

# Standard Practice Guide Policies

## Protection from Retaliation

601.90

**Applies to:** All faculty, staff, students and other members of the University community

### I. POLICY STATEMENT

The University is committed to protecting University Community Members\* from Retaliation, both in the short-term and over the course of their educational and/or professional career at the University. Retaliation against any member of the University of Michigan community who in good faith reports or participates in an inquiry or investigation into Wrongful Conduct is prohibited. The University's culture of excellence is sustained when members of the community are accountable for behavior that conforms to legal, policy and other expectations. Members of the University community will not be retaliated against when reporting their good faith belief that these expectations have been compromised. A culture without sufficient support for those who voice their concerns is harmful to the individual and to the University community..

\* All capitalized terms are defined below.

### II. POLICY VIOLATIONS

Acts or threats of Retaliation in response to good-faith reports of Wrongful Conduct violate this policy. A University Community Member who is found to have engaged in Retaliation against another University Community Member in violation of this Policy or other University policies or laws prohibiting Retaliation shall be subject to corrective actions, up to and including discharge or dismissal for employees and sanctions up to and including expulsion for students.

### III. COMMITMENT TO MITIGATE AND ELIMINATE THE POTENTIAL FOR RETALIATION

The University will provide ongoing training and education designed to identify, mitigate, and eliminate Retaliation, and support resources for members of the University Community who report concerns and participate in inquiries or investigations including those alleged to have violated this policy. In addition, as set forth in Section IV below, whenever appropriate, the University may develop long-term mitigation plans that are written and binding on all parties to a good faith report or concern and are enforceable for such period of time as needed to ensure compliance with the terms and spirit of this policy.

### IV. RESPONSE TO CONCERNS AND REPORTS OF WRONGFUL MISCONDUCT

The University is committed to a fair fact-finding inquiry, investigation, or other University dispute resolution process in response to concerns or reports of Wrongful Conduct; to treat parties to any such inquiry, investigation or process with respect; to offer them a reasonable and appropriate opportunity to be heard, and to make decisions based on the available information and guided by relevant university policies and applicable laws.

University Community Members who are respondents to any concern or report of potential wrongful conduct raised pursuant to this policy may also seek guidance or support from the Resources listed below to help ensure their conduct conforms to the requirements of this policy and that the process or any subsequent management plan does not unnecessarily impact their ability to participate in the university community in a similar manner as other Community Members.

## V. POLICY DEFINITIONS

**“Retaliation”** means any action that adversely affects the employment or education of an individual because that individual, in good faith, reports a concern regarding Wrongful Conduct to Governmental or University offices or officials and/or participates in an investigation, inquiry or other dispute resolution process regarding such report, or is otherwise protected by law from retaliation. Retaliation may occur in a single incident or a series of incidents and may be subtle or direct. A pattern of conduct or a particular act may constitute retaliation in one context, but not necessarily in another.

**“University Community Member”** means all University of Michigan regents, officers, faculty, staff, students, visiting scholars or researchers, volunteers and other persons acting on behalf of the University.

**“University Official”** is someone who has the authority to influence the career, employment or institutional status of a University Community Member. It includes supervisors and other University employees who hire, fire, oversee, direct, or evaluate the work of a University Community Member directly or indirectly, including, but not limited to, regents, president, executive officers, managers, administrators, directors, principal investigators, physicians, deans, chairs, supervisors, including faculty with functional supervision. It may also include faculty members in their roles with students and learners, as members of tenure or school/college executive committees, and as participants in decisions affecting the careers of other faculty, staff, students, and learners.

**“Wrongful Conduct”** means misconduct, or suspected misconduct, taken 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 (e.g., Standard Practice Guides/SPGs). Wrongful Conduct includes, but is not limited to, violations of University policy and the law including academic or research misconduct, fraud, unauthorized use of the University’s property or resources, fraudulent or dishonest financial reporting, bribery, kickbacks, sexual and gender-based misconduct, or other forms of prohibited discrimination.

## VI. UNIVERSITY RESOURCES FOR SEEKING GUIDANCE OR REPORTING CONCERNS

**“Confidential Resources”** (<https://hr.umich.edu/working-u-m/workplace-improvement/reporting-resources-confidential-non-confidential> (<https://hr.umich.edu/working-u-m/workplace-improvement/reporting-resources-confidential-non-confidential>)) are available to provide individuals with assistance, support, and additional information and are prohibited from disclosing confidential information unless: (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order. Confidential Resources may be required to report non-identifying information to DPSS for crime reporting purposes.

Disclosures to a Confidential Resource are not considered a formal report to the University, but University Community Members who consult with a Confidential Resource will also be afforded the protections from Retaliation in this Policy and other SPGs as applicable.

**“Non-Confidential Resources”** (<https://hr.umich.edu/working-u-m/workplace-improvement/reporting-resources-confidential-non-confidential> (<https://hr.umich.edu/working-u-m/workplace-improvement/reporting-resources-confidential-non-confidential>)) are available to provide individuals with assistance,

support, and additional information, but are not designated as confidential and may have broader obligations to report information that is shared with them. Non-Confidential Resources will make reasonable efforts to respect and safeguard the privacy of the individuals involved. Privacy means that concerns will only be shared with University representatives responsible for assessment, investigation, or resolution of the report or otherwise properly responding to issues raised; to DPSS for crime statistics reporting; and to the extent required by law or court order.

University Community Members who experience, or have knowledge about, potential Wrongful Conduct or Retaliation have multiple options for reporting concerns. Recipients of reports of potential Retaliation, other than Confidential Resources, will investigate (or refer for investigation) the reported behavior and, where indicated by the outcome of the investigation, take action (or recommend action), as appropriate, to mitigate the reported concern,

All University Community Members who become aware of or suspect Wrongful Conduct or believe they have been the subject of Retaliation are encouraged to report their concerns or to seek guidance or help from one of the available University resources described below:

#### A. COMPLIANCE INFORMATION RESOURCES

Individuals may seek guidance about Compliance with a University policy or an applicable federal, state, or local law.

1. submitting a question (<https://compliance.web.itd.umich.edu/ask-a-question/>) via the Ethics, Integrity, and Compliance Webpage
2. contacting a compliance specialist who works in the area relevant to a University Community Member's concern —on the Topics & Contacts – Compliance page (<https://compliance.web.itd.umich.edu/topics-contacts/>),
3. contacting the Compliance Coordinator in the Office of General Counsel, who can offer further guidance on the various resources and disclosure mechanisms.

#### B. THIRD PARTY ANONYMOUS REPORTING HOTLINE

University Community Members may elect to report a concern via the University's "hotline". The university utilizes a third-party hotline provider, to assist the university by documenting concerns or reports of possible misconduct. The information provided is sent to the university anonymously, when the reporter chooses. Further information is available at the Report a Concern – Compliance (<https://compliance.umich.edu/report-a-concern/#:~:text=Contact%20the%20U%2DM%20Compliance%20Hotline,Question%20page%20of%20this%20Hotline%20Website%20or%20by%20calling%20toll%20free%3A%201-866-990-0111.>) Hotline Website or by calling toll free: 1-866-990-0111.

#### C. SPECIAL REPORTING PROCEDURES TO AVOID THE POTENTIAL FOR CONFLICTS OF INTEREST

Reports of suspected Wrongful Conduct or Retaliation involving a member of the University Board of Regents, University President or other University Executive Officer may be made to the Vice President and General Counsel, the Vice President and Secretary of the University, or via the Compliance Hotline.

When a staff member in an Equity, Civil Rights and Title IX Office (Ann Arbor Dearborn, Flint), is a party to or witness in the suspected Wrongful Conduct or Retaliation, University Community members may submit their report to the Executive Vice President and Chief Financial Officer, or via the Compliance Hotline. This special reporting procedure also applies when an Executive Officer with oversight for an Equity, Civil Rights and Title IX Office and/or the senior staff of that executive office

are party to or witness in the suspected Wrongful Conduct or Retaliation.

## VII. RELATED POLICIES

This policy does not supplant situations governed by the SPG 201.89-1 Discrimination and Harassment Policy (<https://spg.umich.edu/policy/201.89-1>), SPG 601.89, Policy on Sexual and Gender-Based Misconduct (<https://spg.umich.edu/policy/601.89>), SPG 201.96, Professional Standards for Faculty (<https://spg.umich.edu/policy/201.96>), Faculty Grievance Procedures (<https://hr.umich.edu/working-u-m/my-employment/academic-human-resources/faculty-grievance-procedures>), SPG 201.08 – Grievance Procedure and Dispute Resolution (Staff) (<https://spg.umich.edu/policy/201.08>), grievance procedures in a collective bargaining agreement, the Formal Conflict Resolution Process in the Statement of Student Rights and Responsibilities (<https://oscr.umich.edu/statement>), or policies governing misconduct in the research and clinical care settings, including the reporting and investigative procedures in those policies.

### File Attachments

Printable PDF of SPG 601.90, Protection from Retaliation (November 2021) (</sites/default/files/policies/Protection%20from%20Retaliation%20Standard%20Practice%20Guides%20-%20University%20of%20Michigan>)

**SPG Number:**

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**Applies To:**

All faculty, staff, students and other members of the University community

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University Human Resources

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**Related Policies:**

Discrimination and Harassment (</policy/201.89-1>)

Grievance Procedure and Dispute Resolution (</policy/201.08>)

Policy on Sexual and Gender-Based Misconduct (</policy/601.89>)

Professional Standards for Faculty (</policy/201.96>)

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