



## 1. INTRODUCTION

The University of Notre Dame is committed to protecting members of the University community from retaliation for participating in an investigation or for good faith reporting or objecting to any activity by another member of the University community that they reasonably believe is unlawful, unethical, or in violation of University policy.

## 2. POLICY STATEMENT

No member of the University community shall retaliate against another member of the University community who engages in good faith conduct as set forth below. Acts of retaliation violate University policy and may be unlawful, and as such, will not be tolerated. Any individual found to have retaliated shall be subject to disciplinary action, up to and including dismissal.

“Retaliation” occurs when a person experiences an adverse action because he or she: reported misconduct under the University’s [Ethical Conduct Policy](#); participated in a University investigatory, grievance, or appeals procedure; filed a complaint alleging prohibited discrimination (including harassment); or otherwise objected to or reported a practice that he or she reasonably believed was unlawful, unethical, or in violation of University policy. Types of adverse action include, but are not limited to: dismissal from employment; demotion; loss of salary or benefits; transfer or reassignment; or denial of promotion that otherwise would have been received.

Anyone reporting retaliation must act in good faith and have reasonable grounds for believing that retaliation has occurred. Individuals who make false retaliation reports will be disciplined in accordance with existing University policies and procedures.

Nothing in this Policy is intended to interfere with legitimate employment decisions.

## 3. SCOPE

This Policy applies to all members of the University of Notre Dame community, which includes employees (both faculty and staff) and students.

## 4. DEFINITIONS

### **Misconduct**

Any activity by a University employee that violates a law, regulation, grant requirement, or University policy. Types of behavior that fall within misconduct include, but are not limited to:

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misuse of grant money, University property or resources; impropriety or fraud with respect to financial reporting or accounting; embezzlement; theft; or conspiring with or coercing another to engage in any of such behaviors.

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**Retaliation**

Any adverse action an individual experiences as a consequence of that individual: reporting misconduct; participating in a University investigatory, grievance, or appeals procedure; filing a complaint alleging prohibited discrimination (including harassment); or otherwise objecting to a practice that the individual reasonably believes is unlawful, unethical, or in violation of University policy.

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**5. PROCEDURES**

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**5.1. Retaliation by Staff**

**5.1.1. Complaint**

Any incident of retaliation by a staff member should be reported promptly by written complaint to the Office of Human Resources. A written complaint should include the name, address, and telephone number of the reporting individual; a detailed description of the conduct that the reporting party alleges to be retaliatory; name(s) and contact information of the person(s) against whom the complaint is made (or, if the alleged retaliation involves a department or unit rather than an individual, a representative of that department/unit); and the name(s) and contact information of witnesses (if any). The reporting party should make every effort to submit the written complaint within thirty (30) business days of the alleged conduct.

**5.1.2. Investigation**

The appropriate office will investigate the complaint. Depending on the nature of the allegations, the investigation could include interviews with the reporting party, the accused individual(s) (or, if the alleged retaliation involves a department or unit rather than an individual, with a representative of that department/unit), and/or witnesses; review of written documentation and relevant policies; and any other steps necessary to thoroughly investigate the allegations.

At the conclusion of the investigation, the appropriate office will notify the reporting party and the accused of the outcome of the investigation and will take any disciplinary action that is appropriate.

### **5.1.3. Appeal**

An accused party not satisfied with the outcome of a retaliation investigation may appeal the decision by submitting the written complaint discussed above and any additional information to either the Vice President and General Counsel or the Associate Vice President for Human Resources within ten (10) business days from the date of notification of the outcome of the investigation.

## **5.2. Retaliation by Faculty & Others with Teaching Responsibilities**

### **5.2.1. Complaint**

A faculty member alleging to have been subjected to retaliation by another faculty member must pursue such a complaint in accordance with the Faculty Grievance Procedures of the [Academic Articles](#). If a faculty member has questions about the Faculty Grievance Procedures, he or she should contact the Office of the Provost.

Any other member of the University community alleging to have been subjected to retaliation by a faculty member or others with teaching responsibilities should promptly report the alleged retaliation by written complaint to the Office of the Provost. A written complaint should include the name, address, and telephone number of the reporting individual; a detailed description of the conduct that the reporting party alleges to be retaliatory; name(s) and contact information of the person(s) against whom the complaint is made (or, if the alleged retaliation involves a department or unit rather than an individual, a representative of that department/unit); and the name(s) and contact information of witnesses (if any). The reporting party should make every effort to submit the written complaint within thirty (30) business days of the alleged conduct.

### **5.2.2. Investigation**

The Office of the Provost or its designee will investigate the complaints made by non-faculty. Depending on the nature of the allegations, the investigation could include interviews with the reporting party, the accused individual(s) (or, if the alleged retaliation involves a department or unit rather than an individual, with a representative of that department/unit), and/or witnesses; review of written documentation and relevant policies; and any other steps necessary to thoroughly investigate the allegations.

At the conclusion of the investigation, the Office of the Provost or its designee will notify the reporting party and the accused of the outcome of the investigation and will take any disciplinary action that is appropriate, in accordance with the [Academic Articles](#). In the case of students with teaching or classroom responsibilities, this discipline could include termination of such teaching and classroom responsibilities, as well as discipline from the Office of Residence Life and Housing if appropriate.

### 5.2.3. Appeal

A faculty member accused of retaliation may appeal the outcome of the investigation in accordance with the Faculty Grievance Procedures of [Academic Articles](#).

## 5.3. Retaliation by Student

### 5.3.1. Complaint

Any incident of retaliation by an undergraduate or graduate student should be reported promptly by written complaint to the Office of Residence Life & Housing. A written complaint should include the name, address, and telephone number of the reporting individual; a detailed description of the conduct that the reporting party alleges to be retaliatory; name(s) and contact information of the person(s) against whom the complaint is made (or, if the alleged retaliation involves a department or unit rather than an individual, a representative of that department/unit); and the name(s) and contact information of witnesses (if any). The reporting party should make every effort to submit the written complaint within thirty (30) business days of the alleged conduct.

### 5.3.2. Investigation

The Office of Residence Life and Housing will investigate the complaint. Depending on the nature of the allegations, the investigation could include interviews with the reporting party, the accused individual, and/or witnesses; review of written documentation and relevant policies; and any other steps necessary to thoroughly investigate the allegations.

At the conclusion of the investigation, the Office of Residence Life and Housing will notify the reporting party and the accused of the outcome of the investigation and will take any disciplinary action that is appropriate in accordance with the procedures outlined in the [University Disciplinary Procedures](#) section of du Lac. Student sanctions could include, but are not limited to, disciplinary probation, disciplinary suspension, or permanent dismissal. If the student has teaching or classroom responsibilities, the Office of the Provost may also terminate such responsibilities as a sanction if appropriate.

### 5.3.3. Appeal

Students found in violation of this Policy may ask for review of the matter according to the [Disciplinary Review Procedures](#) and [Case Review Routes](#) provisions of du Lac.

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## 6. POLICY ENFORCEMENT

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Enforcement	The appropriate University office will investigate retaliation complaints and recommend appropriate remedial action as is warranted under the law and/or applicable University policy.
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## 7. REFERENCE DOCUMENTS

<b>Policy or Document</b>	<b>Web Address</b>
Ethical Conduct Policy	<a href="http://policy.nd.edu/policy_files/EthicalConductPolicy.pdf">http://policy.nd.edu/policy_files/EthicalConductPolicy.pdf</a>
Academic Articles	<a href="http://nd.edu/leadership/pdf/Academic_Articles2009-10.pdf">http://nd.edu/leadership/pdf/Academic_Articles2009-10.pdf</a>
du Lac	<a href="http://orlh.nd.edu/dulac/">http://orlh.nd.edu/dulac/</a>

## 8. CONTACTS

<b>Subject</b>	<b>Office or Position</b>	<b>Telephone Number</b>	<b>Office E-mail or URL</b>
Policy Clarification	Office of General Counsel	(574) 631-6411	<a href="mailto:gencoun@nd.edu">gencoun@nd.edu</a>
Web Address for this Policy		<a href="http://policy.nd.edu/policy_files/NonRetaliationPolicy.pdf">http://policy.nd.edu/policy_files/NonRetaliationPolicy.pdf</a>	