaliation or violation of law, rule or regulation, an abuse of authority, waste of public funds, or mismanagement of public funds, the employee or student is encouraged to (i) contact their immediate supervisor or the chair of their school, college, or department, (ii) submit a report via the [ethics point website](#), or (iii) to report the alleged retaliation to the [Office of Human Resources for investigation](#). Any investigation carried out under this directive and conducted by the Office of Human Resources will be forwarded to the appropriate appointing/deciding authority for follow up.

Notes

1. Dates of official enactment and amendments:

October 9, 2019: Adopted/Approved by both Chancellors
2. History:

October 9, 2019: This policy commits CU Denver and CU Anschutz to investigating allegations where an employee or student brings forward concerns or complaints and is retaliated against in response.

3. Initial Policy Effective Date: October 11, 2019
4. Cross References/Appendix:
 - See Associated Campus Procedures

Whistleblower and Retaliation Procedures

In accordance with Campus Policy 3040, the University of Colorado Denver | Anschutz Medical Campus (“the university”) prohibits retaliation as well as any violation of law, rule or regulation, an abuse of authority, waste of public funds, or mismanagement of public funds and is committed to maintaining an environment that is free from all such acts. All funds at the university are public funds.

DEFINITIONS

Retaliation, as defined in Campus Policy 3040, is defined as a negative action that would dissuade a reasonable person from engaging in protected conduct or submitting a complaint or concern. Examples include but are not limited to retaliation for raising allegations of research misconduct, retaliation for raising violation of federal policies regarding human subjects research, or retaliation for raising violations of federal financial aid policy.

A Whistleblower, as defined by Campus Policy 3040, is an individual who discloses information to the university, a governmental agency/legislator of university activity that is in violation of law, rule or regulation, an abuse of authority, waste of public funds, or mismanagement of public funds. Whistleblowers may also be employees or students who provided information to a governmental agency conducting an investigation, hearing or inquiry into alleged violations by the university of any law, rule or regulation, or employees or students who object to or refuse to participate in any activity, policy or practice of the university which is in violation of any law, rule or regulation.

RETALIATION PROHIBITED

Retaliation against any person for bringing forward or participating in the investigation of a complaint is prohibited. Such acts may form independent grounds for taking appropriate corrective or disciplinary action against the perpetrator.

RESPONSIBILITIES

All university employees or students must refrain from retaliating or violating any law, rule or regulation, an abuse of authority, waste of public funds, or mismanagement of public funds.

FORMAL COMPLAINT PROCESS

Any employee or student who has allegations that may constitute a violation of the Whistleblower and Retaliation Policy should report the incident in writing to the Office of Human Resources (“HR”) by completing the Whistleblower and Retaliation Incident Report Form. HR will gather information to determine whether the respondent’s behavior is a violation of the Whistleblower and Retaliation Policy.

If it is determined that the facts as alleged would constitute a violation of the

Whistleblower and Retaliation Policy, HR will begin an inquiry into the matter.

Depending on the situation, the university will take reasonable measures to ensure that no further violations of the Whistleblower and Retaliation Policy occur. Such measures may include a change in workspaces, a change in work schedules, or a change in supervision or oversight.

The inquiry may include:

- An interview with the complainant;
- An interview with the respondent;
- A review of any previous complaints involving either the complainant or the respondent;
- Interviews with other witnesses who may have knowledge of the alleged incident;
- A review of all other relevant documentation and evidence (e.g. emails, text messages, video footage).

If an interview is conducted with the complainant, they may bring an advisor of their choice to be present during any interview, which can include, but is not limited to an attorney or advocate. Advisors are not authorized to participate instead of the complainant or speak on behalf of the complainant.

The inquiry will be completed as soon as practicable after receipt of the report.

A preponderance of the evidence standard will be used to determine whether the alleged conduct violates the Whistleblower and Retaliation Policy.

Upon completion of the inquiry, HR will respond in writing to the complainant and the respondent with the findings, and whether there was found of violation of the Whistleblower and Retaliation Policy.

SANCTIONS/CONSEQUENCES

Individuals who engage in violations of the Whistleblower and Retaliation Policy may be subject to corrective and/or disciplinary action, up to and including dismissal or expulsion, or other action as determined appropriate, in consultation with HR, by the appointing authority or the relevant School, College, or Department.

OTHER POLICIES AND PROCEDURES

Nothing in the Whistleblower and Retaliation Policy or these procedures is intended to prohibit discipline or remedial action for inappropriate behaviors that do not violate the Whistleblower and Retaliation Policy, but which are, or may be, prohibited by other university policies or procedures.

Whistleblower and/or Retaliation Incident Report

Name and contact information of person reporting:

(Name) _____ (Phone) _____ (Email) _____

Name of alleged policy violator: _____

Date(s) of alleged incidents: _____

Location(s) of alleged incidents: _____
(Include name of school/building and location in building)

Witness(es) to Incident: _____

Description of alleged incidents:

Factors that should be considered in response to alleged incident(s):

Today's Date: _____