

### **D.3.2.2 (Procedure) Statutory Whistleblower Protection**

Responsible Department: Human Resources

Based on Board Policy: [D.3.2](#) - Protection from Retaliation

Approved: 4-28-09

Last Amended: 2-17-15

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State law prohibits retaliation against College District employees who in good faith report a violation of law by the College District or a College District employee to an appropriate law enforcement authority (such reports are often called “whistleblower complaints” pursuant to Texas whistleblower laws).

#### **Whistleblower Complaints**

Employees shall file whistleblower complaints in accordance with *Level Three* of the employee complaint procedure found in [D.3.3.1](#).

An employee who alleges a violation of state whistleblower laws may sue for injunctive relief, damages, or both, as well as other relief specified in Texas Government Code 554.003, but only after exhausting appeals under the College District's complaint procedure found in [D.3.3.1](#).

In the event retaliation is determined, appropriate disciplinary penalties shall be initiated, up to and including termination. The College District reserves the right to decline to indemnify or defend any employee who engages in retaliation in violation of this procedure or state whistleblower laws.

If the College District does not render a final decision on an employee's complaint brought under this procedure before the sixty-first (61st) day after complaint procedures are initiated, the employee may elect to:

1. Exhaust the College District's complaint procedures, in which case the employee must sue not later than the thirtieth (30th) day after those procedures are exhausted, (i.e., completed all steps of the College District complaint process) to obtain relief under Texas Government Code Chapter 554; or
2. Terminate College District complaint procedures and sue not later than the ninetieth (90th) day on which the employee reports a violation of law, or the suspension, termination, or adverse personnel action (i.e., action that adversely affects compensation, promotion, demotion, transfer, work assignment, or performance evaluation).

#### **Appropriate Actions Not Affected**

Nothing in this procedure shall prevent the College District from taking appropriate action against a person who knowingly makes a false accusation or provides false information related to or during an investigation or hearing; and nothing in this procedure limits or delays the College District's right to take appropriate disciplinary action, up to and including termination, when an employee's behavior warrants the action.

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#### **Notice**

The Human Resources department shall inform employees of their rights under this provision by posting signs in prominent locations in the workplace. The design and content of the signs shall be as prescribed by the Texas attorney general.

*Legal Reference - TACC Policy Reference Manual*  
DG(LEGAL) - Employee Rights and Privileges