

1 Non-Retaliation Against Persons Reporting 2 Misconduct

3 Effective: Moved to Policy Library from UPM 2.5(16)

4 Updated/Revised: May 29, 2013

5 Contact: [Office of General Counsel](#)

6 Introduction

7 The purpose of this policy is to comply with requirements of federal and state law and Regents policy
8 to prohibit retaliation against persons reporting misconduct.

9 Policy Statement

10 The university will not tolerate retaliation against persons who report misconduct. Such conduct is
11 inconsistent with university policy and in some cases is also prohibited by law. The university is
12 committed to creating an environment wherein members of the university community are
13 encouraged to report misconduct without fear of retaliation.

14 Retaliation against a person who makes a good faith report of activity believed to be unlawful,
15 unethical, or in violation of university policy is prohibited. Retaliation is also prohibited against
16 persons who participate in an investigation of such activity or who otherwise take steps to object to
17 or resist such activity. This prohibition shall exist even if the complaint is ultimately dismissed – it is
18 the act of making a good faith complaint, not the outcome, which warrants such protection. It shall
19 not be retaliation to take steps to counsel or discipline persons who knowingly, intentionally, or
20 recklessly make false claims of misconduct or for the university to take affirmative steps to prevent
21 or correct damage to persons when it is determined that allegations of misconduct against them are
22 false. This policy is not intended to interfere with legitimate employment, academic, or business
23 decisions/actions that are unrelated to the underlying complaint of misconduct.

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

- 25 • an activity that violates a law, regulation, or university or Regent policy
- 26 • discrimination, harassment, or sexual misconduct
- 27 • research misconduct
- 28 • misuse of grant money, university property or resources
- 29 • impropriety or fraud with respect to financial reporting or accounting
- 30 • embezzlement or theft
- 31 • Conspiring with or coercing another to engage in any such behaviors

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33 **Definitions**

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

36 "Retaliation" is a materially (not trivial) adverse action taken against a person because of the
37 person's report, or participation in the investigation of a report of misconduct, or objecting to or
38 resisting such misconduct. Retaliation is prohibited not only by the person accused of misconduct,
39 but also by persons acting on behalf of, in cooperation with, or in defense of the person accused of
40 misconduct if the behavior otherwise satisfies the definition of retaliation. Timing can be a factor in
41 determining whether retaliation has occurred, along with other evidence that the action was taken as
42 a result of the underlying complaint of misconduct.

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44 **Resources**

45 **Links**

- 46 • [Iowa Code Section 70A.29](#)
- 47 • [ISU Confidential Hotline](#)
- 48 • [Ombuds Office](#)
- 49 • [Reporting Responsibility - Violations](#)
- 50 • [Office of the Senior Vice President for Business and Finance](#)
- 51 • [Office of Equal Opportunity](#)
- 52 • [Office of Student Conduct](#)
- 53 • [Office for Responsible Research](#)
- 54 • [University Human Resources](#)
- 55 • [Department of Athletics, Compliance](#)

56 **Files**

- 57 • [Non-Retaliation: HOW TO REPORT \[PDF\]](#)