



ADMINISTRATIVE POLICY

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| Policy Title | Policy Against Retaliation |
| Policy Subtitle/Subject | Policy Against Retaliation |
| Responsible Executive(s) (RE) | Stuart Freedman, Director of Compliance and Ethics |
| Responsible Office(s) (RO) | Office of General Council |
| Primary Point of Contact from RO | Director of Compliance and Ethics |
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Permanent

Temporary

1.0 POLICY STATEMENT

Tulane faculty, administrators, staff, students, visitors, contractors, and volunteers shall not take retaliatory action, as defined below, against any members of the university community for making good faith reports or inquiries about alleged violations of law or university policy.

This Policy also prohibits persons from knowingly and intentionally making a report of non-compliance that is false.

2.0 PURPOSE AND SCOPE

In many instances, the university must rely on individual, faculty, staff, students, visitors, contractors and volunteers to report to the appropriate university office instances where it appears that a member or members of the university community are not complying with appropriate law or policy. A deterrent to effective reporting is the fear that the person or persons against whom the report is made will retaliate against the person making the report. The purpose of this policy is to prohibit retaliation against those

who make good faith reports of possible non-compliance, and to affirmatively encourage the good faith, timely reporting of violations of law or policy. The university considers such reporting, inquiring, or participating to be protected activities in which all members of the Tulane community may freely engage.

3.0 APPLICABILITY OF THIS POLICY

This policy applies to all Tulane employees, (faculty, administrators, staff, etc.), students, visitors, contractors and volunteers.

4.0 WEBSITE ADDRESS FOR THIS POLICY

www.policy.tulane.edu

5.0 CONTACTS

| Subject | Contact | Telephone | E-mail/Web Address |
|----------------------------------------------------|-----------------|--------------|----------------------|
| Questions regarding the Policy Against Retaliation | Stuart Freedman | 504-988-7703 | sfreedman@tulane.edu |

6.0 CONTENT

| | |
|-------------------------------------------------------------------------------|-------------------------------------|
| 1.0 POLICY STATEMENT | 1 |
| 2.0 PURPOSE AND SCOPE | 1 |
| 3.0 APPLICABILITY OF THIS POLICY | 2 |
| 4.0 WEBSITE ADDRESS FOR THIS POLICY | 2 |
| 5.0 CONTACTS | 2 |
| 6.0 CONTENT | 2 |
| 7.0 DEFINITIONS | 2 |
| 8.0 POLICY AND PROCEDURES | 3 |
| 8.1 Reporter’s Protection in Connection with Federal Contracts or Grants..... | 3 |
| 8.2 Types of Reports Covered by the Policy Against Retaliation..... | 3 |
| 8.3 Sanctions for Violation of the Retaliation Policy | 4 |
| 8.4 Reporting and Investigation Process..... | 4 |
| 8.4.1. Offices that Reporter May Consult | Error! Bookmark not defined. |
| 8.5 Report Response and Resolution..... | 4 |
| Appendix I. | 6 |

7.0 DEFINITIONS

In good faith - Done with honest belief that wrongful or unlawful activity may have occurred.

Materially adverse - Sufficiently harmful to deter a reasonable person from engaging in protected activities.

Protected activities - Include (i) reporting (whether internally or externally) or inquiring, in good faith, about suspected wrongful or unlawful activity; (ii) assisting others in making such a report; or (iii) participating in an investigation or proceeding related to suspected wrongful or unlawful activity.

Retaliation - An action, performed or through others, which is aimed to deter a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Retaliation can take many forms. Action in response to a protected activity is not retaliatory unless (i) it would not have occurred in the absence of the protected activity; and (ii) it has a materiality adverse effect on the individual.

8.0 POLICY AND PROCEDURES

8.1 Reporter's Protection in Connection with Federal Contracts or Grants

Federal law protects Tulane employees who work on federal contracts or grants from reprisal for reporting fraud, waste or other misconduct relating to such contracts or grants. Research misconduct regulations adopted by federal agencies funding sponsored research at Tulane similarly require the university to protect the positions and reputations of community members who report misconduct in good faith or participate in good faith in misconduct proceedings.

8.2 Types of Reports Covered by the Policy Against Retaliation

The prohibition against retaliation applies to:

- The disclosure of information concerning conduct that the reporter believes is illegal or in violation of university policies.
- The good faith provision of information or testimony to, or the filing of a complaint initiating proceedings before, a duly constituted investigatory body of the university;
- Disclosures made during compliance review or a peer review process; and/or
- The filing of a good faith complaint or incident report.

Persons covered by this policy are encouraged to timely report in good faith all information regarding alleged improper or wrongful activity that may constitute:

- discrimination or harassment;
- fraud;
- unethical or unprofessional business conduct;
- academic, scientific or research misconduct;
- noncompliance with university policies/procedures;
- circumstances of substantial, specific or imminent danger to a student, faculty, or staff

member or the public's health and/or safety;

- violations of local, state, or federal laws and regulations; or
- other illegal or improper practices or policies.

8.3 Sanctions for Violation of the Retaliation Policy

Individuals who violate this policy shall be subject to appropriate disciplinary action if found to have violated the policy, they may be subjected to the full range of available sanctions, up to and including termination or dismissal.

8.4 Reporting and Investigation Process

Members of the Tulane community may report suspected wrongful or unlawful activity, including retaliation in a variety of ways, including but not limited to, via Tulane's web site (at tulane.edu/concerns), the Compliance Line, or by contacting the reporting party's supervisor, department chair, dean, or administrative head. Where an employee is not satisfied with the response of the supervisor, department chair, dean or administrative head, or is uncomfortable for any reason addressing such concerns to one of these individuals, the employee may contact the Office of Human Resources, the Office of the Provost, or the Compliance Office.

Additional information and contact information for reporting specific types of misconduct is available on the university compliance website. The reporter may report to the individual(s) or offices(s) that best suits the concern. Any instances of suspected retaliation may be reported in the same manner.

Tulane community members who prefer to report anonymously may do so in a variety of ways, including by utilizing Compliance Line, the university anonymous reporting helpline by phone or text at 1-855-546-9283 and web-based systems (such as at tulane.edu/concerns) or www.MyComplianceReport.com for reporting or suspected misconduct, which includes the option to disclose or withhold name and contact information. Compliance Line and web-based reporting systems are available 24 hours a day, 365 days a year.

Reports should be made promptly as possible after the suspected wrongful or unlawful activity, or retaliation occurs in order to facilitate as promptly and discretely as possible, with facts and evidence of alleged improper activity made available only to those who need to know to respond to and/or resolve the matter.

8.5 Report Response and Resolution

In situations where the individual(s) believed to have engaged in suspected wrongful or unlawful activity is not a member of the university community, the university may be limited in its ability or unable to conduct an investigation. However, in such instances the university may still attempt to address the situation and provide resources to the affected individuals.

Additional information regarding the report review and response process, including investigations, can be found in applicable university policies and procedures.

Policy number:

Effective date:

Applicability: All university employees

Tulane Policy Against Retaliation

Appendix I.

Frequently Asked Questions

FAQs (These FAQs will be included on the compliance and ethics web page along with the policy against retaliation.)

What is the university's Policy Against Retaliation?

Tulane's policy against retaliation encourages employees, faculty, students, contractors, visitors, and volunteers to use the guidance provided in the policy to report on improper activities and provides a procedure for filing and addressing a report.

Who is a reporter/whistleblower?

A reporter/whistleblower is someone who discloses or tries to disclose information that may evidence (1) an improper activity or (2) a condition that may significantly threaten the health or safety of employees, faculty, students or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

Who can Report?

Employees, faculty, students, vendors, visitors and volunteers and the general public.

Why did the university develop this policy?

The university has a responsibility to the community to conduct its affairs ethically and in compliance with laws and regulations. Part of how Tulane demonstrates accountability for its conduct is having a mechanism for people to let the university know if they become aware of concerns about how Tulane's business is conducted.

What kinds of improper activity can I report a concern?

You can report on the commission of unlawful acts such as corruption, bribery, theft, or misuse of university property, fraudulent claims, fraud coercion, willful omission to perform a duty, economic waste gross misconduct, gross incompetence or gross inefficiency or any condition that may significantly threaten the health or safety of employees or the public.

Will my report be held in confidence?

Confidentiality will be maintained to the extent possible within the limitations of law and policy and the legitimate needs of the investigation. Your identity will, of course, be known to Tulane personnel with a legitimate need to know in order to carry out an investigation. Release of your identity may be required pursuant to a subpoena or in other circumstances where the university is required by law to release information. In addition, you should also be aware that your public testimony might be needed to prove the case against the accused. If you self-disclose your identity, the university will no longer be obligated to maintain such confidence.

What information should I provide when I make my disclosure?

You should state the facts with as much specific information as possible so that your allegations can be investigated, such as what occurred, who was involved, and dates of occurrence. You should not speculate or draw conclusions, and you should be prepared to be questioned by the investigator.

What information should I retain after I submit a report?

When you file a report either using the internet or by phone you receive a unique report key and are asked to select a password. With the report key and password, you can return to the report again and access the original report. You can add more details. It is important that you write down your report key and password since the university not our third part vendor has the ability to reset the key or password if you forget them.

Is there a deadline for filing a report?

No, but it is important to file a report as soon as you have enough evidence to make a good faith report. If you delay, evidence become stale, hampering an investigation, and then the university may not be able to resolve the problem.

What happens after I file my report?

A preliminary inquiry will be conducted, and you may be contacted for further information. The preliminary inquiry will determine if a full investigation should be undertaken and by whom.

Why might my allegations not be investigated?

Sometimes employees report about things that are not improper activities, but are personnel, labor relations or management issues. Employees also report violations of university policy that are not improper activities unless the violations are serious or substantial. The preliminary inquiry assesses whether there appears to be an improper activity. However, just because an investigation is not launched does not mean that the complaint will not be investigated. It might be referred to Human Resources or some other office for review.

How can I help with the investigation?

You can provide as much factual information and evidence as possible in order to allow the investigation to proceed. However, do not obtain any evidence for which you do not have a right of access and do not do your own investigation. Leave that to the experts. You should be prepared to be interviewed by the investigators and provide all the information you know about the allegations.

Will I be informed of the outcome of my report?

You generally have the right to be informed of the disposition of your disclosure and the findings of any investigation, although there might be overriding legal or public interest reasons that would preclude that. Any action taken against an individual as a consequence of the findings may be personal and confidential, in which case, it cannot be disclosed.