

80.90.008 NON-RETALIATION POLICY

Non-Retaliation Policy

Derived from St. Jude Policy Non-Retaliation Reference #1148 (Owner, Tamara Walk Harris)

PURPOSE

The St. Jude Children's Research Hospital Graduate School of Biomedical Sciences ("Graduate School") is committed to complying with applicable statutes and regulations and protecting Graduate School stakeholders from retaliation for good faith reporting of suspected or actual wrongdoing. This policy provides notice to the Graduate School's faculty, staff, and students of their whistleblower rights and remedies.

SCOPE

This policy applies to all Graduate School faculty, staff, and students.

STAKEHOLDERS AFFECTED BY THIS POLICY

Stakeholders affected by this policy include all Graduate School students, faculty, and staff (collectively Graduate School stakeholders).

POLICY

1.1. The Graduate School requires all faculty, staff, and students to report known or suspected wrongdoing. The Graduate School does not permit or condone any form of retaliation for good faith reporting of a wrongdoing or for participating in an internal investigation or complaint process. No adverse action(s) will be taken against a Graduate School staff member for making reports in good faith. A Graduate School stakeholder may not be terminated, demoted (as applicable), or otherwise discriminated against for disclosing information that the individual reasonably believes is evidence of wrongdoing related to a local, state, federal, or foundation contract or grant to any of the following persons or entities: the staff or faculty member's supervisor or student's advisor, Chief Compliance Officer (or their designee), the Office of Legal Services, or the Research Integrity Officer; a member of Congress or representative of a committee of Congress; an Inspector General; the Government Accountability Office; a federal employee responsible for contract or grant oversight or management at the agency related to the federal contract or grant; an authorized official of the Department of Justice or other law enforcement agency; or a court or grand jury.

80.90.008 *NON-RETALIATION POLICY*

1.2. All supervisors and advisors have a responsibility to create a work environment in which ethical and legal concerns may be raised and openly discussed without fear of retaliation or retribution and to protect the identity of the reporter to the extent possible. Actions that might constitute retaliation, retribution or harassment include, but are not limited to, negative grade assignment, intimidation, threats, demotion, suspension, denial of promotion or raises, or loss of employment or professional opportunities.

1.3. This policy may not be used as a defense against a disciplinary action if that action has been taken for legitimate reasons and in a manner that is consistent with the Graduate School's policies and procedures. Additionally, Graduate School stakeholders who knowingly and intentionally make false allegations of non-compliance will be subject to disciplinary measures, in accordance with the Graduate School's policies and procedures.

PROCEDURE

2.1. Graduate School administrators, supervisors, and student advisors should maintain an open work environment that encourages Graduate School staff members to report problems and concerns. All Graduate School administrators, supervisors, and advisors are expected to educate Graduate School stakeholders on this policy, provide periodic reminders of this policy, and maintain appropriate documentation of the training.

2.2. Anyone who receives a report of possible wrongdoing must immediately notify the Chief Compliance Officer (CCO), Chief Legal Officer (CLO), or Research Integrity Officer (RIO) upon any report of retaliation.

2.3. Graduate School stakeholders may report real or suspected retaliation related to compliance to Graduate School administrators, their supervisor, their advisor, the CCO, CLO, RIO, or EthicsPoint by calling 1-800-433-1847 or by reporting online (<https://secure.ethicspoint.com/domain/media/en/gui/13837/report.html>).

2.4. The person taking the report must document the conversation in writing and should include specific information to document and support the retaliation complaint. A copy of the written report will be provided to the CCO.

2.5. Confidentiality will be maintained to the extent possible, informing only those individuals who have a need to know. Investigations of real or suspected retaliation are confidential and should not be shared with anyone outside the investigation team.

80.90.008 *NON-RETALIATION POLICY*

2.6. The CCO or designee will investigate and respond to the complainant promptly. This initial review will only assess the nature and seriousness of the retaliatory action.

2.7. The final determination as to whether retaliation has occurred in violation of this policy will be made by the CCO in consultation with the Office of Legal Services. If the COO determines that a faculty member, staff member or student at the Graduate School has violated this policy, the COO will inform the Dean of the Graduate School.

2.8. The CCO will provide a report to the CSC and the Board of Governors regarding any allegations of retaliation and the resolution of any allegations. If allegations of retaliation involve a Graduate School student or faculty member, the reports detailing the allegations and any resolutions will be communicated to the Dean of the Graduate School.

2.9. Graduate School staff members cannot exempt themselves from the consequences of wrongdoing by reporting their own wrongdoing, although self-reporting may be taken into account in determining the appropriate course of action.

2.10. If a Graduate School staff member believes that they have been discharged, demoted, or otherwise retaliated against for disclosing wrongdoing related to a federal contract or grant to a person or entity listed above, the Graduate School staff member may submit a complaint to the Inspector General of the federal agency responsible for the contract or grant within three (3) years of the date on which the alleged retaliatory conduct took place.

2.10.1. The federal agency will receive a report from the Inspector General following its investigation of the alleged retaliatory conduct.

2.10.2. No later than thirty (30) days after receiving the Inspector General's investigation report, the head of the federal agency may deny the Graduate School staff member or student relief or may take one or more of the following actions:

- Order the Graduate School to take corrective action;
- Order the Graduate School to reinstate the Graduate School staff member with compensatory damages (including back pay and health benefits), employment benefits, and other terms and conditions that would apply to the Graduate School staff member if the retaliation had not occurred; and/or
- Order Graduate School to pay the Graduate School staff member an amount up to or equal to their costs and expenses to bring the retaliation complaint.

80.90.008 *NON-RETALIATION POLICY*

2.10.3. If the head of the federal agency denies the Graduate School staff member relief or fails to issue an order to the Graduate School within 210 days after the Graduate School staff member or student filed their retaliation complaint (provided there was not an extension or bad faith delay), the Graduate School staff member may file an action against the Graduate School. Generally, the Graduate School staff member or student must file with the court within two (2) years of (i) the federal agency order denying the Graduate School staff member relief or (ii) the failure to issue an order within 210 days after the Graduate School staff member filed their retaliation complaint.

2.10.4. Additional information on whistleblower protection related to federal contracts and grants may be found at the relevant federal agency's Inspector General website or at 41 U.S.C. § 4712.

DEFINITIONS

- **Good Faith** – Honest intent to act without taking an unfair advantage over another; disclosing perceived wrongdoing without deception.
- **Harassment** – Verbal or physical conduct that denigrates or shows hostility or aversion toward a person when such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- **Graduate School stakeholder** – All faculty, staff, students, volunteers, agents, vendors, and contractors as well as any other persons or entities acting or providing services on behalf of the Graduate School.
- **Wrongdoing** – Examples of Wrongdoing include, but are not limited to non-compliance, illegal or fraudulent activity, financial misstatements or accounting/auditing irregularities, undisclosed conflicts of interests or dishonest or unethical conduct, violation of St. Jude's policies or Code of Conduct or other laws, rules, regulations and/or policies. For purpose of this policy and procedure, Wrongdoing related to a federal contract or grant (as set forth at 41 U.S.C. § 4712) may include the following: gross mismanagement of a federal contract or grant; a gross waste of federal funds; an abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health or safety; and/or a violation of law, rule, regulation related to a federal contract (including bidding for or negotiating of a contract) or grant.

REFERENCE DOCUMENTS

80.90.008 *NON-RETALIATION POLICY*

- Administrative Remedies 31 U.S.C. §§ 3801, et seq
- Deficit Reduction Act of 2005 (S. 1932) §§ 6031 – 6034 (DRA)
- Federal False Claims Act, 31 U.S.C. §§ 3729-3733
- T.C.A. §§ 4-18
- Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information 41 U.S.C. § 4712

FORMS AND OTHER DOCUMENTS

N/A

POLICY DETAILS

Policy Type	Policy Revision
Policy Number	80.90.008
Policy Category	Administrative Policy
Policy Sponsor	Stacey Schultz-Cherry
Approval Authority	Dean of the Graduate School
Policy Effective Date	July 1, 2023
Policy Owner (Contact Info)	Stacey Schultz-Cherry (stacey.schultz-cherry@stjude.org)
Policy Alternate	Stacey Schultz-Cherry
Last Review Date	May 30, 2025
Next Scheduled Review Date	By June 1, 2026

REVISION HISTORY

V1.0 – May 25, 2023

V2.0 – August 19, 2024

APPROVALS

Dean of the Graduate School – Approved on May 25, 2023

Dean of the Graduate School – Approved on August 19, 2024