

RUTGERS UNIVERSITY POLICY

Section: ~~60.1.16~~

Section Title: ~~Universitywide HR Policies and Procedures~~

Policy Name: ~~Conscientious Employee Protection Policy~~

Formerly Book: ~~N/A~~

Approval Authority: ~~Senior Vice President for Administration~~

Responsible Executive: ~~Senior Vice President for Administration~~

Responsible Office: ~~Office of the Vice President for Faculty and Staff Resources~~

Originally Issued: ~~June 22, 2010 (Approved by Board of Governors)~~

Revisions: ~~2/6/2014~~

Errors or changes? Contact: ~~policies@hr.rutgers.edu~~

<u>Policy Name:</u>	<u>Conscientious Employee Protection Policy</u>				
<u>Section #:</u>	<u>60.1.16</u>	<u>Section Title:</u>	<u>Universitywide Human Resources Policies and Procedures</u>		<u>Formerly Book:</u> <u>N/A</u>
<u>Approval Authority:</u>	<u>Senior Vice President for Human Resources and Organizational Effectiveness</u>		<u>Adopted:</u>	<u>6/22/2010</u>	<u>Reviewed:</u> <u>7/5/2016</u>
<u>Responsible Executive:</u>	<u>Senior Vice President for Human Resources and Organizational Effectiveness</u>		<u>Revised:</u>	<u>6/22/2010; 7/5/2016</u>	
<u>Responsible Office:</u>	<u>University Human Resources</u>		<u>Contact:</u>	<u>policies@hr.rutgers.edu</u>	

1. Policy Statement

Rutgers University complies with the New Jersey Conscientious Employee Protection Act, N.J. Stat. Ann. § 34:19-1 et seq. ("CEPA") which protects employees who report workplace wrongdoing from retaliatory action.

2. Reason for Policy

~~All regulations and procedures are subject to amendment.~~

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website (policies.rutgers.edu) for the official, most recent version.

Rutgers University is committed to fostering a work environment that promotes the achievement of its mission of teaching, research, and service. To accomplish this goal, Rutgers University encourages employees to report illegal or fraudulent workplace activities, policies, or practices.

3. **3.—Who Should Read this Policy**

All members of the Rutgers University community.

4. **Resources**

- Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints Against University Employees, and Third Parties

4. ~~Related Documents~~

~~None.~~

5. ~~Contacts~~

~~Office of the Vice President for Faculty and Staff Resources~~

- Policy 60.1.12, Policy Prohibiting Discrimination and Harassment
- Policy 60.1.13, Policy Prohibiting Workplace Violence
- Policy 60.1.28, Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties
- Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties Resources Supplement
- Office of Employment Equity Formal Complaint Form

- Policy 10.3.12, Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct
- Policy 10.2.11, Code of Student Conduct
- RBHS Students Rights, Responsibilities and Disciplinary Procedures
- Student Life Policy Against Verbal Assault, Harassment, Intimidation, Bullying and Defamation

- University Human Resources: 848-932-3020

- ~~6.—~~ Office of Employment Equity: 848-932-3973; employmentequity@hr.rutgers.edu

- Office of Student Conduct
 - New Brunswick: 848-932-9414, conduct@rci.rutgers.edu
 - Newark: 973-353-2772
 - Camden: 856-225-6050, deanofstudents@camden.rutgers.edu

- Rutgers University Police Departments:
 - New Brunswick: 732-932-7211
 - Newark: 973-353-5581
 - Camden: 856-225-6009
 - Health Sciences-Newark: 973-972-4491

~~4.1. The Policy~~

60.1.16 CONSCIENTIOUS EMPLOYEE PROTECTION POLICY

5. **I.—Definitions**

- A.** An employee is any individual who performs services for and under the control and direction of Rutgers University for wages or other remuneration.

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- B. Supervisor means any individual who has the authority to direct and control the work performance of the affected employee, or who has authority to take corrective action regarding the violation of the law, rule, or regulation of which the employee complains.
- C. Retaliation is the discharge, suspension, or demotion of an employee or other adverse employment action taken against an employee in the terms and conditions of employment.

6. The Policy

III. Scope

This Policy applies to all areas of University operations and programs and to University facilities and off-campus locations where University business is conducted. It applies to all University employees, including student employees, with respect to conduct that arises out of their employment status. Complaints by employees covered by this Policy will be addressed in accordance with this Policy.

IIII. Retaliatory Action Prohibited

In accordance with its obligations under N. J. Stat. Ann. § 34:19-1 *et seq*, Rutgers University will not take any retaliatory action against an employee because the employee does any of the following:

- A. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy, or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
- C. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - 1. is in violation of a law, or a rule or regulation issued under the law, or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - 2. is fraudulent or criminal; or
 - 3. is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

IVIII. Notification Procedures

An employee is protected against retaliation when he or she does the following:

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- A. The employee brings the activity, policy, or practice in violation of a law, rule or regulation to the attention of his or her supervisor or the Senior Vice President for Faculty and Staff Human Resources and Organizational Effectiveness as required under CEPA.
- B. The employee gives Rutgers University a reasonable opportunity to correct the activity, policy or practice.

VI. Disclosure of Illegal Activity

If the notification that the employee provides meets the criteria under CEPA, the Senior Vice President for Faculty and Staff Human Resources and Organizational Effectiveness will direct that the disclosure be investigated. Corrective action will be taken if the results of the investigation reveal that illegal or fraudulent activity occurred.

CEPA does not entitle the employee making the disclosure to be informed of the results of the investigation.

VII. Confidentiality

To the extent permitted by law, Rutgers University will maintain the confidentiality of investigations conducted pursuant to this policy, ~~including the identity of the employee who makes the disclosure.~~ To facilitate employee reports of suspected financial wrongdoing, the University maintains an anonymous and confidential hotline through a third party vendor. Reports may be filed by phone at 1-800-215-9664 or on line at: <http://generalcounsel.rutgers.edu/compliance/rutgers-compliance-hotline-800-215-9664> or online at: <http://generalcounsel.rutgers.edu/compliance/rutgers-compliance-hotline>.

VIII. Retaliation Complaint and Investigation Procedure

Employees who believe they have been retaliated against should ~~notify~~contact the ~~Vice President for Faculty and Staff Resources~~Office of Employment Equity at 848-932-~~3020~~3973 or complete the Formal Complaint Form. Claims of retaliation for taking actions protected under CEPA will be investigated under the ~~direction of the Vice President for Faculty and Staff Resources~~Office of Employment Equity.

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