

2024 Anti-Retaliation Information Guide for University of Washington Tacoma Campus

Multiple survey results¹ show that UW Tacoma faculty felt unsafe to voice opinions and were concerned about being retaliated against. To address this concern, the Faculty Assembly developed this informative guide to improve the climate of a culturally diverse urban-serving campus, to address power differentiation, and to further encourage faculty engagement in shared governance.

This guide is intended to provide information and best practices for faculty who feel they may have been harmed and wish to understand their rights, options, and potential pathways forward.

UW Faculty Code and Governance (FCG) about Retaliation

1. University of Washington [Executive Order 31](#), released in 1970s, serves the goal of “promoting an environment that is free of discrimination, harassment, and retaliation.” Particularly it “prohibits retaliation against any individual who reports concerns regarding discrimination or harassment, or who cooperates with or participates in any investigation of allegations of discrimination, harassment, or retaliation under this policy, or any individual who is perceived to have engaged in any of these actions.”

It defines retaliation as the following: “**Retaliation** means to take adverse action against individuals because they have (or are perceived to have) reported concerns under this policy or cooperated with or participated in any investigation related to this policy.”

2. University of Washington Administrative Policy ([Section 46.3](#)) states the following:
 - “In the course of their education, employment, or use of University services, individuals may have complaints about the behavior of University of Washington employees or appointees (hereafter included in the term ‘employees’), including complaints alleging that the behavior of University employees may have violated the University’s nondiscrimination and non-retaliation policies ([Executive Order No. 31](#)). This policy statement describes the processes individuals may use to lodge such complaints, referred to here as ‘complaints against employees.’”

¹ Sources: [2024 UWT Survey Results: P&T Process Feedback from Faculty](#); [2021 UW Tacoma Climate Survey Faculty Implementation Plan Team Final Narrative Report](#).

- “It is against University policy to penalize or retaliate against any party for that party’s participation in these complaint processes. The University provides employees reasonable release time from their regular work schedules to participate in these processes, following notification of appropriate administrative personnel.”

Instances of Retaliation Reported by Faculty

Naming the instances of retaliation would make them more visible and get people alerted.

Below is an incomplete list of retaliation reported by faculty:

- hostility or shunning
- microaggression
- unfair or excessive criticism
- repetitive scheduling of classes at undesirable times
- making the person’s assigned work more difficult
- contract renewed with a shorter term in comparison with peers
- inconsistent merit review process to give a performance review lower than it should be
- unfair or excessive criticism of a case for tenure or promotion
- delay of the salary pay and/or other reimbursements

Where to Go: Working with Civil Rights Investigation Office (CRIO)

Retaliation is a serious allegation, and therefore any complaints should go directly to the Civil Rights Investigation Office (CRIO): <https://www.washington.edu/cr-investigations/>

- CRIO is a collective office that came from UCIRO and Title IX Office, reformed in 2023. It’s a UW’s current anti-retaliation response system. As stated in [APS 46.3](#), the Civil Rights Investigation Office investigates complaints that a University employee has violated the University’s *non-discrimination or non-retaliation* policies.
- After one contacts the CRIO, an investigator will conduct an intake meeting about 45-60 minutes to inform the faculty member about the role and process of the office and determine whether the complaint falls into their purview.
- The scope of a CRIO investigation will be limited to a neutral and objective examination of facts that are relevant to one’s discrimination and/or retaliation complaint, and that occurred within 365 days prior to the request for an investigation (Source: CRIO Information Guide).

UW Faculty Code Interpretation

Warning: The interpretation below is not legal advice. Please seek a legal consultant for your case.

- A faculty union will help negotiate rights regarding how investigations are to occur, but there is not such a union in our university.
- A faculty member is advised to work with a legal counsel for the circumstances related to FCG 25-71 or 28-51.
- Once faculty moves into the adjudication stage, there is a faculty right to counsel, as FCG 28-52(G) expressly confers this right.

- Working with a legal counsel doesn't mean one must take them to the 25-71 meetings or adjudication hearings, which could be a costly expense and introduce other consequences. For the latter, the university will send their legal counsel to meetings when your counsel is present.

Campus Resources

- Complaint resolution from Human Resources: <https://hr.uw.edu/policies/complaint-resolution/>
- Dispute resolution from Faculty Senate Office: <https://www.washington.edu/faculty/secfac/faculty-dispute-resolution-and-faculty-discipline/>
- Implementation Guidelines for Upholding Standard of Conduct Requirements in the Faculty Code (FC 25-71): see [Exhibit I from pages 17 to 19](#) of the PDF file

Strategies for faculty who are concerned about retaliation:

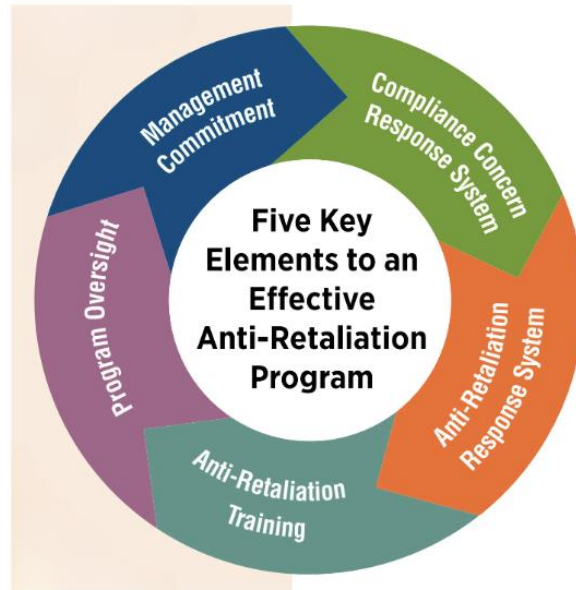
- Documenting their experiences
- Seeking advice from senior colleagues inside and beyond UW they trust
- Contacting the following UW offices and entities to seek more information and guidance
 - Faculty Liaisons Program: <https://www.washington.edu/ombud/office-of-the-ombud/faculty-liaisons/>
 - From its website: "The Faculty Liaisons are a new resource created in partnership by the President's Office and the faculty leadership to support faculty attempting to navigate workplace conflict or who find themselves engaged in formal university processes (e.g., Faculty Code, Section 25-71, and Section 27-31). The Faculty Liaisons provide direct, colleague-to-colleague support, and timely information to faculty with the goal of supporting personal agency. The Liaisons are not intended to serve as representative or advocates for faculty members but to support and promote resolution."
 - Office of the Ombud: <https://www.washington.edu/ombud/>

Other Resources

1. Research Frameworks

A. Five Key Elements to Creating an Effective Anti-Retaliation Programs

1. Management leadership, commitment, and accountability
2. System for listening to and resolving employees' safety and compliance concerns
3. System for receiving and responding to reports of retaliation
4. Anti-retaliation training for employees and managers
5. Program oversight



(Source: [OSHA \(Occupational Safety & Health Administration\): Recommended Practice for Anti-Retaliation Programs](#))

B. Restorative justice framework

- Howard Zehr (2015). *The Little Book of Restorative Justice: Revised and Updated*. New York: Good Books.
- 2023 AAUP forum on faculty discipline and dispute reforms to the UW Faculty Code: [YouTube Video](#)

2. Definitions of Retaliation from Federal Agencies:

The following definitions might be relevant to your individual case.

- Title IX (see IV.A.3): <https://www.justice.gov/crt/title-ix#3.%C2%A0%20Retaliation>
- EEOC (U.S. Equal Employment Opportunity Commission): <https://www.eeoc.gov/retaliation>
- Department of Labor: Occupational Safety and Health Administration: Whistleblower Protection https://www.whistleblowers.gov/know_your_rights

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- Reviewed by the Human Resources of UWT.