Policies on Non-Retaliation

National Midwifery Institute strictly prohibits retaliation against any member of its community for reporting or inquiring in good faith about activity or conduct that the member believes to be wrongful or unlawful activity, or for participating in an investigation or proceeding related to such activity. The School considers such reporting, inquiring, or participating to be protected activities in which all members of the School's community may freely engage. The School 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 and work environment that encourages community members to report any activity they believe in good faith to be wrongful or unlawful. This Policy applies to all members of the School's community, including applicants, students, academic and clinical faculty (preceptors), and staff.

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

I. Encouragement of Reporting; Reporting Obligation

A. Applicable law mandates the reporting of certain unlawful activity. The School is firmly committed to a policy of encouraging timely disclosure of such concerns and prohibits retaliation against any member of the School's community who, in good faith, reports such concerns. The School 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:

1. discrimination, harassment, or sexual misconduct;
2. fraud;
3. unethical business conduct;
4. academic misconduct;
5. fraud, waste, abuse, or mismanagement in connection with student aid;
6. circumstances of substantial, specific, or imminent danger to faculty, staff, or students or the public's health and/or safety;
7. suspected child abuse and/or neglect;
8. other violations of the School's policies or procedures; or
9. other violations of local, state, or federal laws or regulations.
II. Protection from Retaliation

A. 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:

1. reducing one’s salary;
2. giving a negative performance evaluation;
3. decisions relating to one’s work assignments, vacation, or promotion or advancement opportunities (whether employment-related or academic);
4. terminating employment;
5. dismissing a student from the School;
6. reducing a student’s grade;
7. removing one from a student organization, academic program, or clinical placement;
8. interfering with one’s job search;
9. 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
10. threats to engage in any of the actions listed above.

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 School’s community may report evidence of suspected wrongful or unlawful activity by contacting one or more of (i) the reporter’s immediate supervisor, program director, or administrative head, (ii) NMI’s Clinical Director; (iii) either of NMI’s Program Co-Directors / Educational Co-Directors; or (iv) NMI’s Program Administrator. The reporter chooses which individual or office in this list to whom to report. Any instances of suspected retaliation may be reported in the same manner. Contact may be made to any or all of the addresses below.

   Elizabeth Davis, Program Co-Director
   Elizabeth@nationalmidwiferyinstitute.com
   Erin Ryan, Program Co-Director
   erin@nationalmidwiferyinstitute.com

   Emily Bissonnette, Program Administrator
   emily@nationalmidwiferyinstitute.com

   Program Co-Directors
   National Midwifery Institute
   PO Box 128
   Bristol VT 05443.

   Program Administrator
   National Midwifery Institute
   PO Box 128
   Bristol VT 05443

2. The School’s community members who prefer to report anonymously may do so. If the complaint is being made anonymously, NMI still requires a mailing address or
email address so that requests for additional information can be made. Complaints submitted anonymously that do not include any means of contact information will not be processed. Complaints made without providing the above information will not be processed.

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 School program or activity, or where the respondent is not a member of the School community (including where the respondent has graduated or left the School), the School typically will not conduct an investigation. However, in such situations the School may still address the situation and provide resources to affected individuals within 60 days.

2. The School 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.

IV. Consequences of Violating this Policy

Individuals who are found to have engaged in retaliation as defined above may be subject to discipline under the School’s policies and procedures. Disciplinary actions may include: Disciplinary actions may include: an oral warning, written warning, removal from public forums, suspension, dismissal from the program, or termination of employment. Pursuing disciplinary action is determined with a hearing involving the alleged violator, faculty members and may include the NMI Advisory Board. Retaliatory actions taken in violation of law could also subject the individual found to have engaged in retaliation to legal liability.

AFFIRMATION

I have received a copy, read, and understand this Policy on Non-Retaliation, I understand that it applies to me, and I agree to comply with it to the best of my ability.

Signature______________________________________________________________

Name_________________________________________________________________

Student/Faculty/Other____________________________________________________

Date__________________________________________________________________

10/18