



1. POLICY STATEMENT

Acts of Retaliation are contrary to the values of the University of Notre Dame and may in certain circumstances be unlawful. As such, acts of Retaliation will not be tolerated by the University.

The University prohibits all members of the University community from committing an act of Retaliation against any other member of the University community. An act of Retaliation is a significant breach of University standards. Any individual found by the University to have engaged in any act of Retaliation shall be subject to disciplinary action, which may include without limitation termination of employment or dismissal from the University.

2. SCOPE

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

3. DEFINITIONS

Retaliation

An Adverse Action taken against a member of the University community based in whole or in part on that community member engaging in Good Faith Conduct.

Adverse Action

An act or omission that does, or is likely to, prevent or discourage a reasonable person from engaging in Good Faith Conduct. Types of adverse action may include, but are not limited to:

- demeaning, intimidating, threatening, or hostile behavior;
- exclusion from academic or non-academic programs;
- discipline, demotion, or termination from employment; or
- loss of salary or benefits, or denial of promotion or opportunity that otherwise would have been received.

Good Faith Conduct

An act undertaken in good faith to assist the University in identifying or addressing potential Misconduct, or to engage in activities or otherwise exercise rights that are protected by law. Types of Good Faith Conduct may include, but are not limited to:

- reporting Misconduct or otherwise objecting to a practice that the individual reasonably believes is unlawful, unethical, or in

violation of University policy; or

- participating in a University or external investigation, inquiry, or process, including but not limited to a conduct, disciplinary, grievance, appeal, accommodation, or medical leave process.

Misconduct

Any action or inaction by a member of the University community that violates a statute, regulation, ordinance, grant requirement, other legal requirement, or University policy. Misconduct includes, but is not limited to, the following types of behaviors:

- misappropriation or theft of University funds, property, or resources;
- fraudulent financial reporting, recordkeeping, or accounting;
- willful disregard of legal compliance requirements; or
- violations of any University policy, including policies on sexual harassment and/or discrimination.

4. PROCEDURES**4.1 Reporting Alleged Retaliation**

Any suspected Retaliation should be reported promptly by contacting the Office of Institutional Equity (“OIE”) at 574-631-0444 or equity@nd.edu, or by using the online incident reporting form at speakup.nd.edu. A report of alleged Retaliation may be consolidated with other alleged Misconduct under the Procedures for Resolving Concerns of Discriminatory Harassment, Sexual Harassment, and Other Sex-Based Misconduct, and may be resolved under the procedures applicable to the other alleged misconduct.

Anyone reporting Retaliation must act in good faith and have reasonable grounds for believing that Retaliation has occurred.

4.2 Evaluation and Resolution

In general, the University will evaluate reports of alleged Retaliation, and resolve the allegations. For the purpose of this Policy, the office evaluating a report of alleged Retaliation will be referred to as the Reviewer. OIE may act as the Reviewer or may designate a Reviewer within the Office of the Provost, Notre Dame Human Resources, or the Division of Student Affairs, as appropriate.

After an allegation of Retaliation is reported, the Reviewer will gather information about the reported conduct and determine whether the reported conduct is within the scope of this Policy. If the reported conduct is within the scope of the Policy, the Reviewer will have discretion to determine the appropriate course forward. Among the options that the Reviewer may consider for proceeding are: investigation, alternative resolution, referral to another office for evaluation, or dismissal of report.

If the Reviewer determines an investigation is appropriate, the Reviewer or its designee will conduct a thorough, fair, and impartial investigation. At the conclusion of an investigation,

the Reviewer or its designee will determine, based on the preponderance of the evidence, whether Retaliation occurred. If the investigation results in a finding of Retaliation, the Reviewer or its designee will issue and communicate the determination and any appropriate sanctions to the relevant parties. In making the determination and issuing sanctions, the Reviewer or its designee will consider applicable University policy and consult with the appropriate University office based on the status of the individual alleged or found to have committed the Retaliation, which is as follows: Human Resources for staff members, the Provost's Office for faculty members, and the Office of Student Affairs for students.

4.3 Sanctioning

The University may impose any sanctions it deems appropriate, up to and including termination of employment or dismissal from the University.

Before the imposition of a "severe sanction," as defined in the Academic Articles, a faculty member is entitled to the procedural protections (including the right of appeal) set forth in Article IV, Section 9 of the Academic Articles.

4.4 Appeal Process

An individual found responsible for Retaliation will be provided the opportunity to request an appeal. Unless otherwise stated, if a request for an appeal is filed, the sanction(s) assigned to the individual will not become effective until the appeal process is complete.

4.4.1. Staff Member Appeal Process

A staff member found to have violated this Policy may appeal the decision by submitting a written request and all information relevant to the appeal to the Vice President of Human Resources, or designee, within ten (10) calendar days from the date of notification of the investigation's outcome. The Vice President of Human Resources, or designee, will provide the University's written response, and this response is final.

4.4.2 Student Appeal Process

A student found to have violated this Policy may appeal the decision by submitting a written request and all information relevant to the appeal to the Vice President of Student Affairs, or designee, within ten (10) calendar days from the date of notification of the investigation's outcome. The Vice President of Student Affairs, or designee, will provide the University's written response, and this response is final.

4.4.3 Faculty Member Appeal Process

A faculty member found to have violated this Policy may appeal the decision by submitting a written request and all information relevant to the appeal to the Provost, or designee, within ten (10) calendar days from the date of notification of the investigation's outcome. The Provost, or designee, will provide the University's written response, and this response is final.

5. REFERENCE DOCUMENTS

Policy or Document	Web Address
Academic Articles	https://facultyhandbook.nd.edu/assets/573302/240701_academic_articles_university_of_notre_dame.docx.pdf
du Lac	http://orlh.nd.edu/dulac/

6. CONTACTS

Subject	Office or Position	Telephone Number	Office E-mail
Policy Clarification	Office of Institutional Equity	(574) 631-0444	equity@nd.edu