

Policy Title: Non-Retaliation Against Persons Reporting Misconduct

Policy Category: University Policy

Policy Owner: Human Resources

Review Period: Two (2) Years

Effective Date: January 17, 2017

Policy Homepage:

Resources and Related University Policies:

- Student Complaint Procedures
- Anonymous Online Reporting Tool
- Human Resources
- Title IX
- Dean of Students
- Department of Athletics, Compliance
- Sponsored Programs Administration
- How to Report Allegations of Retaliation

Policy Summary

Creating a uniform policy prohibiting retaliation against persons who report misconduct, regardless of which law or policy governs the behavior.

Purpose

The purpose of this policy is to comply with requirements of federal and state law and community ethical principles to prohibit retaliation against persons reporting misconduct.

Scope

This policy governs all University trustees, officers, faculty, staff, and students. The prohibition against retaliation governs all good faith reports of misconduct where the reporting is required by law or policy as well as those permissive reports that are not required but encouraged by Drake University.

Definitions

"Good faith report" is a report made with the honest and reasonable belief that a violation of law or university policy may have occurred, based on available information.

“Retaliation” is a materially adverse action taken against a person because of the person’s report of misconduct, participation in the investigation of a report of misconduct, or objecting to or resisting such misconduct.

Policy

Drake University is committed to fair and ethical principles, practices and conduct in all business, employment, and academic relationships. The University’s trustees, officers, faculty, staff, and students are expected to model the highest standards of ethical behavior and stewardship. The University strongly encourages all faculty, administrators, staff and students to report suspected or actual wrongful conduct through channels that the University establishes for such reporting.

Retaliation against a person who makes a good faith report of activity believed to be unlawful, unethical, or in violation of university policy is prohibited. No University trustee, faculty, administrator, staff or student may interfere with the good faith reporting of suspected or actual wrongful conduct; similarly, no individual who makes such a good faith report shall be subject to retaliation, including but not limited to harassment or intimidation or any adverse employment, academic or educational consequence, as a result of making a report. This prohibition shall exist even if the complaint is ultimately dismissed – it is the act of making a good faith complaint, not the outcome, which warrants such protection.

Retaliation is prohibited not only by the person accused of misconduct, but also by persons acting on behalf of, in cooperation with, or in defense of the person accused of misconduct if the behavior otherwise satisfies the definition of retaliation. Retaliation is also prohibited against persons who participate in an investigation of such activity or who otherwise take steps to object to or resist such activity.

Timing can be, but is not always, a factor in determining whether retaliation has occurred, along with other evidence that the action was taken as a result of the underlying complaint of misconduct. It shall not be retaliation to take steps to counsel or discipline persons who knowingly, intentionally, or recklessly make false claims of misconduct or for the university to take affirmative steps to prevent or correct damage to persons when it is determined that allegations of misconduct against them are false. This policy is not intended to interfere with legitimate employment, academic, or business decisions/actions that are unrelated to the underlying complaint of misconduct.

The behavior believed to be misconduct might include, but is not limited to:

- an activity that violates a law, regulation, or university policy
- discrimination, harassment, or sexual misconduct
- research misconduct
- misuse of grant money, university property or resources
- impropriety or fraud with respect to financial reporting or accounting
- embezzlement or theft
- conspiring with or coercing another to engage in any such behaviors