

# Augusta University

## Policy Library

### Non-Retaliation Policy

**Policy Manager: Audit, Compliance, Ethics, and Risk Management**

#### **POLICY STATEMENT**

Augusta University is committed to protecting from retaliation individuals who, acting in good faith, disclose unlawful, fraudulent or unethical conduct impacting the University. Retaliation against any individual for making a Good Faith Disclosure, participating in an investigation of a Good Faith Disclosure, or enforcing this policy is strictly prohibited. Overt or covert acts of Retaliation against an individual or group for exercising rights or responsibilities under this policy will be subject to appropriate and prompt disciplinary or remedial action.

All University faculty, staff, and students are required to follow the policies set forth by the University to maintain and uphold the integrity and quality of education provided by Augusta University. If an individual knows of an unlawful or fraudulent act of misconduct, including but not limited to theft, bribery, misuse of property, fraud, violation of University policy, violation of state and/or federal law or regulation, or coercion by a University faculty or staff member to commit an unlawful act, he or she is encouraged to contact the appropriate University official (see Appendix A).

This policy is not to be used to bring knowingly false allegations of misconduct against any employee, student, volunteer, agent, or contractor. Disciplinary action may be taken against any individual found to have made a report of misconduct in bad faith, or any individual who, in bad faith, is found to have encouraged another person or group to make such a report.

#### **AFFECTED STAKEHOLDERS**

*Indicate all entities and persons within the Enterprise that are affected by this policy:*

- Alumni     Faculty     Graduate Students     Health Professional Students  
 Staff     Undergraduate Students     Vendors/Contractors     Visitors  
 Other:

#### **DEFINITIONS**

**Fraud** is any act or instance of conscious deception made for personal gain. Acts of Fraud include, but are not limited to theft, embezzlement, improper reporting of time (e.g., timecard, sick, or vacation leave reporting), illegal or fraudulent payments, misuse of cash or University resources, diversion of or lack of timely deposit of University revenues, credit card fraud, or inappropriate communication of confidential information (e.g., social security number, other protected personal or financial information).

**Good Faith Disclosure** is any communication or report about actual or suspected Misconduct engaged in by a University employee, student, volunteer, agent, or contractor (who is not also the Reporting Individual) based upon a fair and reasonable belief that the conduct has both occurred and is wrongful under applicable law, regulation, and/or University policy. Communications or

---

**Office of Legal Affairs Use Only**

**Executive Sponsor: VP for Audit, Compliance, Ethics, and Risk Management**

**Next Review: 6/2024**

reports made in good faith do not disregard facts that would refute such communication or report and are not based upon bias, malice, or other ill intent.

**Misconduct** is any act that violates a University policy or state or federal law or regulation being committed by a University employee, student, volunteer, agent, or contractor. Misconduct includes, but is not limited to Fraud, theft, bribery, misuse of University property, waste, mismanagement of funds, abuse of authority, or coercion by a University faculty or staff member to commit an unlawful act.

**Preponderance of the Evidence** is the evidence supporting a finding that is more convincing than the evidence offered in opposition to it.

**Augusta University or University** refers to any campus, unit, program, association, or entity of Augusta University.

**Reporting Individual** is any employee, student, volunteer, agent, contractor, or other person who makes a Good Faith Disclosure.

**Retaliation** is any overt or covert adverse action, including but not limited to harassment, demotion, expulsion, suspension, reassignment, or termination, against any person for making a Good Faith Disclosure, participating in an investigation involving a Good Faith Disclosure, or enforcing this policy.

## **PROCESS & PROCEDURES**

### **Reports of Misconduct**

Any individual with information regarding Misconduct on the part of any Augusta University employee, student, volunteer, agent, or contractor that violates an Augusta University policy or a state or federal law or regulation in connection with their duties to Augusta University is encouraged to make a Good Faith Disclosure to his or her immediate supervisor or the appropriate University official (see Appendix A).

Alternatively, complaints of fraud and misconduct may be made anonymously through the Augusta University Compliance Hotline (800) 576-6623 or by filing a report online.

### **Complaints of Retaliation**

Following the Good Faith Disclosure, the University will take reasonable steps to protect the Reporting Individual from Retaliation. The Office of Audit, Compliance, Ethics and Risk Management (ACERM) will receive and investigate complaints of Retaliation.

Individuals who believe they have experienced Retaliation are encouraged to file a report with the Office of Audit, Compliance, Ethics and Risk Management as soon as any incident occurs.

The Vice President-ACERM (VP-ACERM), or his or her designee, will investigate the complaint of Retaliation and make a finding based upon a Preponderance of the Evidence presented in the matter as to whether or not:

1. The complaining party made a Good Faith Disclosure, participated in the investigation of a Good Faith Disclosure, or enforced this policy;
2. The complaining party was subjected to Retaliation; and
3. The complaint of Retaliation was knowingly false and malicious.

A violation of this policy will be found only if a Preponderance of the Evidence supports the finding of a violation. The finding will also include recommendations regarding any appropriate remedy and/or sanction.

Notwithstanding the above, if the complaint of Retaliation is eligible for review under another policy or an existing grievance or complaint resolution process, the VP-ACERM, or his or her designee, may refer the complaint of Retaliation to the appropriate University official for resolution in accordance with that policy or resolution process.

## **REFERENCES & SUPPORTING DOCUMENTS**

Intentionally left blank.

## **RELATED POLICIES**

University System of Georgia Ethics Policy #8.2: <http://www.usg.edu/policymanual/section8/C224/>  
Augusta University Ethics Policy: <https://www.augusta.edu/compliance/policyinfo/policy/ethics-policy.pdf>

## **APPROVED BY:**

Executive Vice President for Academic Affairs and Provost, Augusta University

Date: 6/1/2021

President, Augusta University

Date: 6/1/2021