

TEXAS STATE TECHNICAL COLLEGE
STATEWIDE OPERATING STANDARD

No. GA 1.16	Page 1 of 4	Effective Date: 01/04/2019
DIVISION:	General Administration	
SUBJECT:	Reporting of Wrongdoing or Retaliation	
AUTHORITY:	Minute Order #54-06	
PROPOSED BY:	Jason Mallory	
TITLE:	Director of Audits	Date: 01/04/2019
RECOMMENDED BY:	Jason Mallory	
TITLE:	Director of Audits	Date: 01/04/2019
APPROVED BY:	Mike Reeser	
TITLE:	Chancellor	Date: 01/04/2019

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Proposed 02/2006

I. STATEWIDE STANDARD

POLICY: It is the policy of Texas State Technical College (TSTC) that the College be 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 TSTC to encourage employees to report known or suspected improper activities and violations of laws, rules, policies, and procedures. This policy also prohibits retaliation against employees who report such violations or activities.

II. PERTINENT INFORMATION

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

The law known as the “Whistleblower Act” prohibits retaliation against public employees who report known or suspected wrongdoing to an appropriate law enforcement authority. 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, Section 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 (SOS). 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 SOS 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 have made false accusations knowingly 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.

III. GENERAL GUIDELINES

To ensure that employees are aware both of the need to report wrongdoing and of the process for doing so, the College shall publish the procedures for reporting wrongdoing so that they are readily accessible to College personnel. Sufficient information must be included in each report, and retaliation complaints accepted by the College shall meet specific criteria. For all reports of wrongdoing found to have merit, appropriate corrective action shall be taken.

IV. DEFINITIONS

As used in this statewide standard, the following definitions have the meanings indicated:

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

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

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

Retaliation Complaint: Any complaint by an employee or constituent that alleges retaliation (1) for having made an allegation of wrongdoing in a Protected Disclosure, (2) for 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.

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.

V. 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 SOS.

VI. PERFORMANCE STANDARDS

1. Employees are informed of the process for filing a complaint concerning alleged wrongdoing or retaliatory acts.
2. TSTC takes the appropriate corrective action to prevent and correct violations of this SOS.

APPENDIX

VII. RELATED STATEWIDE STANDARDS. LEGAL CITATIONS, OR SUPPORTING DOCUMENTS

[Texas Government Code, Section 554.002 \(a\)](#), (“Whistleblower Act”)
[GA 1.15, Fraudulent Use of Assets and Resources](#)
[HR 2.4.15, Prohibiting Sexual Misconduct and Gender-based Discrimination](#)

VIII. OPERATING REQUIREMENTS

Posting Notices of Procedures for Reporting Wrongdoing or Retaliation

The College shall publish on its [website](#) information for filing anonymous reports of wrongdoing and allegations of retaliation. Because the report is anonymous, the risk of retaliation due to reporting is diminished.

If the individual feels reporting anonymously will not ensure protection from retaliation, the individual must submit a written complaint to any of the following:

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

All complaints received through this method will be forwarded to the General Counsel to ensure appropriate retaliatory protection is afforded.

Filing Requirements and Thresholds for Retaliation Complaints

Any retaliation complaint filed under this SOS must 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, he or she:

- Filed a report or made a Protected Disclosure alleging an improper activity;
- Was threatened, coerced, commanded, or prevented by intimidation from filing a report alleging an improper activity; or
- Refused to obey an illegal order.

Corrective Action

TSTC shall take appropriate action to prevent and correct violations of this SOS, in accordance with applicable laws and regulations.