

102.10 Retaliatory Action Policy

PURPOSE OF POLICY

In many instances, Sussex County Community College (“College”) must rely on individual faculty, staff, and students to report to the College administration cases where it appears that any faculty or staff member of the College community are not complying with applicable law or College policy. A major deterrent to such 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 clearly articulate that the College prohibits retaliation against those who make bona fide reports of possible non-compliance with laws or College policies.

GENERAL STATEMENT OF THE POLICY AGAINST RETALIATION

College faculty, administrators, and staff shall not intimidate or take retaliatory action, as defined below, against any faculty or staff member of the College who makes a report of the type defined below in good faith and without malice, including any relative of such a person who is an employee or student at the College.

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

TYPES OF REPORTS COVERED BY THE POLICY AGAINST RETALIATION

The prohibition against retaliation applies to:

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

EXAMPLES OF ACTIONS CONSIDERED AS RETALIATION

Examples of actions that are prohibited include but are not limited to:

- a. Intimidation;
- b. Adverse actions with respect to the reporter's work assignments, salary, vacation, and other terms of employment;

- c. Unlawful discrimination;
- d. Termination of employment;
- e. Adverse actions against a relative of the reporter who is a College employee or student;
and
- f. Threats of any of the above

EXAMPLES OF ACTIONS NOT CONSIDERED AS RETALIATION

Note that an adverse personnel, academic or other disciplinary action against an employee or student whose conduct or performance warrants such action for reasons unrelated to the reporting of a concern will not be deemed a violation of this policy.