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GENERAL POLICY STATEMENT ON EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Northeastern Illinois University supports the principles of equal opportunity and affirmative action in employment and education. The University seeks to ensure that no person will encounter discrimination in employment or education on the basis of age, color, disability, gender, national origin, race, religion, sexual orientation, or veteran's status. Further, the University takes affirmative action to eliminate artificial/unnecessary barriers, to orient the University community to the fallacies of stereotypic thinking, and to overcome the effects of historic discrimination.

The University applies this commitment to all employment and educational practices, including recruitment of both staff and students, admissions and hiring procedures, advancement and retention policies, and curriculum/course materials. More specifically, the University is committed to diversification of all its internal divisions by race and gender, and to the employment and education of affirmative action constituents in proportions equivalent to their availability among qualified populations outside the University. This commitment stems not only from legal and moral considerations, but also from a conviction that an institution of higher learning is enriched by the presence of diversity and that narrow cultural biases serve to limit rather than enhance the teaching, research, and service functions which are the hallmarks of the University mission.

The University affirms its dedication to equal opportunity through its commitment to non-discrimination and affirmative action, assigning overall responsibility for related monitoring and reporting procedures to the Affirmative Action Office and to the Assistant to the President/Affirmative Action Officer. Accordingly, the Affirmative Action Officer, together with the vice presidents, deans, chairpersons, and other hiring unit heads, oversee the University's efforts to:

1. Recruit, hire, train, and promote persons in all job titles, without regard to age, color, disability, national origin, race, religion, sexual orientation, or gender, except where sex or disability is a bona fide occupational qualification.
2. Base decisions on employment so as to further the principle of equal employment opportunity.
3. Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; and

4. Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, university sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to age, color, disability, gender, national origin, race, religion, veteran's status, or sexual orientation.

Discrimination Grievance Procedure

With the exception of complaints against the President and the Affirmative Action Officer, the University's Affirmative Action Officer (C-219, 773 / 442-5416) will accept complaints from any Northeastern employee, student, or applicant for employment or student status that the University's General Policy Statement on Equal Opportunity and Affirmative Action has been violated by a Northeastern employee or student. A complaint of illegal discrimination, including sexual harassment, against the University President should be filed with the Chair of the Board of Trustees of Northeastern Illinois University via the Board Liaison (C-216, 773 / 442-5611). The Chair shall take appropriate steps to investigate the complaint and to seek informal or formal resolution. Complaints against the Affirmative Action Officer should be filed with the President, who will appoint a neutral party to carry out the role of the Affirmative Action Officer as outlined below. In the case of complaints filed against a Vice President, another Vice President shall be designated by the President to substitute for the Vice President in steps 7-11, below. Complaints resolved at the unit or departmental level shall be reported in writing to the Affirmative Action Officer by the head of the unit or department.

While an aggrieved party may at any time contact the Affirmative Action Officer for purposes of confidential discussion of a grievance, advice, and assistance in undertaking informal resolution of a grievance, or information concerning the extent of their protection against illegal discrimination, an investigation leading to a formal determination will normally be undertaken by the Affirmative Action Officer only upon receipt of a written complaint, signed by the aggrieved party, setting forth the nature of the alleged discrimination, the person(s) against whom the complaint is being filed, and the date(s) of the action(s) which are the subject of the complaint. Complaints should normally be filed within 30 calendar days, excluding holidays, of the incident complained of. If there are multiple reports of allegedly illegal harassment or discrimination or of a single allegation of particularly grievous harassment or discrimination, the Affirmative Action Officer may, after consultation with the President, initiate an investigation in the absence of receipt of a written complaint. The following procedures will be used in investigating complaints:

a. A private in-depth interview will be conducted by the Affirmative Action Officer with the complainant.

b. If the Affirmative Action Officer decides that further action is warranted, she/he will send a copy of the complaint (or a written description of the multiple reports or single report of particularly grievous incident) to the person(s) against whom the complaint is being filed and will also interview that person(s) to ascertain their response to the substance of the complaint.

c. The possibility of an informal resolution by the parties themselves will be explored.

d. If resolution has not been reached, further investigation by the Affirmative Action Officer, including possible interviewing of witnesses, confirming information, and seeking additional information and/or documentation, will be done when necessary.

e. Where there are substantive conflicts of information or opinion, an Informational Hearing may be held with both sides present if the Affirmative Action Officer decides that such a hearing would contribute to the resolution of the conflict. Facts which are in dispute will be reviewed. The complainant and respondent will receive at least three (3) days notice of a Hearing. After advance notice to the Affirmative Action Officer, either or both complainant or respondent may bring an advisor to the Hearing to render consultation to the advisee but may not serve as a participant.

f. When the investigation is completed, a Preliminary Finding (including the information collected during the investigation and interview processes) will be drafted by the Affirmative Action Officer and submitted to the respondent's Vice President and immediate supervisor, or University Examiner, in cases in which the respondent is a student.

g. The Affirmative Action Officer, the Vice President and the immediate supervisor, or University Examiner in cases in which the respondent is a student, will review and discuss the case and the Preliminary Finding as a group, and the Vice President or University Examiner will make his/her decision on the merits of the complaint. If the Vice President or University Examiner determines that further information is needed to make a decision, she/he will request the Affirmative Action Officer to conduct follow-up and/or additional interviews.

h. A written report, setting forth the Vice President's or University Examiner's decision on the basis of the evidence gathered during the investigation, will be sent to both parties and the respondent's immediate supervisor.

i. If discrimination is found, remedial action will be taken by the Vice President or University Examiner after separate discussion with the complainant and the respondent's immediate supervisor of alternative possible remedies. If disciplinary action is taken as a result of a finding of discrimination, procedures required under relevant collective bargaining agreements, Northeastern Illinois University Regulations, State Universities Civil Service Status and Rules, or University Student Conduct Code will be followed.

j. If no discrimination is found, in complex cases the complainant may, at the option of the Vice President or University Examiner, be given the opportunity to discuss the findings and to provide additional information which would be shared with the respondent who would have the opportunity to react.

k. Either party may appeal the Vice President's or University Examiner's decision to the President who will review all documentation. The President's decision is final.

l. The consideration of a grievance, including investigation of the positions of the persons involved, attempts at informal resolution, and the formulation of a final decision ordinarily will be completed within eight calendar weeks, exclusive of holidays, after receipt of a formal written complaint. If consideration cannot be completed in the eight-week interval, the grievant, and other parties as appropriate, will be notified as to the delay.

m. Any retaliatory action of any kind taken by a Northeastern employee or student against a complaining party as a result of that party's seeking redress under these procedures is prohibited and shall be regarded as a separate and distinct cause for complaint under these procedures.

n. The President and/or Affirmative Action Officer may, if she/he determines it to be advisable, consult the Board's legal counsel for advice at any step in the above procedure.

o. All information in the review of a complaint will be kept as confidential as possible.

Policy on Sexual Harassment

It is the policy of Northeastern Illinois University that the sexual harassment of one member of the academic community by another will not be tolerated. This policy applies to all members of the campus community: students, employees, and visitors. It applies to incidents which occur on University property, as well as at off-campus functions sponsored or supervised by the University.

One of Northeastern's goals as a university is to foster an open learning and working environment free from sexual harassment and from the fear that it may occur.

Sexual harassment is against federal and state law: it is a violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Illinois Human Rights Act. The term sexual harassment as used by Northeastern Illinois University in this policy encompasses behavior described by the EEOC: "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (l) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." In addition, this policy includes the definition of sexual harassment as described in Title IX of the Education Amendments of 1972: "verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient of federal funds that denies, limits, provides different, or conditions the provision of aid, benefits, services, or treatment protected under Title IX." Finally, the growing body of case law also continues to refine the definition of behaviors which constitute sexual harassment.

There are two categories of behaviors which may constitute sexual harassment. "Quid pro quo" refers to situations in which a tangible benefit (a grade, a job, a promotion) is contingent upon the performance of sexual favors. This occurs in situations of unequal power such as supervisor/subordinate in the workplace or faculty/student in the classroom. The second category, "hostile environment," refers to patterns of behavior or incidents (including verbal, non-verbal, physical, or other) which may seem harmless as individual events, but which may be considered intimidating, hostile, or offensive when taken together. There is no comprehensive definition of those patterns of behavior which constitute a hostile environment; however, the "reasonable woman" standard is often used to evaluate the environment in these situations.

Although sexual harassment most commonly is found in situations of male supervisors or faculty harassing female subordinates or students, the prohibitions against sexual harassment also extend to women harassing men as well as to same sex harassment. In addition, sexual harassment of peers (employees harassing employees, non-supervisory employees harassing students, students harassing employees, and students harassing students), as well as sexual harassment of employees by non-employees, may constitute "hostile environment" sexual harassment.

Given the cultural diversity which is characteristic of the Northeastern community, we need to be alert to the fact that behaviors are perceived differently by individuals from different cultural backgrounds. What is intimidating, hostile, or offensive to persons from one group, is not perceived in that way by others. Sexual harassment is unprofessional and unethical behavior in the university setting.

Intimate relationships between faculty and students as well as between supervisors and subordinates raise serious professional concerns. When one party has power over the other, the relationship is inherently unequal. The faculty member or supervisor cannot be certain that the relationship is truly welcome or consensual. If the relationship deteriorates, possible allegations of "quid pro quo" harassment may arise. Furthermore, others who perceive preferential treatment between the parties to the relationship may feel themselves in an offensive environment. Finally, a consensual intimate relationship poses a professional conflict of interest.

In situations in which an employee or student uses sex to improve one's employment or academic situation, the supervisor or faculty member is responsible for maintaining appropriate professional behavior.

Everyone in the campus community should be aware that sexual harassment complaints can be pursued through the on-campus affirmative action complaint procedures as well as through the courts. Although the University has institutional liability for sexual harassment which takes place on campus, under federal law there may also be individual liability on the part of the harasser and the right of the victim to recover monetary damages from a harasser.

Members of the University community who suspect that they have encountered sexual harassment may take individual action:

1. if you think you will not be jeopardizing your personal safety, job, or academic status, communicate clearly and unambiguously to the offender that the behavior is not welcome and should cease immediately.
2. keep a written record of what happened and when it took place (include the names of any witnesses).
3. seek advice on how to deal with the situation from the Adult and Women Student Programs Office or the Affirmative Action Office.

Northeastern is committed to:

a. promoting awareness and prevention of sexual harassment and its consequences,
b. providing support services to victims of sexual harassment,
c. thoroughly investigating alleged incidents of sexual harassment, and
d. disciplining student and employee perpetrators of sexual harassment.

Investigations:

a. will be carried out pursuant to the University Discrimination Grievance Procedure,
b. will be kept as confidential as possible, and
c. may include the provision that permits the complaining party to avoid the alleged harasser while the investigation is ongoing.

A variety of offices provide services aimed at promoting awareness and prevention of sexual harassment and its consequences:

a. the Adult and Women Student Programs Office (D-017, 773 / 442-4870) conducts workshops for employees and students and provides classroom presentations on request,
b. the Affirmative Action Office (C-219, 773 / 442-5416) provides workshops on sexual harassment on request and in response to specific needs, and
c. some academic courses in Sociology and Women's Studies regularly include content on sexual harassment.

Support services available to victims of sexual harassment include:

a. the Adult and Women Student Programs Office will discuss concerns about sexual harassment and help people explore their options for resolving a particular problem,
b. the Counseling Office (D-024, 773 / 442-4650) provides private counseling for students, and
c. the Employee Assistance Program (800 / 233-4960) provides counseling to employees.

Incidents of sexual harassment should be reported to the Affirmative Action Office (C-219, 773 / 442-5416) for investigation and appropriate disciplinary action under the University Discrimination Grievance Procedure. If a responsible University official becomes aware of incidents of sexual harassment, the University may be legally obligated to pursue an investigation, even in the absence of a complaint. Complaints of sexual harassment against the President of the University may be filed with the Chair of the Board of Trustees of Northeastern Illinois University via the Board Liaison (C-216, 773 / 442-5611) who shall take appropriate steps to investigate the complaints and to seek informal or formal resolution.

Sanctions:

Following a determination of sexual harassment, the University may impose these sanctions against:

a. students — official warning, disciplinary probation, suspension, or expulsion;
b. employees — oral and written reprimands, fines, suspensions, and termination; and
c. visitors — prohibition from coming on campus, or other action to prevent contact with the victim of harassment.

Distribution:

To inform members of the campus community about this policy, the University will select among several means such as, but not limited to, printing in the Student Survival Kit and/or the student newspaper and direct mailing to employees via campus mail.

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