

Anti-Retaliation Policy Talking Points

Basics to remember:

- The Anti-Retaliation Policy protects anyone who makes a good faith report of misconduct, a potential policy violation, or other UI-related issues.
- The protection applies regardless of the outcome of the underlying complaint. So, if an individual makes a complaint, there's an investigation, and the complaint is determined to be unfounded, the complainant is still protected from retaliation.
- If someone is retaliated against, that triggers a separate complaint/investigation process. If retaliation is found to have occurred, it could result in discipline against the person who retaliated.
- Retaliation includes anything that affects the reporting party's terms and conditions of employment, including their work environment.
- Retaliatory behavior could be committed by a supervisor (such as giving a lower/no raise, changing work hours, not giving someone a promotion when it's deserved, termination, etc.), and also by co-workers/peers (for example, exclusion from regular workplace conversations, not providing data/information that's needed to complete assigned work, teasing, insulting comments, etc.)
- Timing is an important consideration in retaliation claims: if a decision is made or a behavior begins soon after a complaint, it's more likely to be considered retaliation.
- It's critical that we provide an environment where concerns may be brought forward and addressed. It's impossible to improve our workplace processes and environments if we don't know what the issues are. So, the anti-retaliation protection is essential in creating a safe, productive workplace where people feel safe in bringing forward their concerns.



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A couple possible scenarios:

Melanie reports to her supervisor that she's being teased by a co-worker, Julie, on a daily basis because she has a new significant other. Melanie is uncomfortable and wants the teasing to stop. The supervisor assures Melanie that they will address the situation. After consulting with appropriate campus resources, the supervisor speaks with Julie to investigate and neglects to inform Julie about the Anti-Retaliation Policy. Immediately after her meeting with the supervisor, Julie walks past Melanie and says, "Thanks a lot for getting me in trouble. I've just been joking with you. But if this is the way you want it, I guess I just won't speak to you at all anymore. And I'll tell everyone else you can't take a joke." From that point on, Melanie gets the silent treatment from her work group.

Kevin filed a complaint of protected class discrimination against his supervisor with the Office of Equal Opportunity and Diversity. EOD informed Kevin's supervisor and the department director of the complaint according to regular procedure. Kevin's annual performance review was scheduled to occur the following week. The supervisor completed the review and gave Kevin a "Needs Improvement" as his overall rating. The supervisor made some general critical comments in the review but did not provide any specific evidence to support that rating. Kevin's past ratings had always been "Exceeds Expectations" or higher.



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