

<b>Volume G1:</b> Governance	<b>G1.07</b> <b>Equal Opportunity and Nondiscrimination</b>  <b>Effective Date:</b> 07/08/14	<b>Responsible Office:</b> Office of the President
		<b>Responsible Officer:</b> Director of Equal Opportunity, Affirmative Action and Ethics Compliance

## POLICY STATEMENT

Northeastern Illinois University (Northeastern or the University) supports the principles of equal opportunity in employment and education. Northeastern does not discriminate in employment or education on the basis of race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, gender identity, gender expression, arrest record status, military status, or unfavorable discharge from military service. Northeastern accepts complaints of discrimination and harassment from students, employees, applicants for admission or employment, and University visitors. The University does not tolerate retaliation against any person for coming forward with a complaint or concern or for otherwise participating in the process of addressing discrimination or harassment.

## PURPOSE OF THE POLICY

This policy furthers Northeastern's commitment to the principles of equality and equal opportunity for applicants, students, faculty, staff and visitors to the University. It outlines how the University promotes learning and working environments free from all forms of discrimination and harassment. The policy provides a means to address complaints of discrimination and harassment based on the protected categories identified herein. The University will comply with all federal, state, and applicable local nondiscrimination and equal opportunity laws, orders and regulations.

## WHO IS AFFECTED BY THIS POLICY

This policy applies to all members of the University community: applicants, students, employees, and visitors. It applies to incidents that occur on University property, as well as at off-campus functions sponsored or supervised by the University.

## DEFINITIONS

**Complainant:** An applicant, student, employee or visitor to the University who files a formal complaint of harassment and/or discrimination.

**Discrimination:** A legal term referring to an employment or academic decision that results in negative and/or different treatment of an individual based upon one's membership in a protected class, namely on the basis of race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, gender identity, gender expression, arrest record status, military status, and unfavorable discharge from military service. Discriminatory conduct includes decisions in which protected-class membership was the sole factor or a contributing factor.

**Harassment:** A legal term describing when an individual is targeted with verbal, written, visual, or physical conduct based on that person's protected class status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment. An individual may not be harassed on the basis of membership in a protected class (see discrimination definition above). Sexual harassment is addressed in the University's Sexual Harassment policy [add link].



**Respondent:** A student, employee or visitor to the University who is accused in a formal complaint of harassment and/or discrimination.

## REGULATIONS

[Age Discrimination in Employment Act of 1967 \(ADEA\)](#)  
[Americans with Disabilities Act \(ADA\)](#)  
[Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)  
[Illinois Human Rights Act \(IHRA\)](#)  
[Pregnancy Discrimination Act of 1978 \(PDA\)](#)  
[Rehabilitation Act of 1973](#)  
[Title IX of the Education Amendments Act of 1972 \(Title IX\)](#)  
[Title VI of the Civil Rights Act of 1964 \(Title VI\)](#)  
[Title VII of the Civil Rights Act of 1964 \(Title VII\)](#)  
[Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#)  
[Vietnam Era Veterans' Readjustment Assistance Act of 1974 \(VEVRAA\)](#)

## PROCEDURES

This policy prohibits:

**DISCRIMINATION:** No Northeastern student, employee, applicant or visitor shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination in connection with any Northeastern service, program, or activity on the basis of membership in a protected class (see discrimination definition above).

**HARASSMENT:** Harassment is a form of discrimination. Northeastern does not tolerate any form of harassment and considers such behavior to be a breach of its standards of conduct. It will work to prevent such incidents and will investigate and take corrective actions in response to alleged or suspected violations of this policy. Harassment is unwelcome conduct that is based on: race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, gender identity, gender expression, arrest record status, military status, or unfavorable discharge from military service. Harassment becomes unlawful when the conduct is severe or pervasive enough to create a work or learning environment that a reasonable person would consider intimidating, hostile or abusive; and enduring the offensive conduct becomes a condition of continued employment or participation in an educational program or activity.

**RETALIATION:** It is unlawful to retaliate against an individual for opposing practices that discriminate based on a protected class (see discrimination definition above) or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation. Northeastern strictly prohibits and will not tolerate reprisals or retaliation against persons due to their assertion of protected civil rights or their participation in the pursuit of the protected civil rights of others.

**FALSE AND FRIVOLOUS COMPLAINTS:** Discrimination is a serious matter and can have far-reaching effects on the lives and careers of individuals. Intentionally false accusations can have a similar impact. A person who knowingly and intentionally files a false complaint under this policy is subject to University discipline as described more fully in the Sanctions section, below.

## GUIDELINES

**NON-DISCRIMINATION AND HARASSMENT:** The University does not tolerate harassment or discrimination. An applicant, student, employee or visitor to the University who either observes or believes oneself to be the object of discrimination or harassment should address the incident(s) as directly and firmly as possible by clearly communicating one's position to the supervisor or department chair, the Director of Equal Opportunity, Affirmative Action and Ethics Compliance (Director of EO) and to the University employee or student at issue. Each incident of harassment or discrimination should be documented or recorded by any individual to whom the complaint is made, including supervisors, department chairs or any administrators. Documentation need not be formal but should include the time, date, and details of the incident. The documentation may be augmented by written records such as letters, notes, memos, emails, text messages, online postings, blogs, and telephone messages.



**DIRECT COMMUNICATION:** A student, employee or visitor to the University who has observed or been subjected to discrimination or harassment should directly and clearly express an objection.

**CONTACT SUPERVISORY PERSONNEL:** At the same time direct communication is undertaken or in the event the individual feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor, the classroom faculty member, Director of Student Rights and Responsibilities, or the Director of EO. If the harasser is the immediate supervisor or the faculty member, the problem should be reported to the next level of supervision or to the Director of EO. Complaints resolved at the unit or departmental level shall be reported in writing to the Director of EO by the head of the unit or department.

**CONFIDENTIAL COUNSELORS:** A student may choose to contact Northeastern's Office of Student Health and Counseling Services. The counselors in this office are legally privileged to keep communications confidential. Because these communications are confidential, reporting an incident to Northeastern's Student Health and Counseling Services does not constitute the reporting of an incident or discrimination or harassment to the University. After discussing any concerns with a confidential counselor, the student may choose to contact supervisory personnel or to file a complaint of discrimination or harassment with the Director of EO. Employees may contact the Office of Student Health and Counseling Services for referrals only.

Employees can discuss discrimination or harassment concerns as well as any other workplace issue with the Employee Ombuds. Reporting potential incidents of discrimination or harassment to the Employee Ombud does not serve as legal notice to the University of a concern and will not trigger a legal obligation to investigate. Information shared with the Employee Ombuds will be kept confidential except when the Ombuds believes there is an imminent risk of serious harm, suspects child abuse or neglect, or is compelled by a court. Because reporting potential incidents to the Employee Ombuds does not constitute providing legal notice to the University of a concern, an individual who intends to "put the University on notice" must contact the Director of Student Rights and Responsibilities (for students) or the Director of EO (for employees or University visitors) to initiate this process. Employees may also seek help from the Employee Assistance Program or through The Office of Human Resources at 773-442-5200.

**FILING A COMPLAINT:** A student, employee, applicant or visitor to the University may report incidents of discrimination or harassment directly to the Director of EO. Such reporting must be initiated by filing a complaint form with the Director of EO (see Appendix A). The Director of EO will counsel the reporting individual (the Complainant) and assist with filing a complaint. A complaint of discrimination or harassment against the Director of EO should be filed with the President, who will appoint a neutral party to fulfill the role of the Director of EO. A complaint of discrimination or harassment against the President should be filed with the Chair of the Board of Trustees, via the Board Liaison. The Chair will take appropriate steps to investigate and resolve the complaint. In the event that a complaint of discrimination or harassment is filed against the General Counsel, the President will designate an outside investigator to ensure that an appropriate, independent investigation is undertaken.

**INVESTIGATION:** Appendix B sets forth the University's procedures for harassment and/or discrimination cases. The Grievance Procedure applies to cases involving discrimination and/or harassment, including sexual harassment, or sexual assault. Employees are required to comply fully with investigations.

**SANCTIONS/DISCIPLINE:** The imposition of sanctions or discipline, if recommended, will proceed in accordance with Illinois and federal statutes and relevant University policy, collective bargaining agreement, rules and regulations. For employees, disciplinary action may be imposed up to and including termination of employment. For students, disciplinary action may be imposed up to and including the removal of the student from the University community. If there is a finding of harassment or discrimination against a visitor, the University may impose sanctions including, but not limited to: prohibition from entering campus, or other action to prevent contact with the victim of harassment or discrimination.

## AUTHOR REFERENCE

(See Regulations section above)  
University of Illinois Policy  
Cornell University Policy



## HISTORY

Formerly Administrative Memorandum No. 62: Equal Opportunity and Affirmative Action, General Policy Statement, Effective Dated 3/1/1999  
Formerly Administrative Memorandum No. 63: Discrimination Grievance Procedure, Effective Dated 3/1/1999

## APPENDIX

Appendix A, Discrimination/Harassment Complaint Form  
Appendix B, Grievance Procedure

## RELATED POLICIES AND OTHER INFORMATIONAL MATERIAL

[Sexual Harassment Policy](#)  
[E1.04.1 Nepotism and Personal Relationships, Effective Dated 10/01/2013](#)  
[Board of Trustees Governing Policies, Article II, Section 4 University Employees and Section 7 Students Hiring Manual](#)

### Resolution Outside Northeastern

The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint must be filed within 180 calendar days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 calendar days. In addition, an appeal process is available through the Illinois Human Rights Commission, (IHRC) after IDHR has completed its investigation of the complaint.

### Illinois Department of Human Rights (IDHR)

Chicago: 312-814-6200 or 800-662-3942 (TTY: 866-740-3953)  
Springfield: 217-785-5100 (TTY: 866-740-3953)

### Illinois Human Rights Commission (IHRC)

Chicago: 312-814-6269 (TTY: 312-814-4760)  
Springfield: 217-785-4350 (TTY: 217-557-1500)

## CONTACT INFORMATION

Please direct questions or concerns about this policy to:

Contact	Phone	E-Mail
Director, Office of Equal Opportunity, Affirmative Action and Ethics Compliance	773-442-5412	eeo@neiu.edu

## DISCLAIMER

The University reserves the right to modify or amend sections of this policy at any time at its sole discretion. This policy remains in effect until such time as the Responsible Officer calls for review. Requests for exception to any portion of this policy, but not to the policy statement, must be presented in writing to the Responsible Officer.