

TEXAS STATE TECHNICAL COLLEGE
STATEWIDE OPERATING STANDARD

No. GA 1.16	Page 1 of 4	Effective Date: 08/31/15
DIVISION:	General Administration	
SUBJECT:	Reporting of Wrongdoing or Retaliation	
AUTHORITY:	Minute Order #54-06	
PROPOSED BY:	<i>Original Signed by Jason D. Mallory</i>	
TITLE:	Director of Audits	Date: 08/31/15
RECOMMENDED BY:	<i>Original Signed by Jason D. Mallory</i>	
TITLE:	Director of Audits	Date: 08/31/15
APPROVED BY:	<i>Original Signed by Mike Reeser</i>	
TITLE:	Chancellor	Date: 08/31/15

STATUS: Approved by Chancellor 08/31/15

HISTORICAL STATUS: Reviewed/Revised 04/2015
 Approved by BOR 04/28/06 MO#54-06
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 Proposed 02/2006

POLICY

Texas State Technical College is committed to including employees in the process of ensuring that the organization operates in an ethical, honest, and lawful manner. It is, therefore, the policy of Texas State Technical College to encourage employees to report improper activities and violations of laws, rules, policies, and procedures, whether known or suspected. The policy also prohibits retaliation against employees who report such violations or activities.

PERTINENT INFORMATION

Texas State Technical College is committed to protecting individuals from unlawful retaliation for good faith actions in reporting or participating in an investigation pertaining to alleged violations of laws, rules, policies, procedures, or improper activities applicable to Texas State Technical College.

The law known as the “Whistleblower Act” prohibits retaliation against public employees

who report official wrongdoing. The act states that “a state or local entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority.” (Texas Government Code § 554.002 (a)). For more information on the “Whistleblower Act,” employees may call (512) 463-2185.

Employees shall report incidents of wrongdoing, such as sexual harassment, fraud, theft, safety issues, and employee grievances through the administrative process specified in this Statewide Operating Standard. Persons reporting these incidents shall not be subjected to acts of retaliation, interference, restraint, penalty, discrimination, or coercion by a TSTC agent or one of its employees as a result of reporting these alleged violations.

This Statewide Operating Standard does not protect an employee who files a report or provides information that he or she knows to be false or 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.

As used in this Statewide Operating Standard, the following definitions have the meanings indicated:

1. Improper Order

Any directive given to violate or assist in violating any local, state, or federal law or regulation, or TSTC policy or procedure.

2. Improper Activities

Any activity undertaken by a TSTC employee that is in violation of any local, state, or federal law or regulation, or TSTC policy or procedure.

3. Protected Disclosure

A good faith communication that discloses, or demonstrates intent to disclose, alleged improper orders or improper activities.

4. Retaliation Complaint

Any complaint by an employee or constituent professing that the complainant believes or knows the allegations of the Protected Disclosure to be true, which alleges retaliation (1) for having made that disclosure, (2) intending to make that disclosure but being prevented from doing by threats, coercion, command, or intimidation, or (3) for refusing to obey an illegal order.

5. 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 TSTC or one of its employees because an individual has, in good faith, made an allegation concerning the violation of a law, rule, policy, procedure, or improper act, or has cooperated in good faith with an investigation of such allegation.

DELEGATION OF AUTHORITY

The Chancellor and Vice Chancellors have the authority and responsibility to establish procedures to ensure compliance with and uniform implementation of this Statewide Operating Standard.

OPERATING REQUIREMENTS

1. Posting Notices of Procedures for Reporting Wrongdoing or Retaliation

The College will publish on its website information for receiving incident reports and allegations of retaliation (as covered under the Texas Whistleblowers Act). It will have a central web page with details of the reporting process and contact information for reporting wrongdoing or retaliation.

The central web page will also provide a notification that if the alleged wrongdoing is significant or widespread or applies to Statewide Operations, or if the individual is uncomfortable reporting the matter to the individual's institution, the individual may submit a written complaint to the:

- A. Director of Audits;
- B. Vice Chancellor & Chief Legal Officer/General Counsel;
- C. College Police Department;
- D. College Safety Department.

2. Filing Requirements and Thresholds for Retaliation Complaints

Any retaliation complaint filed under this Statewide Operating Standard must be set forth in sufficient detail the necessary facts and circumstances, including dates and names of relevant persons and the alleged retaliatory acts. In order for a retaliation complaint to be accepted for review by the College, the complainant must allege that before the alleged retaliation took place:

- A. he or she filed a report or made a Protected Disclosure alleging an improper activity;

- B. he or she was threatened, coerced, commanded, or prevented by intimidation from filing a report alleging an improper activity; or
- C. he or she refused to obey an illegal order.

3. Corrective Action

Texas State Technical College will take appropriate action to prevent and correct violations of this Statewide Operating Standard, in accordance with applicable laws and regulations.

PERFORMANCE STANDARDS

- 1. TSTC employees are informed of the process for filing a complaint concerning alleged wrongdoing or retaliatory acts.
- 2. Texas State Technical College takes the appropriate corrective action to prevent and correct violations of this Statewide Operating Standard.