

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

DUTY TO REPORT AND PROTECTION FROM RETALIATION

Number 06.09.03

Division Finance and Administration - Office of Risk Management and Compliance

Date December 6, 2021; revised March 28, 2023

Purpose The University of Alabama in Huntsville (“UAH”) strives to promote an organizational culture that encourages ethical conduct and compliance with the law by creating a safe environment where faculty, staff, and students can and are expected to raise concerns about possible misconduct without retaliation.

This policy applies to all UAH employees (regardless of category or status), students, and volunteers. (“UAH Members”).

Policy

I. DEFINITIONS

For purposes of this policy, the following definitions apply:

Good Faith: An honest, reasonable belief that Wrongful Conduct has occurred or is occurring. A belief does not have to be proven true to be Good Faith.

Bad Faith: Knowingly making a statement that is misleading, false, or deceptive, or willfully ignoring facts that would disprove a belief that Wrongful Conduct has occurred.

Retaliation: Adverse action(s) taken against an individual who makes a Good Faith report of Wrongful Conduct or who participates in an investigation. Examples of such actions include, but are not limited to:

- Unjustified termination of employment, demotion, suspension, refusal to hire, denial of training and/or promotion, or threats of the same;
- Unjustified actions affecting employment such as unjustified negative evaluations, unjustified negative references, inequitable compensation or benefits, increased surveillance, or threats of the same;
- Discrimination, harassment, or bullying by intimidation, humiliation, or social isolation, which can occur directly or indirectly (e.g., via e-mail, social or professional networking sites, etc.);
- Creation of a hostile, intimidating, or offensive working environment;

- Treatment disparate to others similarly situated, including addressing performance issues that had been allowed or accepted prior to his/her Good Faith report;
- Unjustified actions affecting academic career or degree progress (such as unjustified grading, negative references, thesis or dissertation committee decisions, etc.); or
- Any other action, threat, or comment, either direct or implied, that is likely to deter an individual from reporting or raising concerns or cooperating with investigations.

Retaliation does not include the following:

- Appropriate consequences resulting from a violation of a law, rule, policy, or procedure; or
- Appropriate consequences justified by poor performance or history.

Wrongful Conduct: Examples include, but are not limited to:

- Illegal or fraudulent activity;
- False claims, financial misstatements, or accounting or auditing irregularities;
- Falsification of any official documents, reports, or statements;
- Undisclosed or unmanaged conflicts of interests or commitments;
- Physical, sexual, verbal, or mental abuse;
- Unlawful harassing or discriminatory conduct;
- Gross mismanagement of a contract or grant;
- Gross waste of funds or other resources;
- Abuse of authority, including that relating to a contract or grant;
- Giving false information, knowingly making false statements, or failing to cooperate in an investigation;
- Violating safety, fire prevention, health, or security rule, policy or practice; or creating or contributing to unhealthy or unsanitary conditions;
- Conduct creating a substantial and specific danger to public health or safety, or to University-owned or University-controlled property;
- Unlawful possession, consumption, or distribution of illicit drugs or controlled substances on University premises or while performing job duties;
- Possessing and consuming alcohol on campus that conflicts with the University's drug and alcohol policies or state and federal law;
- Using University property for private gain;
- A violation of law, regulation, University policy or code of conduct, contractual obligation, or grant;
- Falsification, fabrication, or plagiarism of research or scholarly activities, or the pressure or demand to do the same; or

- Retaliation against any individual who reports Wrongful Conduct in Good Faith, or who participates in the investigation of Wrongful Conduct.

UAH Member: All UAH employees (regardless of category or status), students, and volunteers.

II. REPORTING WRONGFUL CONDUCT

UAH is committed to upholding all laws, regulations, and policies governing its activities. UAH Members are expected to report Wrongful Conduct and cooperate with investigations as set forth below, understanding that they are protected by doing so in Good Faith.

Reporting Responsibility (Duty to Report)

All UAH Members have a duty to properly report, or cause to be properly reported, any Wrongful Conduct. Additionally, as appropriate, UAH Members must cooperate with any investigation.

Concerns of Wrongful Conduct posing actual or imminent danger or threats of violence to persons or property are to be immediately reported to the UAH Police by calling 256-824-6911 and/or 911.

Anyone reporting Wrongful Conduct must act in Good Faith. Any report determined to be made in Bad Faith is a violation of this policy.

Reporting Procedures

Individuals should feel free to direct their concerns relating to Wrongful Conduct to any UAH employee who can properly address those concerns. In most cases, a direct advisor, manager, or supervisor may be the person best suited to address concerns.

If such a person is not available, does not satisfactorily respond, has a conflict of interest, or in situations where an individual prefers to place an anonymous report in confidence, the individual is encouraged to use the UAH Ethics hotline, hosted by a third-party provider. The hotline reporting tool is found here: <https://www.uah.edu/compliance/ethics>

Students can be referred to the Dean of Students Office through the Charger 360 reporting tool found here: <https://www.uah.edu/charger360>

Revealing the identity of individuals reporting Wrongful Conduct will be treated with discretion in the investigatory process insofar as the law or federal regulations allow. Reports made to the UAH Ethics Hotline may be made

anonymously. However, UAH encourages anyone reporting Wrongful Conduct to identify themselves when making a report in order to help facilitate the investigation of the Wrongful Conduct.

III. REVIEW AND INVESTIGATION

UAH is committed to prompt and thorough review of concerns of Wrongful Conduct. Review processes may vary based on the subject matter and the unit or body conducting the review. Where warranted based on the conclusions of a review, UAH will take appropriate actions to correct errors, eliminate deficient practices, and/or make improvements.

UAH officials, advisors, or supervisors receiving a report or other information relating to Wrongful Conduct should promptly review and/or escalate such a report or information as outlined in this Policy.

Investigations of Wrongful Conduct are handled through, and in accordance with, established UAH student and employment policies and procedures.

IV. RETALIATION

Any UAH Member who retaliates against an individual who has reported Wrongful Conduct, in Good Faith, or who has participated in the investigation of Wrongful Conduct has violated this policy.

Any UAH official, advisor, manager, or supervisor receiving a report or other information related to possible Retaliation must address the report and immediately send notification to the Office of Risk Management and Compliance. Such notification must be done prior to initiating an investigation or taking action, unless such action is immediately needed to protect employees, visitors, students, patients, public health or safety, animal welfare, environment, or property.

Office of Risk Management and Compliance

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V. NON-COMPLIANCE

Confirmed violations of this policy will result in appropriate consequences commensurate with the offense, up to and including dismissal from the University or termination of employment, appointment, or other relationships with UAH. Interim actions may be taken by UAH prior to final resolution. Disciplinary actions will be handled through and in accordance with established

UAH student and employment policies and applicable handbooks. Individuals may also be subject to arrest or criminal prosecution.

Review

The Office of Risk Management and Compliance is responsible for the review of this policy every five (5) years or whenever circumstances require.