NEIU | NORTHEASTERN ILLINOIS UNIVERSITY

University Policy

Volume G1: Governance	**G1.7 Equal Opportunity and Nondiscrimination** **Effective Date:** 07/08/2014 **Last Revised:** 03/15/2022 **Date of next full review:** 03/01/2027	**Responsible Office:** Human Resources
		Responsible Officer: Vice President for Finance and Administration

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, caste, hair texture and protective hairstyles, citizenship status, work authorization status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, gender identity, gender expression, transgender status, arrest record status, political affiliation, military status, veteran's 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. In addition, the University will not permit harassment, sexual or non-sexual. 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

The purpose of this policy is to outline 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. This policy furthers Northeastern's commitment to the principles of equality and equal opportunity for applicants, students, faculty, staff, and visitors to the University. The University will comply with all applicable federal, state, and local nondiscrimination and equal opportunity laws, orders and regulations.

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: Discrimination refers to unfair or unequal treatment of an individual or group based on his/her/their membership in a protected class, namely on the basis of race, color, religion, sex, pregnancy, disability, national origin, caste, hair texture and protective hairstyles, citizenship status, work authorization status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, gender identity, gender expression, transgender status, arrest record status, political affiliation, military status, veteran's status, and unfavorable discharge from military service. Discrimination is unlawful.

There are two types of discrimination – disparate treatment and disparate impact.

- **Disparate treatment** refers to intentional differential treatment of an individual or group in a protected class.
- **Disparate impact** refers to policies, practices, rules, or other systems that appear to be neutral, but result in a disproportionate negative impact on protected groups.

Discrimination is prohibited in every aspect of employment and education at NEIU.

Harassment: Harassment is a form of discrimination. Harassment means subjecting an individual to objectively offensive, unwelcome conduct based on any of the protected characteristics, when such conduct (i) is severe, persistent, or pervasive and (ii) has the purpose or effect of unreasonably interfering with the individual's work, academic performance or participation in university activities or creates an intimidating or hostile environment. Harassment may be found in a single severe episode, as well as in persistent behavior. Harassment is evaluated using a "reasonable person" standard.

To qualify for harassment, the conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or school performance.

Sexual harassment is addressed in the University's G1.8 Prohibiting Sexual Misconduct, Sexual Harassment, Sex Discrimination and Retaliation policy.

Offensive Conduct: Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

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

Retaliation: Retaliation means any adverse action taken against a person who has reported a concern, filed a complaint, and/or participated in an investigation pursuant to this policy. Retaliation includes conduct that would discourage a reasonable person from engaging in activity protected under this policy. 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.

REGULATIONS

FALSE COMPLAINTS

This policy prohibits false complaints. Discrimination and harassment allegations are taken seriously by the University. Intentionally making false accusations can have far-reaching effects on the lives and careers of individuals. 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/Discipline paragraph, below.

APPLICABLE LAWS

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)
Illinois CROWN Act – P.A. 102-1102

PROCEDURES

WHAT TO DO IF YOU EXPERIENCE DISCRIMINATION OR HARASSMENT

Addressing Concerns: The University strives to address discrimination or harassment concerns proactively. An applicant, student, employee or visitor to the University who either observes or believes oneself to be the object of discrimination or harassment should, if possible, address the incident(s) by notifying a supervisor, the Office of Human Resources, Dean of Students, the Executive Director of Equity, Diversity and Inclusion, and/or the Director of EO. Each incident of harassment or discrimination should be documented. Documentation need not be formal, but should include the time, date, and details of the incident(s). Discrimination and harassment concerns may be reported online through the bias reporting online system under development by the University (link to be added). Students may report such concerns online here.

Filing a Complaint: An applicant, student, employee, or visitor to the University may report incidents of discrimination or harassment directly to the Director of EO. If the person wishes to proceed with a complaint under this policy, a meeting should first be completed with the Director of EO. (See Appendix A). The Director of EO will 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 or a member of the Board of Trustees, the President will designate an outside investigator to ensure that an appropriate, independent investigation is undertaken.

COMPLAINT PROCESS

The following describes the University's procedures for complaints involving discrimination and/or harassment.

A. Initial Step

A private in-depth interview will be conducted with the Complainant by the Director of EO. If the Director of EO decides that further action is warranted, the informal and/or formal investigation procedures outlined below will be followed. The Director of EO will typically investigate only written complaints received within 180 calendar days of the alleged incident, but has the discretion to investigate older allegations in the absence of a written complaint. All information collected during the review of a complaint will be kept as confidential as possible.

B. Informal Resolution

Prompt notification of the complaint will be provided to the Respondent. Through the informal resolution process, the Director of EO will attempt to achieve a mutually acceptable resolution within 30 calendar days. If a resolution has not been reached through the informal process, further investigation by the Director of EO will be undertaken.

Informal efforts to address the allegations will conclude with one of the following: (1) a resolution of the complaint by agreement of the parties; or (2) a decision to stop further action. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the Complainant; assisting the Respondent to better understand the effects of the Respondent's conduct and ways in which this behavior could be changed; participation in designated educational programs about discrimination and/or harassment (including sexual harassment); verbal or written reprimands; and/or other interventions or actions aimed at ending the alleged misconduct.

C. Formal Investigation

Any party, including the University, may pursue a formal investigation if the party is dissatisfied with a proposed informal resolution. If a complaint proceeds to a formal investigation or the matter is not appropriate for informal resolution, a prompt, thorough, and impartial investigation is conducted by the Director of EO to determine if a violation of this policy occurred.

The Director of EO shall provide a copy of the complaint to the Respondent and to the Respondent's Vice President and immediate supervisor if the Respondent is an employee, the Dean of Students if the Respondent is a student, or the Chair of the Board if the Respondent is the President. The Respondent will be required to respond in writing to the complaint within a reasonable time, not to exceed 14 calendar days from the date of delivery of the complaint. Respondent's response may be delivered by email or written letter to the Director of EO. Any extension of time must be approved by the Director of EO. A copy of the Respondent's response will be promptly provided to the Complainant.

The Director of EO's formal investigation shall include interviewing the parties and relevant witnesses, and reviewing written statements, documents, records, and other communications. Both the Complainant and Respondent will be provided with the following in connection with the investigation of alleged or suspected violations of this policy:

- The opportunity to speak on their own behalf.
- The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
- The opportunity to submit other evidence on their behalf.
- The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act ("FERPA") or other applicable law).
- The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
- The opportunity to appeal the outcome of the investigation.

D. Investigation Disposition

When the formal investigation is completed, an Investigation Report will be prepared by the Director of EO within 60 calendar days from the commencement of the formal investigation (or as soon as feasible when extensions are necessary to ensure a thorough investigation). Copies of the Investigation Report will be provided to the Complainant, Respondent, Respondent's Vice President and immediate supervisor, or Dean of Students, in cases in which the Respondent is a student. The Investigation Report will contain (1) the Complainant's allegations or a summary of any other suspected violations; (2) the Respondent's replies to the allegations or suspected violations; (3) information provided by witnesses, documents, or other information obtained during the investigation; (4) a description of the investigation process; (5) the Director of EO's analysis of evidence and findings of fact on each element of the complaint; and (6) any recommendation(s) the Director of EO may consider pertinent to the disposition of the complaint.

The Director of EO's findings of fact in this Investigation Report shall be made using the *preponderance of the evidence* standard (i.e., more likely than not). Individuals are presumed innocent unless a *preponderance of the evidence* supports a finding of misconduct. The *preponderance of the evidence* standard requires that the evidence supporting each finding is more convincing than the evidence offered in opposition to it. If there is evidence that the complaint was filed without a reasonable basis in fact and honest belief, the Director of EO shall include that evidence in the Investigation Report.

The Director of EO, the Vice President and the immediate supervisor (for an employee), or Dean of Students (for a student), will review and discuss the case and the Investigation Report as a group, and the Vice President or Dean of Students will make a decision on the merits of the complaint. In the event the President is a Respondent, the case will be reviewed and discussed by the Chair of the Board and the designated investigator. This decision as to the disposition of the case shall be made as soon as possible, but no later than 30 calendar days from the receipt of the Director of EO's Investigation Report (or as soon as feasible when extensions are necessary). This decision shall be in writing, shall include an explanation of the decision and shall be sent to the parties, and to the Respondent's immediate supervisor in the case of an employee Respondent. If the Vice President or Dean of Students determines that further information is needed to make a decision, the Director of EO will be tasked with conducting follow-up and/or additional interviews.

If a policy violation is found, remedial action will be taken by the Vice President for an employee or Dean of Students for a student after separate discussion of alternative possible remedies with the Complainant and the Respondent's immediate supervisor. If disciplinary action is taken as a result of a finding of a policy violation, procedures required under relevant collective bargaining agreements, Northeastern Illinois Board of Trustees Regulations, State Universities Civil Service Statute and Rules, or Student Conduct Code will be followed. If there is insufficient evidence to support the allegation of a policy violation, the Complainant may, at the option of the Vice President or Dean of Students, be given the opportunity to discuss the findings and to provide additional information that would be shared with the Respondent, who would have the opportunity to respond.

Retaliatory action of any kind taken by an employee or student against a complaining party as a result of that party's seeking redress under the above-referenced procedures is prohibited and shall be regarded as a separate and distinct cause for complaint under these procedures.

APPEALS: Either party (Complainant or Respondent) or both parties may appeal the Vice President's or Dean of Students' decision to the President. Appeals to the President must be made in writing (via written letter or email) within 10 business days from the date of the decision. Upon receipt of the appeal, the President will review the decision and the information provided in the appeal request. The President's decision regarding the appeal will be issued, in writing, to the party no more than 60 calendar days from receipt of the appeal request. The President's decision is final. The President and/or Director of EO may consult the General Counsel for advice at any step in the above informal or formal procedures or in an appeal. The foregoing process shall apply in cases in which the President is the sole or one of the Respondents.

GUIDELINES

ACTION TO BE TAKEN UPON COMPLETION OF AN INVESTIGATION

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

University of Illinois Policy
Cornell University Policy
Yale University Policy Against Discrimination and Harassment

HISTORY

Updated obsolete information 04302026
Updated links and fixed typos 12/02/2024
Changed responsible office and officer February 5, 2024
Added language from IL CROWN Act effective January 1, 2023
Fixed typo on page 4 – 10/18/2022
Updated embedded policy links – 7/25/2022
Five-year comprehensive review and revision – 3/15/2022
Reformatted document, fixed formatting, and updated Responsible Office/Officer information 8/22/2018
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

RELATED POLICIES AND OTHER INFORMATIONAL MATERIAL

RESOLUTION OUTSIDE NORTHEASTERN

This policy establishes prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, applicants, students, employees and visitors to the University have various avenues for redress outside of the University.

Persons may have the right to report concerns and file a complaint with the following federal and state agencies:

Illinois Department of Human Rights (IDHR)
https://www2.illinois.gov/dhr/FilingaCharge/Pages/Employment.aspx

Equal Employment Opportunity Commission (EEOC)
https://www.eeoc.gov/filing-charge-discrimination

Department of Education, Office of Civil Rights
https://www2.ed.gov/about/offices/list/ocr/docs/howto.html

State Ethics Office (OEIG)
https://www2.illinois.gov/oeig/complaints/Pages/FileaComplaint.aspx

RELATED POLICIES AND RESOURCES

Equal Opportunity Commission
G1.8 Prohibiting Sexual Misconduct, Sexual Harassment, Sex Discrimination and Retaliation 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

CONTACT INFORMATION

Please direct questions or concerns about this policy to:

Contact	Phone	E-Mail
Director of Human Resources	(773) 442-5200	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.