



## INSTITUTIONAL NON-RETALIATION POLICY

In furtherance of its commitment to achieving the Mission in a fair, ethical, and protected environment, St. Tikhon's Seminary 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 noncompliance with policies and procedures, or for participating in an investigation related to the same. The Seminary considers such reporting, inquiring, or participating to be protected activities in which all members of the Seminary community may freely engage.

### Consequences of Violating This Policy

Individuals who are found to have engaged in retaliation as defined above may be subject to discipline under Seminary policies and procedures, up to and including termination of employment or dismissal.

### Definitions

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

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

*Members of the Community:* trustees, faculty, administration, staff, students, members of St. Tikhon's Monastery, alumni, visitors, contractors, and volunteers.

*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 Seminary-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, Seminary policy, or professional standards of conduct, including the laws, policies, and standards referenced in Section I below.

## **Policy Implementation**

### *I. Encouragement of Reporting*

The Seminary encourages members of its community to report all information regarding any activity they reasonably believe to be wrongful or unlawful, or in violation of Seminary policies and procedures.

### *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;
- 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;
- interfering with a student's candidacy to Holy Orders;

- removing one from a seminary-related organization, academic program, activity or event;
- 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 Procedure*

1. Members of the Seminary community shall report retaliation in writing, including details of the alleged retaliation, to the Dean, unless the Dean or Rector is the alleged retaliator, then to the Board Chair.
2. The Dean (unless the notice is to the Board Chair) or his designee shall:
  - a. Within 24 hours of the report of the alleged retaliation, inform in writing to the full Board of Trustees only that a report of alleged retaliation has been received and that it is being investigated per this policy;
  - b. Within 24 hours of the reporting, begin an investigation according to the following procedure:
    - i. Meet with the reporter, obtain from the reporter dates, details, relevant documents and identities of persons with actual or perceived relevant knowledge and information.
    - ii. Meet with persons with actual or perceived relevant knowledge and information, and identify dates, details, relevant documents and identities of any other persons with actual or perceived relevant knowledge and information.
    - iii. Review substantive information obtained during meetings and from relevant documents and evidence.
  - c. Not more than forty-five (45) days from the reporting, prepare a written report that provides (i) a summary of his findings of the

true facts if any were disputed, together with undisputed facts, (ii) a conclusion based upon the evidence as to whether there was a retaliation, and (iii) recommendation(s) even if there is a finding of no retaliation. If retaliation is found to have occurred, the Dean shall include recommendation(s) regarding disciplinary action. A copy of the report will be submitted to the Board of Trustees, with an additional copy provided to the reporter.