



**Approving University Officials:** Provost; Executive Vice President  
**Responsible Offices:** Office of the Provost; Office of Human Resources;  
Dean of Students Office  
**Effective date:** August 2017  
**Next review date:** August 2020

## **POLICY ON NON-RETALIATION**

### **Policy Statement**

Northwestern strictly prohibits retaliation against any member of its community for reporting or inquiring in good faith about what the member believes to be wrongful or unlawful activity, or for participating in an investigation or proceeding related to such activity. The University considers such reporting, inquiring, or participating to be protected activities in which all members of the Northwestern community may freely engage.

### **Purpose**

Northwestern is committed to operating with fairness and integrity and expects members of its community to act legally, honestly, and ethically. The purpose of this Policy is to promote an academic, research, and work environment that encourages community members to report any activity they believe in good faith to be wrongful or unlawful.

### **Audience**

All Northwestern community members, including faculty, staff, students, postdoctoral scholars, researchers, visitors, contractors, and volunteers.

### **Definitions**

*In good faith:* done with honest belief that wrongful or unlawful activity may have occurred.

*Materially adverse:* sufficiently harmful to deter a reasonable person from engaging in protected activities.

*Protected activities:* include (i) reporting (whether internally or externally) or inquiring, in good faith, about suspected wrongful or unlawful activity; (ii) assisting others in making such a report; or (iii) participating in an investigation or proceeding related to suspected wrongful or unlawful activity.

*Retaliation:* an action, performed directly or through others, that is aimed to deter a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Retaliation can take many forms, as described in Section II below. Action in response to a protected activity is not retaliatory unless (i) it has a materially adverse effect on the working, academic, or other University-related environment of an individual; and (ii) it would not have occurred in the absence of the protected activity.

*Wrongful or unlawful activity*: activity of a community member that violates the law, Northwestern policy, or professional standards of conduct, including the laws, policies, and standards referenced in Section I below.

## Policy Implementation

### I. *Encouragement of Reporting; Reporting Obligation*

Northwestern encourages members of its community to report all information regarding any activity they reasonably believe to be wrongful or unlawful, including activities that may constitute:

- discrimination, harassment, or sexual misconduct (see the Policies on [Discrimination and Harassment](#) and [Sexual Misconduct](#)<sup>1</sup>);
- fraud;
- unethical business conduct (see the [Standards for Business Conduct](#));
- academic misconduct (see the [Student Handbook](#)<sup>2</sup>);
- research misconduct (see the [Policy for Reviewing Alleged Research Misconduct](#));
- fraud, waste, abuse, or mismanagement in connection with a federal contract or grant (see Section IV below);
- circumstances of substantial, specific, or imminent danger to faculty, staff, or students or the public's health and/or safety;
- suspected child abuse and/or neglect (see the [Reporting Suspected Child Abuse and Neglect Policy](#)<sup>3</sup>);
- other violations of University policies or procedures; or
- other violations of local, state, or federal laws or regulations.

Additionally, as noted, applicable law and University Policies mandate the reporting of certain unlawful activity. The University is firmly committed to a policy of encouraging timely disclosure of such concerns and prohibits retaliation against any member of the Northwestern community who, in good faith, reports such concerns.

### II. *Protection from Retaliation*

Members of the community are prohibited from engaging in retaliation as defined above.

Examples of materially adverse actions that could constitute retaliation include, but are not limited to:

- reducing one's salary;

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<sup>1</sup> The Policy on Sexual Misconduct requires all University employees (including student employees) as well as non-employees with teaching or supervisory authority to promptly report to the Title IX Coordinator any alleged sexual misconduct of which they become aware in the scope of their work. As an exception to this requirement, certain confidential support resources (listed in an appendix to the policy) are not required to report alleged sexual misconduct to the Title IX Coordinator.

<sup>2</sup> Academic conduct policies are also contained in the Undergraduate Catalog, the Graduate Student Bulletin, and other policy documents issued by Northwestern's schools, departments, and programs.

<sup>3</sup> The Reporting Suspected Child Abuse and Neglect Policy and Illinois law require community members to report suspected abuse and/or neglect of a child to the Illinois Department of Children and Family Services.

- giving a negative performance evaluation;
- decisions relating to one’s work assignments, vacation, or promotion or advancement opportunities (whether employment-related or academic);
- terminating employment;
- reducing a student’s grade;
- removing one from a student organization, academic program, or lab;
- stripping one of co-authorship on a publication;
- interfering with one’s job search;
- engaging in harassing conduct that is sufficiently severe, pervasive, and/or persistent to create a hostile environment; for this purpose, the existence of a hostile environment is to be judged *both* objectively (meaning a reasonable person would find the environment hostile) *and* subjectively (meaning the affected individual felt the environment was hostile); or
- threats to engage in any of the actions listed above.

In addition, no community member may be retaliated against for refusing to carry out a directive ordering the member to engage in wrongful or unlawful activity.

### III. *Reporting and Investigation Process*

#### A. *Reporting*

1. Members of the Northwestern community may report evidence of suspected wrongful or unlawful activity by contacting one or more of the following individuals or offices:
  - the reporter’s immediate supervisor, department chair, dean, or administrative head;
  - the Office of the Provost;
  - the Office of Human Resources;
  - the Dean of Students Office;
  - The Graduate School (TGS) Dean’s Office;
  - the Office for Research Integrity (ORI);
  - the Title IX Coordinator; or
  - the Office of Equity

(see “Contacts” below for additional information). Additional guidance and contact information for reporting specific types of misconduct is available on the [University Compliance website](#). The reporter may choose from the contacts listed above and may report to the individual or office that suits them best. Any instances of suspected retaliation may be reported in the same manner.

2. Northwestern community members who prefer to report anonymously may do so by utilizing [EthicsPoint](#), the University’s phone- and web-based system for confidential reporting of suspected misconduct. EthicsPoint is available 24 hours a day, 365 days a year.
3. Reports should be made as promptly as possible after the suspected wrongful or unlawful activity (or retaliation) occurs in order to facilitate investigation of the report. All reports will be handled as promptly and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.

## B. *Investigation*

1. In situations where the suspected wrongful or unlawful activity (or retaliation) occurred outside of the context of a University program or activity, or where the respondent is not a member of the University community (including where the respondent has graduated or left the University), the University typically will not conduct an investigation. However, in such situations the University may still address the situation and provide resources to affected individuals.
2. The University will consider community members' rights to free expression and academic freedom when investigating reports of wrongful or unlawful activity (or reports of retaliation) that involve an individual's statements or other expression.
3. Additional details regarding the investigation process can be found in applicable University policies and procedures (see "Related Information" below).

## IV. *Whistleblower<sup>4</sup> Protection in Connection with Federal Contracts or Grants*

Federal law protects Northwestern employees who work on federal contracts or grants from reprisal for reporting fraud, waste, or other misconduct relating to such contracts or grants. Research misconduct regulations adopted by federal agencies funding sponsored research at Northwestern similarly require the University to protect the positions and reputations of community members who report misconduct in good faith or participate in good faith in misconduct proceedings.

A printable summary of whistleblower protections available under federal law is available [here](#).

## **Consequences of Violating this Policy**

Individuals who are found to have engaged in retaliation as defined above may be subject to discipline under University policies and procedures (including the policies and procedures listed in "Related Information" below), up to and including termination of employment or academic dismissal. Retaliatory actions taken in violation of law could also subject the individual found to have engaged in retaliation to legal liability.

## **Related Information**

*Laws and regulations*

[10 U.S.C. Section 2409](#)

[41 U.S.C. Section 4712](#)

[Federal Acquisition Regulation Subpart 3.908](#)

*University policies and procedures*

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<sup>4</sup> A whistleblower is a person, usually an employee, who reports misconduct in an organization.

[Discrimination and Harassment](#)

[Discrimination and Harassment Complaint Resolution Guidelines](#)

[Faculty Handbook](#)

[Procedures for Reviewing Alleged Research Misconduct](#)

[Reporting Suspected Child Abuse and Neglect](#)

[Reviewing Alleged Research Misconduct](#)

[Sexual Misconduct](#)

[Sexual Misconduct Complaint Resolution Process](#)

[Staff Handbook](#)

[Student Handbook](#)

*Other information*

[EthicsPoint](#)

[Standards for Business Conduct](#)

[Summary of employee whistleblower protections under federal law](#)

[University Compliance website](#)

## **Contacts**

The following individuals and offices can address questions regarding this Policy:

1. For faculty issues: Associate Provost for Faculty, Lindsay Chase-Lansdale, at (847) 491-7040 or [assoc-prov-faculty@northwestern.edu](mailto:assoc-prov-faculty@northwestern.edu)
2. For student issues: Dean of Students at (847) 491-8430 or [dos@northwestern.edu](mailto:dos@northwestern.edu)
3. For staff issues: Associate Vice President, Office of Human Resources, Dana Bradley, at (847) 467-5629 or [dana.bradley@northwestern.edu](mailto:dana.bradley@northwestern.edu)
4. For graduate student issues: TGS Senior Director of Student Services, Kate Veraldi, at (847) 467-4108 or [k-veraldi@northwestern.edu](mailto:k-veraldi@northwestern.edu).

To report evidence of discrimination, harassment, or sexual misconduct, contact:

Office of Equity, at (847) 491-7458 or [eeo@northwestern.edu](mailto:eeo@northwestern.edu) or

Title IX Coordinator, at (847) 491-3881 or [TitleIXCoordinator@northwestern.edu](mailto:TitleIXCoordinator@northwestern.edu)

To report evidence of research misconduct, contact: Office for Research Integrity (ORI), at (312) 503-0054 or [nu-ori@northwestern.edu](mailto:nu-ori@northwestern.edu).

## **History**

Supersedes policy dated May 2013. This Policy also supersedes any protections against retaliation contained in other University policies or in handbooks, including the Student, Staff, and Faculty Handbooks.

## **Policy URL:**

<http://policies.northwestern.edu/docs/non-retaliation-policy-FINAL.pdf>