

NON-RETALIATION POLICY FOR FACULTY AND STAFF

SLT 3.3.1

Date of Last Update:

April 30, 2024

Approved By:

- Senior Leadership Team

Responsible Office:

Human Resources

POLICY

This policy applies to all employees of Grand Valley State University.

POLICY STATEMENT

A. Policy Statement

Grand Valley State University is dedicated to cultivating a workplace [characterized](#) by knowledge, honesty, integrity, respect, professionalism, and safety, free from harassment and discrimination. Upholding these principles is central to our mission, ensuring that all employees feel empowered to report violations or potential violations without fear of reprisal. Recognizing the importance of promptly and thoroughly addressing such reports, we aim to foster trust and accountability within our community.

The University's **Non-Retaliation Policy for Faculty and Staff** strictly prohibits any form of retaliation against individuals who make good faith reports of violations of laws, regulations, or University policies. This protection extends to those who participate in investigations, proceedings, or hearings, as well as individuals requesting accommodations, assistance, or leave under university policy or state/federal law.

PROCEDURES

1. Consultation. Employees experiencing retaliation should consult this Non-Retaliation

Policy and other relevant University policies and procedures. While informal resolution is encouraged, formal processes may be necessary. Employees should attempt to address concerns directly with colleagues or supervisors before initiating formal processes. Human Resources offers examples on different avenues to explore to resolve concerns <https://www.gvsu.edu/hro/restorative-based-alternative-dispute-resolution-1174.htm> .

2. Reporting. Potential violations of the Non-Retaliation Policy can be reported online at <https://cm.maxient.com/reporting.php?GrandValley> or by contacting the Human Resources Office via email at complaints@gvsu.edu.

3. Intake. Upon receiving a report, a Human Resources Office designee will schedule an intake meeting within five (5) business days to discuss resolution options. Efforts will be made to hold that meeting within ten (10) business days of receiving the report. The reporting party may decline attendance, understanding that it may limit the University's ability to address the reported behavior.⁴

4. Options for Resolution.

- a. Discussion without further action.
- b. Utilizing alternative dispute practices. If this occurs, the responding party will be notified of the report and offered the opportunity to begin an alternative dispute resolution process. All parties must enter this process willingly.
- c. Formal resolution through investigation or appropriate policy mechanisms.
- d. In rare cases of significant disruption or danger to the university community at the determination of the Associate Vice President for Human Resources, or designee, formal processes may be initiated without the reporting party's request. If this occurs, the reporting party will be notified that the matter is being pursued before the responding party is notified.

5. Notification of Appointing Officer. If options 4c or 4d are pursued, the Appointing Officer will be notified as indicated in the appropriate policy mechanism.

6. Fact-Finding. Additional information may be gathered to determine appropriate intervention. In such instances, Human Resources Office designee will notify the reporting party and responding party that fact-finding is being initiated. The Division of Inclusion and Equity, which coordinates centralized investigations, will appoint a trained investigator to conduct fact-finding. While each investigation is unique, the goal is to resolve this fact-finding within 20 business days from the time the report is assigned to an investigator. Delays will be communicated to both parties.

7. Draft Report. Following fact-finding, a Draft Report summarizing relevant information will be shared with both parties, Appointing Officer and Executive Officer of the responding party, and the Human Resources Office. Both parties have five (5) business days to submit a response to the Draft Report, which will then become part of the Final Report.

8. Decision. The investigator(s) will create a Final Report and determine, based on a preponderance of evidence standard, whether a violation of the Non-Retaliation Policy occurred. The Final Report will be shared with both parties, Appointing Officer and Executive Officer of the responding party, and the Human Resources Office.

9. Action. If a violation is found, appropriate action will be determined by the responding party's Appointing Officer, in consultation with their Executive Officer and a Human Resources representative. The Appointing Officer will communicate their decision to the responding party within five (5) business days of issuance of the Final Report. At the same time, the Human Resources Office will communicate to the reporting party if action is being taken without disclosing the nature of the action.

10. Appeals. Either party may appeal the decision, in writing, within ten (10) business days, citing reasons for appeal.

a. An appeal can only be based on one of the following reasons which must be identified in the initial appeal notice:

i. Whether appropriate procedures were followed.

ii. Whether the decision was supported by evidence.

iii. Whether all relevant information was available at the time of the original investigation.

b. Appeals will be considered by the Associate Vice President for Human Resources, or designee, with the decision being final.

c. If the Associate Vice President for Human Resources is involved in decision-making at any stage of this process, the Vice President & Chief of Staff to the President, or designee, will handle the appeal.

d. Filing an appeal does not preclude an employee from utilizing the grievance process under a collective bargaining agreement.

e. Written appeals must be sent to complaints@gvsu.edu.

DEFINITIONS

1. **Retaliation** encompasses any action, statement, or behavior intended to punish an individual for engaging in a protected action, including but not limited to:

- a. Filing a report of employee misconduct.
- b. Cooperating with an investigation of employee misconduct.
- c. Seeking assistance or guidance regarding avenues to address misconduct.
- d. Providing assistance or guidance to address misconduct.
- e. Requesting accommodations or a leave of absence.
- f. Providing accommodations, assistance, leave of absence, or guidance regarding misconduct.
- g. Other actions as determined by applicable university policy or state/federal law.

2. Retaliation includes, but is not limited to punishment, victimization, intimidation, adverse action against an employee regarding the terms and conditions of employment, such as termination, demotion, or suspension, as well as related threats of such actions or adverse action and attempts to deter or coerce individuals from seeking a protected action.

3. **Good faith** refers to the honest belief that the information provided in support of a compliance concern is truthful based on existing information.
