



National Science Foundation Information for US Antarctic Program (USAP) Participants Regarding Retaliation and Reprisal

It is ***unlawful*** to retaliate against an individual because they made a harassment or discrimination complaint, or participated in any manner in a harassment or discrimination investigation or complaint process conducted by Federal agencies or an employer. Retaliation is also inconsistent with [Polar Code of Conduct](#) and contractor and grantee codes of conduct and sexual misconduct policies.

The protections against retaliation apply to all employees of any employer covered by the Equal Employment Opportunity (EEO) laws. For example, a supervisor cannot fire or refuse to hire an applicant because of a prior EEO complaint or give a false negative job reference to punish a former employee for making an EEO complaint. Non-employee participants (i.e., students participating in grantee research) are also protected against retaliation.

Depending on the facts, retaliation includes but is not limited to intimidation, verbal or physical threats, coercion, or discrimination if the employer takes these actions because of the employee's EEO activity. It can also include adverse administrative or personnel actions such as transfers, negative or lowered evaluations or warnings, reprimands, or removal.

Upon receipt of a complaint, OECR evaluates it to determine the proper method of processing, including whether an investigation is warranted or whether another entity has jurisdiction, such as the [Office of Federal Contracts Compliance](#). If acceptable to the complainant, OECR may seek additional information to determine how best to assist the complainant. If it is determined that OECR has jurisdiction and conducts an investigation, OECR will determine whether a violation of the applicable law occurred and order a remedy as appropriate.

When NSF receives a retaliation complaint, it determines whether the following elements can be established to support a retaliation claim:

- (1) The individual alleging retaliation engaged in a “protected activity” (i.e., filed an EEO complaint/sexual harassment complaint, participated in a harassment investigation as a witness),
- (2) The respondent or the respondent’s organization took a materially adverse action against the individual (removed from a research project, failure to renew a contract etc.), and
- (3) A causal connection between the protected activity and the materially adverse action.

For questions, comments, or concerns regarding sexual assault or harassment, please contact NSF at saferscience@nsf.gov.