

Anti-Retaliation Policy

TABLE OF CONTENTS

Anti-Retaliation Policy.....	4
Purpose.....	4
Scope.....	4
Policy Statement	4
University Obligations.....	5
Definitions	5
Anti- Retaliation Procedures	7
Reporting Retaliation Incidents.....	7
Incident Reporting Channels	7
Incident Reporting Procedures.....	7
Roles and Responsibilities	9
Members of the University Community.....	9
Executives, Line-Managers and Senior Staff.....	9
Human Resources	10
POLICY ADMINISTRATION.....	11
SUPPORTING POLICIES.....	11
RELATED DOCUMENTS AND SUPPORTING PROCEDURES	11
EGYPTIAN LEGISLATION MANDATING COMPLIANCE.....	11

Amendment History

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Responsible Unit:	People and Organizational Development Department
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ANTI-RETALIATION POLICY

Purpose

MSA University has developed this policy to ensure and maintain a working and learning environment that is free from all forms of unlawful practices and that its entire staff and students can thrive in a healthy, inclusive working environment, providing each individual with the right to work and learn in a professional atmosphere that promotes equal opportunities.

Scope

This policy applies to all MSA University staff, students and applicants of all levels including but not limited to:

- All University Academic and Non-academic staff in all aspects of their employment and termination relationship with the University.
- All University applicants for employment, including; recruitment and hiring, allocating compensation and benefits and all other terms and conditions of employment.
- All University applicants for admissions to educational or University-sponsored programs, activities, or facilities.
- All University students in all aspects of their participation in the University's educational programs and activities.
- All persons or groups participating in or accessing University-sponsored programs, activities, or facilities.
- All vendors or contractors and third parties in all aspects of their relationship with the University.

Policy Statement

MSA University strives to establish and maintain a work environment in which all individuals are treated with respect and dignity and to create an environment that supports, encourages and rewards career and educational advancement based on ability and performance.

The University prohibits retaliation against employees, students, interns, contractors and other third parties conducting business with the University.

Any form of retaliation against anyone who has complained of and/or reported discrimination, harassment or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else violates this Policy law, will not be tolerated, and may result in discipline.

University Obligations

The University is committed to fostering a climate of mutual respect where all individuals are valued, therefore MSA University will:

- Promptly and fairly investigate allegations of retaliation in accordance with this policy.
- Exert every reasonable effort to ensure that all members of the University are familiar with this policy and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.
- Ensure that line managers are well aware of the aforementioned policy and procedures that will enable them to assess, address such conduct at the workplace and appropriately respond.
- Discipline any member of the University staff who participates in violation of the anti-retaliation policy, or any line manager who fails to, promptly act to prevent or end such conduct and to report it promptly as required.
- Protect the staff member or student who; submits a report or complaint in good faith, or for participating in a related investigation. This protection does not apply in case of submitting false allegations, or who exhibits bad faith in the course of an investigation.
- Make sure that Personal Information collected under this Policy will be used only for the purposes of administering this policy, and will be disclosed only on a need-to-know basis, to the extent disclosure is required to fulfill the University's legal obligations.
- Respect the confidentiality of individuals involved in complaints or reports, ensuring the disclosure of the complaint or report information, except to the extent necessary to investigate, take corrective action, implement measures to protect the health and safety of staff, or as otherwise required by law.
- Inform and update individuals who are involved in investigations about the status of those investigations as they progress.

Definitions

Good Faith

Intention to be open and honest with no deliberate intention to deceive or defraud.

Hostile Environment

Conduct that is so severe, pervasive, or persistent that it creates an environment that would cause an individual substantial emotional distress and undermine the person's ability to work, study, learn, or otherwise participate in University programs or services; and actually does cause the harassed person(s) any of these difficulties.

Retaliation

Retaliation is any adverse action taken against an individual (applicant ,employee, student, third party and/or witness) because he or she filed a charge of discrimination or harassment, complained to the University on the job, or participated in an employment discrimination proceeding (such as an internal investigation or lawsuit).

Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived discrimination, such as a family member.

Examples of retaliation include; termination, demotion, refusal to promote, or any other adverse action that would discourage a reasonable person from opposing perceived discrimination.

Complainant

An individual reported to have experienced conduct prohibited by this policy, regardless of whether the individual makes a report or seeks disciplinary action.

If the University believes a Respondent represents an ongoing threat to the University community, and the original Complainant does not want to pursue a complaint, the University may assume the role of Complainant.

Reporter

An individual who reports alleged prohibited conduct but who is not the individual who is the target of the prohibited conduct.

Respondent

The individual, individuals or group alleged to have engaged in conduct prohibited by this policy.

Third Party

An individual who is not a Member of the University Community.

Witness

An individual who may have information relevant to a report of prohibited conduct. A Witness may be a student, an employee or a Third Party.

ANTI- RETALIATION PROCEDURES

Reporting Retaliation Incidents

Retaliation in any form against an individual who exercises in good faith his/her right to report a perceived violation of this Policy, participates in any investigation, or otherwise opposes perceived discrimination, including witnesses is strictly prohibited and will itself be cause for appropriate disciplinary action. The University will also not retaliate against anyone associated with the individual who engages in such protected conduct, such as a family member.

We encourage all Members of the University Community who believe that they have been subjected to; retaliation prohibited by this Policy, or any employee who has witnessed such actions to seek advice /support or immediately report the circumstances in accordance with the procedure set forth below.

The University may investigate any conduct that violates this Policy, even in the absence of a complaint, and take remedial action where appropriate.

The University treats any violence of policies or procedures seriously and encourages prompt reporting of complaints so that it may respond appropriately and conduct an investigation while the matter is freshest in witnesses' memory and other evidence is most likely to be available.

Incident Reporting Channels

Any Member of the University Community may make a complaint to any of the offices or individuals listed below:

- The Human Resources Division HRD
- Any supervisor/ Line-Manager
- The Dean of the related Faculty.

All complaints under this Policy will be referred to the Human Resources team for investigation and resolution, in consultation with the Legal Department as necessary and appropriate. Any breaches of this policy may result in disciplinary action.

Incident Reporting Procedures

MSA University urges any Member of the University Community to promptly, attempt to resolve the grievance through one-on-one discussion(s) with the Respondent or parties involved first, however we recognize that you may prefer to pursue the matter through reporting procedures as below:

a) Incident Reporting

The University cannot address violations and take appropriate corrective actions unless it is aware of such misconduct. Failing to report related behaviours or information is not acceptable as it encourages such actions.

Any Member of the University Community who believes he/she has been subject to retaliation, in violation of this policy should report the incident promptly within 10 working days.

b) The Investigation

The Human Resources team will conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate. The Human Resources team will make every effort to complete its investigation within five (5) days once a formal complaint is received and will keep the investigation confidential to the extent possible.

The investigator may find it necessary to extend the time period for completing an investigation in some circumstances. The investigator will provide the complainant/ Reporter, the Respondent, and the Line-Manager with notice of any extension and where necessary and appropriate, give them a new timetable for completion of the investigation.

Where a complaint alleges a potential violation of the Policy, the investigation will include an interview with both parties, as well as the person who made the initial report (Reporter), if different than one of the parties, and/or any other person who may have information regarding the incident, each of whom is expected to cooperate with any investigation. The investigator may also review relevant documents. Both parties will have an opportunity to be heard and present information. The investigator may also interview other potential witnesses.

c) Findings and Recommendations

The investigator will report his or her findings to both parties, HRD and relevant Line-Managers as may be appropriate.

Where the investigator concludes that a violation of this Policy has occurred, the HRD will take prompt and appropriate remedial action, including disciplinary action. Depending on the circumstances, disciplinary action may include (but is not limited to): reprimand/verbal counseling, training, censure, removal of privileges, letters of warning or suspension, and dismissal. Discipline for a violation of this Policy needs not to be progressive, so a first violation of this Policy may warrant suspension or discharge depending on the nature and severity of the conduct.

If a related party does not agree with its resolution, that party may appeal to the Human Resources Director.

d) The Investigatory File

Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and any documents created or used during the investigation.

e) Confidentiality

The University will maintain the confidentiality of the complaint, and the privacy of the individuals involved, to the greatest extent possible, unless specifically directed to discuss that information with other related parties as part of the investigation.

Roles and Responsibilities

Members of the University Community

Each Member of the University Community is expected to be aware of the non-retaliation principles and to ensure that they adhere to them.

All Members of the University Community are responsible for providing an environment that is free from retaliation and are expected to:

- Treat each other and those whom they have business dealings with: respect, honesty, integrity, civility and to comply with this policy.
- Cooperate fully with the University's investigative and corrective procedures.
- Deal openly and directly with Line-managers with clear communication and immediately report in case retaliation behavior is perceived, whether; personally or to another party.

Executives, Line-Managers and Senior Staff

While this Policy applies to all Members of the University Community, the University specifically expects executives, line-Managers and senior staff to serve as role models of appropriate conduct for other employees, and will hold them to a higher standard of accountability.

Executives, line-Managers and senior staff must not only refrain from actions that violate this Policy, but also refrain from any activity that would give the appearance of impropriety or convey a casual approach to the enforcement of the Policy.

All executives, line-Managers and senior staff are responsible for:

- Ensuring that the principles, practices and training aimed at promoting non-retaliation are implemented across their work-units.
- Compliance with the non-retaliation policy and ensuring that his/her team is well-aware of it.

- Taking action to prevent or end the violation, if possible, and to report it immediately to the Human Resources team in case he/she knows of or witnesses any incident that violates or potentially violates this policy.
- Following up on situations that have been addressed and be watchful for potential recurrence.

Human Resources

The University Human Resources office is mainly responsible for:

- Owning and administering this policy as well as related employment matters.
- Ensuring that all current University Community are adequately aware of their responsibilities under this policy and orient new comers during the induction program.
- Providing advice or guidance to related parties through the reporting procedure.
- Conducting the investigations with the related parties and gathering all information needed.
- Deciding the remedial action needed based on investigation result as appropriate.

POLICY ADMINISTRATION

SUPPORTING POLICIES

- Diversity, Inclusion and Equal Opportunity Procedures
- MSA Grievances Policy
- Anti-discrimination Policies

RELATED DOCUMENTS AND SUPPORTING PROCEDURES

- MSA Employee Handbook
- MSA Code of Conduct

EGYPTIAN LEGISLATION MANDATING COMPLIANCE

- Labor Law
- Egyptian Constitution
- Ministry of Higher Education
- Women and Child Law
- National Council of Human Rights