

# Non-Retaliation Policy

Effective Date: March 2014

## Policy Statement

Columbia University is committed to operating with integrity in compliance with applicable laws, regulations, and policies. The University expects the highest standards of ethical conduct from the members of its community and is committed to upholding its reputation as one of the top academic and research institutions in the world.

Columbia expects members of the University community to inform the appropriate parties if they have observed unethical, illegal or suspicious activity.

The purpose of this policy is to reiterate the University prohibition on retaliation against those who report or seek guidance on ethical or compliance issues. Reports must be made in good faith. “Good faith” does not mean that an individual has to be right. The individual however, must have an honest belief that the information provided is truthful based on the existing information.

## Reason(s) for the Policy

To encourage members of the Columbia University community to report compliance and ethics concerns or to seek guidance on compliance and ethics concerns.

To reinforce that the University prohibits retaliation against those individuals who report or seek guidance on possible ethical or compliance issues in good faith.

## Primary Guidance to Which This Policy Relates

- [Federal Sentencing Guidelines for Organizations, Guidelines Manual Section 8B2.1\(b\)\(5\)\(C\)](#), which provide that organizations shall take reasonable steps “to have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby the organization’s employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation.”
- [Pilot Program for Enhancement of Protection from Reprisal for Disclosure of Certain Information \(41 U.S.C. 4712\)](#), which enacts a pilot program effective until January 1, 2017, to add protections for employees of federal contractors, subcontractors, and grantees against reprisal for disclosing information that the employee reasonably believes reflects certain concerns in connection with federal contracts or grants.
- [N.Y. LAB. LAW § 740 : NY Code - Section 740](#), which prohibits retaliatory personnel action by employers.
- HIPAA Administrative Simplification: Enforcement; Final Rule (45 CFR 160.316) [HIPAA Administrative Simplification Act](#) which states that organizations may not threaten, intimidate, coerce, harass, discriminate against or take any other retaliatory action against an individual for filing a complaint, participating in an investigation or compliance review or opposing any act or practice made unlawful by this regulation.

## Responsible University Office & Officer

Office of University Compliance, Jeffrey L. Kestler, University Compliance Officer Non-Retaliation Policy 2 Office of the General Counsel

## Who is Governed by this Policy

This policy applies to all employees of the University including faculty, staff, temporary employees, and student employees (with respect to conduct that pertains to their employment status). In addition, the policy applies to individuals whom the University contracts to do work on its behalf, including consultants, vendors, contractors, and sub-contractors.

## Who Should Know this Policy

This policy applies to all employees of the University including faculty, staff, temporary employees, and student employees (with respect to conduct that pertains to their employment status). In addition, the policy applies to individuals whom the University contracts to do work on its behalf, including consultants, vendors, contractors, and sub-contractors.

## Exclusions & Special Situations

Not Applicable

## Policy Text

Columbia University is committed to operating with integrity in full compliance with applicable laws, regulations, and policies. The University expects the highest standards of ethical conduct from members of its community and is committed to upholding its reputation as one of the top academic and research institutions in the world.

The University expects members of the Columbia community to report compliance concerns. Those who have concerns of any kind stemming from possible noncompliance with federal, state, or local laws or regulations, University policies, errors or irregularities in Columbia's financial accounting practices or policies are expected to report promptly these concerns.

Columbia has resources to help community members fulfill these obligations. The first resource for a clarification on a policy, regulation or law is an individual's direct supervisor. If a direct supervisor cannot serve as a resource, Human Resources, University Compliance, the Office of Research Compliance and Training and other Columbia departments listed below (see Contacts) may provide assistance. In addition, the Compliance Hotline is a confidential channel for employees to report or seek guidance on possible ethical or compliance issues. The Compliance Hotline is available by telephone (866) 627-3768 and the web with confidential intake and report handling and the option to report anonymously.

Members of the Columbia community are prohibited from retaliating against any person or a relative of such a person who is an employee or student or who is affiliated with the University who files a compliance report, cooperates with a compliance investigation, or seeks guidance on compliance concerns in good faith.

Retaliation is any action, statement, or behavior that is designed to punish an individual for filing a compliance report, cooperating with a compliance investigation, seeking guidance regarding a compliance concern or to deter one from taking such action. Retaliation includes, but is not limited to, 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.

This policy protects participants in a University investigatory, grievance, and / or appeals procedure when the participants act in good faith.

Non-Retaliation Policy 3 Office of the General Counsel A person is not acting in “good faith” under this policy if the person reports a compliance concern or makes statements during an investigation, grievance, or appeals process that are knowingly false or that involve willful disregard or purposeful ignorance of the facts surrounding an allegation of a compliance violation. “Good faith” does not mean that an individual has to be right. The individual, however, must have an honest belief that the information provided is truthful based on the existing information.

#### Where to Go with A Concern

Individuals who believe they have been subject to retaliation prohibited by the policy should promptly contact their supervisors, Human Resources, the Compliance Hotline or any of the additional resources listed below (see Contacts).

#### Violations of this Policy

An individual who is found to have retaliated against a member of the University community in violation of this policy shall be subject to disciplinary action up to and including termination of employment.

An individual who fails to act in good faith in connection with reporting a compliance concern or in cooperating with an investigation, grievance, or appeals process regarding a compliance concern shall be subject to disciplinary action up to and including termination of employment.

An adverse personnel, academic, or other disciplinary action against a member of the Columbia community whose conduct or performance warrants such action for reasons unrelated to the reporting of a compliance concern will not constitute a violation of this policy.

#### Definitions

Retaliation is any action, statement, or behavior that is designed to punish an individual for filing a compliance report, cooperating with a compliance investigation, seeking guidance regarding a compliance concern or to deter one from taking such action. Retaliation includes, but is not limited to, 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.

Good faith does not mean that an individual has to be right, but it does mean that he or she has an honest belief that the information provided in support of a compliance concern is truthful based on the existing information.

### Contacts

- Human Resources: (212) 851-7008 (Morningside); (212) 305-3819 (Medical Center)
- University Compliance, Office of the General Counsel: (212) 854-4974
- Office of Equal Opportunity and Affirmative Action: (212) 854-5511
- Columbia University Compliance Hotline: (866) 627-3768
- Research Compliance and Training: (212) 851-2897
- Billing Compliance and Training: (212) 305-7739
- HIPAA Compliance: (212) 305-7315
- Internal Audit: (212) 851-7234 Non-Retaliation Policy 4 Office of the General Counsel
- Cross References to Related Policies
- Statement of Ethical Conduct and Administrative Code of Conduct
- Health Insurance Portability & Accountability Act (HIPAA) Information Non Retaliation Policy
- Pilot Program for Enhancement of Employee Whistleblower Protection
- Employment Policies and Procedures on Discrimination and Harassment
- Student Policies and Procedures on Discrimination and Harassment
- Detection and Prevention of Fraud, Waste and Abuse