

## PROCEDURE LIT.1.04.12 WHISTLEBLOWER ACT PROTECTIONS

### **SCOPE:** Faculty and Staff

Lamar Institute of Technology (LIT) adheres to all provisions of the Texas Whistle Blower Act. This act protects public employees who in good faith report a violation of the law.

1. Retaliation Prohibited. A state of local government body may not suspend or terminate the employment of, or otherwise take an adverse action against, a public employee who reports a violation of law to an appropriate law enforcement authority if the employee report is made in good faith. "Law" means a State or Federal statute, an ordinance passed by a local governmental body, or a rule adopted under a statute or an ordinance.
2. Remedy; Burden of Proof; Venue.
  - 2.1. 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 alleged violation occurred or was discovered by the employee through the use of reasonable diligence. The employee also must exhaust the appeals process during this 90-day period.
  - 2.2. A public employee who sues under this section has the burden of proof, but it is a presumption subject to rebuttal that the employee was suspended or terminated for reporting a violation of law. The employee must have suffered an adverse employment action not later than the 90th day after making a report in good faith.
  - 2.3. A public employee who sues under this section may bring suits in the district court of the county in which the cause of action arises or in the District Court of Travis County.
  - 2.4. If a governmental body takes an adverse action against a public employee (who makes a good faith report of wrongdoing by the government body) within 90 days of the report, the law will presume retaliation and shift the burden of proof in the case to the governmental body to prove that it did not retaliate.
3. Damages, Reinstatement.
  - 3.1. A public employee who sues under this Act may recover:
    - 3.1.1. Injunctive damages;
    - 3.1.2. Actual and punitive damages;
    - 3.1.3. Costs of court; and,
    - 3.1.4. Reasonable attorney's fees.
  - 3.2. In addition to damages recovered under Section 3.1 of this policy, a public employee whose employment is suspended or terminated in violation of this Act is entitled to:

- 3.2.1. Reinstatement in his former position;
  - 3.2.2. Compensation for wages lost during the period of suspension or termination, and;
  - 3.2.3. Reinstatement of any fringe benefits or seniority rights lost because of the suspension or termination.
- 4. 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.
  - 5. 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 Attorney General shall prescribe the design and content of the sign.

**Related Policies:** LIT.1.04

**Relevant Forms/Documents:**

**Relevant TSUS Policies/Forms/Documents:**

**Relevant Statutes:** Texas Government Code, Title 5. *Open Government; Ethics*, Subtitle A. *Open Government*, Chapter 554. *Protection for Reporting Violations of Law*

**Relevant SACSOC Standards:**

**Document History:**

*Adopted:*

*Reviewed:*

*Revised:* May 2023, May 2025