

NEW NON-RETALIATION POLICY FOR GEORGIA TECH EMPLOYEES

PHIL HURD, DIR-INTERNAL AUDITING,
AND JULIE JOYCE, SR. DIR-HRBPS &
EMPLOYEE RELATIONS

3.28.18

CREATING THE NEXT®

WHY A NEW POLICY?

Georgia Tech employees must report misconduct involving violations of policy or unlawful acts per the [University System of Georgia \(USG\) Board of Regents Ethics Policy](#).

It is a stand-alone policy that prohibits retaliation and emphasizes no harm will occur to employees who abide by this requirement.

RISKS OF RETALIATION

- Disengagement
 - low morale
 - turnover
 - culture of fear and gossip
 - underreporting
- Increased risk of misappropriation of Institute resources
- Brand risk
- Legal exposure

WHAT IS RETALIATION

“Material action” generally includes action that would discourage an employee from making a future complaint. Below are some common actions taken by managers; which of these could be considered “material”?

- Termination
- Demotion
- Reorganization that moves the employee to a different manager or level within the organization
- Reclassifying an employee into a higher grade position with no increase in pay
- Moving an employee’s office location
- Refusing a request for a new computer

WHAT IS RETALIATION?

Covered employee:

- Files a complaint or grievance *in good faith*;
- Seeks the aid of Human Resources;
- Testifies or participates in investigations (as required by USG policy), compliance reviews, proceedings or hearings; or
- Opposes actual or perceived violations of policy or unlawful acts

Not covered:

An employee who provides information that they knows is false, files a bad faith retaliation claim, or participates in any illegal conduct.

NOT A “SHIELD”

The U.S. Equal Employment Opportunity (EEO) Commission says: Engaging in EEO activity, however, does not shield an employee from all discipline or discharge. Employers are free to discipline or terminate workers if motivated by *non-retaliatory and non-discriminatory* reasons that would otherwise result in such consequences. However, an employer is not allowed to do anything in response to EEO activity that would discourage someone from resisting or complaining about future discrimination.

<https://www.eeoc.gov/laws/types/retaliation.cfm>

CONSEQUENCES

Discipline, including termination, for:

- Making a bad faith complaint; and/or
- Engaging in retaliation

ETHICS POINT



- Report suspected fraud, waste or misconduct.
- Submit questions, comments, and feedback about areas that could help Tech achieve institutional effectiveness.

TO MAKE A REPORT (Click on the appropriate category below)	
Financial Matters	Accounting or internal control issues, including fraud, theft, and other financial issues.
Safety	Unsafe working conditions, environmental issues, or other safety matters.
Research	All issues dealing with the Institute's research processes.
Academics	Misrepresentation of credentials, academic dishonesty, and other academic violations.
Employee Matters	Harassment, discrimination, threats, or other forms of misconduct involving Institute Employees.
Information Systems	Confidentiality, data privacy, copyright violations, or other waste or abuse concerning Information Technology.
Athletics	All issues dealing with the Institute's athletic department or programs.
Student Related Matters	Academic misconduct, discrimination, alcohol / drug abuse, cheating / plagiarism, FERPA violations, hazing, or other student related matters.
TO FOLLOW-UP ON A REPORT (Click here)	

EMPHASIS ON DRIVING AN ETHICAL CULTURE



QUESTIONS

