

Policies of the University of North Texas Health Science Center	Chapter 05 Human Resources
05.206 Whistle Blower Act	

Policy Statement.

The University of North Texas Health Science Center will adhere to all provisions of Section 554.001, Government Code, "Whistle Blower Act." This act protects public employees who in good faith report a violation of the law.

Retaliation Prohibited: A state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority if the employee report is made in good faith.

Application of Policy.

Faculty and Staff

Definitions.

1. **Civil Penalty:** A supervisor who suspends or terminates the employment of a public employee for reporting a violation of law under this Act is subject to a civil penalty not to exceed \$15,000. The Attorney General or the appropriate prosecuting attorney may sue to collect the penalty.

Funds collected under this section shall be deposited in the state treasury in the general revenue fund.

2. "Law" means a state or federal statute, an ordinance passed by a local governmental entity, or a rule adopted under a statute or an ordinance.

Procedures and Responsibilities.

Procedure / Duty

Responsible Party

Remedy; Burden of Proof; Venue

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| <ol style="list-style-type: none"> 1. A public employee who alleges a violation of this act may sue for injunctive relief, damages, or both. An employee who seeks relief under this Act must sue no later than the 90th day after the day the alleged violation occurred or was discovered by the employee through the use of reasonable diligence. | Employee |
| <ol style="list-style-type: none"> 2. A public employee who sues under this section has the burden of proof, but it is a rebuttable presumption that the employee was suspended, terminated, or suffered other adverse personnel action for reporting a violation of law if the action against the | Employee |

employee suspended or terminated was not later than the 90th day after making a report in good faith.

3. A public employee who sues under this section may bring suit in the district court of the county in which he resides or in the district court of Travis County. Employee
4. **Notice:** Each state or local government body shall notify its employees of their rights under this act by posting an appropriately worded sign in a prominent place in the workplace. The director of the State Employees Division of the Office of the Attorney General shall prescribe the design and content of the sign. Human Resources Staff
5. **Damages, Reinstatement:** A public employee who sues under this act may recover: Employee
 - a.) actual damages;
 - b.) injunctive relief;
 - c.) costs of court; and
 - d.) reasonable attorney's fees.
6. In addition to damages recovered under section 5 above, a public employee whose employment is suspended or terminated in violation of this act is entitled to: Employee
 - a.) reinstatement in his former position or an equivalent position;
 - b.) compensation for wages lost during the period of suspension or termination; and
 - c.) reinstatement of any fringe benefits or seniority rights lost because of the suspension or termination.

References and Cross-references.

Section 554.001, Government Code, "Whistle Blower Act."

Forms and Tools

Approved: 9/1/2006

Effective: 9/1/2006

Revised: