



HRM-010 Preventing and Addressing Retaliation

Effective Date Tuesday, May 27, 2008

Status Final

Last Revised Tuesday, July 20, 2021

Policy Type [University](#)

Contact Office

[Equal Opportunity and Civil Rights \(Office for\)](#) [Diversity, Equity & Inclusion \(College at Wise\)](#) (Office for)
[Human Resources Department \(College at Wise\)](#)

Oversight Executive

[President of the University](#)

Applies To

Academic Division The Medical Center The College at Wise

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Reason for Policy

The University is committed to providing a workplace and educational environment, programs and activities free of retaliation against persons who, in good faith (holding a genuine belief in the truth of one's allegations), complain of discrimination and/or harassment as defined in policy, [HRM-009, Preventing and Addressing Discrimination and Harassment](#), or who assist with or participate in the process outlined in EOCR's [Preventing and Addressing Discrimination, Harassment and Retaliation Complaint Procedures](#). This policy does not allow curtailment or censorship of constitutionally protected expression.

Definition of Terms

Complaint

Allegation(s) of discrimination, harassment and/or retaliation, filed in good faith and in accordance with EOCR's [Preventing and Addressing Discrimination, Harassment and Retaliation Complaint Procedures](#).

Discrimination

Inequitable treatment by the University of a person based on one or more of that person's protected characteristics or statuses, excepting any treatment permitted or required by law.

Protected Characteristics/Statuses

Age, color, disability, family medical or genetic information, gender identity or expression, marital status, military status (which includes active duty service members, reserve service members, and dependents), national or ethnic origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, and veteran status.

Harassment

Unwelcome conduct directed against a person based on one or more of that person's protected characteristics or statuses, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in University programs or activities, and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

Just Report It

The University's [online reporting tool](#) for members of the University community to report of alleged Prohibited Conduct and PADHR Conduct, as well as bias and other forms of misconduct.

Responsible Employee

Any employee of the University who is not a Confidential Employee.

For purposes of a reporter disclosing alleged acts of Prohibited Conduct and/or PADHR Conduct involving only University employees, Responsible Employees are: (1) any employee of the University who is not a Confidential Employee; and (2) is a supervisor, manager, human resources professional, or any University employee who has authority to institute corrective measures.

For purposes of a reporter disclosing alleged acts of Prohibited Conduct and/or PADHR Conduct involving a student at the University, Responsible Employees are any employee of the University who is not a Confidential Employee.

Responsible Employees include Teaching Assistants (TAs), Resident Advisors (RAs), and all other student-employees when disclosures are made to any of them when performing the duties of their employment/professional role.

Confidential Employee

(1) Any University employee who is a licensed medical, clinical, or mental health, or other healthcare professional [e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision (collectively, health care providers)], when performing the duties of that professional role; (2) any University employee when performing administrative, operational and/or related support for such health care providers; (3) any University employee who is an Athletic Trainer working under the supervision of a licensed medical or healthcare professional when performing the duties of that professional role; and (4) the University Ombuds when performing the duties of that professional role.

Retaliation

Adverse action, including but not limited to reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment.

Supervisor

Any person who has authority to undertake or recommend tangible employment decisions affecting an employee or academic decisions affecting a student; or to direct an employee's work activities or a student's academic activities. Examples include faculty members to whom work-study students report and team lead workers who,

from time to time, monitor other employees' performance or direct their work.

University

As used throughout this policy, "University" refers to the University of Virginia, including its Medical Center and the College at Wise.

Policy Statement

The University prohibits retaliation directed against a person for making a good faith complaint under the policy [HRM-009: Preventing and Addressing Discrimination and Harassment](#) or this policy or assisting or participating in the [complaint process](#). Retaliation may exist even when the underlying complaint is without merit or not substantiated.

This policy is intended to be consistent with applicable federal and state laws and state and University policies. The University's [Office for Equal Opportunity and Civil Rights](#) (EOCR) is responsible for enforcing this policy on behalf of the University and maintains [complaint procedures](#) that offer options for informal and formal resolution.

All University employees are responsible for successfully completing the University's online [non-discrimination, anti-harassment, and anti-retaliation training](#) at least every two years.

For reports of retaliation involving only University employees, Responsible Employees, who are also supervisors, are responsible for:

- Knowing and understanding this policy.
- Explaining this policy and [HRM-040: Reporting by University Employees of Disclosures Relating to the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence and the Preventing and Addressing Discrimination and Harassment, and Preventing and Addressing Retaliation Policies \(Reporting Policy\)](#) to individuals who report retaliation to them.
- Taking appropriate action to prevent retaliation.
- Being receptive to reports of retaliation.
- Reporting potential retaliation in accordance with the Reporting Policy to the Compliance Director for EOCR or through [Just Report It](#).
- Following up with individuals who submit complaints or reports of retaliation.

For reports of retaliation involving a University student, Responsible Employees are required to report retaliation to the Compliance Director for EOCR or through [Just Report It](#) in accordance with the Reporting Policy.

Compliance with Policy:

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination or expulsion in accordance with relevant University policies.

Questions about this policy should be directed to the [Office for Equal Opportunity and Civil Rights, Office for Diversity, Equity & Inclusion \(College at Wise\)](#), or the [Human Resources Department \(College at Wise\)](#).

Procedures

A complaint may be filed with EOCR by any current or former employee of the University, current or former University student, or a third-party, e.g., applicant for admission or employment, or a participant in a University

program or activity, who believes they have been retaliated against in violation of this policy. A complaint must be filed within 300 calendar days of the alleged retaliation.

This policy as well as the [Preventing and Addressing Discrimination, Harassment and Retaliation Complaint Procedures](#) and [Complaint Form](#) are accessible online and in printed materials. In addition, EOCR offers information about this policy in the [online training module](#) and customized in-person training sessions.

Related Information

[HRM-009: Preventing and Addressing Discrimination & Harassment](#)
[HRM-040: Reporting by University Employees of Disclosures Relating to the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence and the Preventing and Addressing Discrimination and Harassment, and Preventing and Addressing Retaliation Policies \(Reporting Policy\)](#)

EOCR policies are published throughout the University in printed materials such as EOCR brochures and University catalogs and recruiting materials (student and personnel).

For translation of this policy in Chinese, Spanish, or Korean, please refer to the EOCR website page on [Language Diversity](#).

Policy Background

This policy is based on federal and state laws, including Executive Order 11246, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, as amended, the State Grievance Procedure Act, and the Genetic Information Nondiscrimination Act of 2008, as well as state policy, including the Governor's Executive Order One, the Commonwealth's Department of Human Resource Management (DHRM) Policy 1.60 - Standards of Conduct, DHRM Policy 2.05 - Equal Employment Opportunity, and DHRM Policy 2.30 - Workplace Harassment.

Major Category [Human Resource Management](#)

Next Scheduled Review Thursday, November 16, 2023

Revision History

Added Compliance section 7/20/21; Updated 11/16/20, 9/3/19; Added contact offices 1/17/19; Updated definition 9/3/15; Updated 10/22/14, 8/29/11, 1/6/11.

Applies To Text

Academic Division, the Medical Center, and the College at Wise. Specifically, persons who, in good faith, complain of discrimination and/or harassment as defined in the Preventing and Addressing Discrimination and Harassment Policy, or who assist with or participate in the process outlined in EOCR's Preventing and Addressing Discrimination, Harassment and Retaliation Complaint Procedures.

Last modified April 2, 2024 - 12:07pm

Approved By Executive Vice President and Chief Operating Officer

Approved Date May 27, 2008 - 12:00pm