

Policy Title: Non-Retaliation Against Persons Reporting Misconduct

Policy Summary: Uniform policy prohibiting retaliation against persons who report wrongful conduct in good faith.

Policy Category: Governance, Human Resources, Administration & Operations

Policy Owner: Audit Committee of the Drake University Board of Trustees

Policy Summary

This policy creates a uniform policy prohibiting retaliation against persons who report wrongful conduct in good faith.

Purpose

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 purpose of this policy is to encourage reporting of misconduct by prohibiting 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" for purposes of this policy is a materially adverse action taken against a person because of the person's report of misconduct, participation in any part of a review or investigation of a report of misconduct, or objecting to or resisting such misconduct.

"Wrongful Conduct" means misconduct, or suspected misconduct, taken by the University or a University Community Member that is illegal under applicable federal, state, or local laws, is fraudulent, or is in violation of any of the University's policies or procedures. Wrongful Conduct includes, but is not limited to, violations of University policy and the law including academic or research misconduct, fraud, unauthorized use of the University's property or resources, fraudulent or dishonest financial reporting, conflict of interest, sexual and gender-based misconduct, or other forms of prohibited discrimination.

Policy

Retaliation Prohibited

Drake University prohibits retaliation against a person who makes a Good Faith Report of Wrongful Conduct. This prohibition applies to all Good Faith Reports, regardless of whether Drake University ultimately concludes the complaint or concern is without merit, does not warrant formal investigation, or otherwise dismisses the complaint or concern. Put another

way, Drake University's prohibition against retaliation attaches to the act of making a Good Faith Complaint, not the outcome of any subsequent review or investigation.

Drake University prohibits retaliation by the person accused of Wrongful Conduct, and 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. Drake University further prohibits Retaliation against persons who participate in the review, investigation, or litigation of alleged Wrongful Conduct or who otherwise take steps to object to or resist the alleged Wrongful Conduct.

Drake University does not consider taking steps to counsel or discipline persons who knowingly, intentionally, or recklessly make false claims of Wrongful Conduct to constitute retaliation. This policy is not intended to interfere with legitimate employment, academic, or business decisions/actions that are made for reasons other than Retaliation.

Examples of Retaliatory Actions

Examples of actions that could constitute retaliation if taken in response to a protected activity include, but are not limited to:

- reducing compensation or denying merit or annual salary increases;
- changing or denying a requested work assignments, vacation, or promotion;
- denying or delaying advancement opportunities (whether employment-related or academic);
- ending one's employment;
- lowering a student's grade;
- denying a student access to an organization, academic program, facility, or research assignment;
- adversely interfering with one's job search;
- engaging in harassing conduct that is sufficiently severe, pervasive, and/or persistent to create a hostile environment;
- threats to engage in any of the actions listed above.

This is a non-exclusive list. These actions in and of themselves may not constitute retaliation if they are taken for academic or professional reasons or justifications that are independent from a protected activity.

Reporting Known or Suspected Acts of Retaliation

Those who are aware of or suspect acts of retaliation may report their concerns to the office most closely tied to the underlying Good Faith Report. For example, known or suspected retaliation relating to a Title IX issue could be reported directly to the Title IX Office. Known or suspected retaliation for reporting student misconduct could be reported directly to the Dean of Students Office. If it is unclear to whom a report should be made, faculty and staff members

should submit a report to Human Resources and students may contact the Dean of Students Office.

For those who do not wish to make a report through these channels, a report may be made anonymously through the Ethics Point on-line reporting tool. (See link under the Related Policies and Resources Section of this Policy below).

Resources and Related University Policies:

[Code of Student Conduct](#)

[Policy and Procedures for Reporting Possible Misconduct in Science](#)

[Sexual Harassment Policy](#)

[Conflict of Interest Policy](#)

[Non-Discrimination and Discriminatory Harassment Policy](#)

[Ethics Point Anonymous Reporting Tool](#)

Effective Date: January 2017

Last Reviewed: October 2023