



Appendix A

Northeastern Illinois University Office of Equal Opportunity, Affirmative Action and Ethics Compliance

DISCRIMINATION AND/OR HARASSMENT GRIEVANCE FORM

Please complete the following:

Name

Address

Telephone Number

Status (Student, Civil Service, Faculty, Administrator)

Department and Title (for employees)

I BELIEVE I HAVE BEEN DISCRIMINATED AGAINST AND/OR HARASSED BECAUSE OF: (*check all that apply*)

- ☐ Race
- ☐ Color
- ☐ National Origin
- ☐ Religion
- ☐ Ancestry
- ☐ Age
- ☐ Disability
- ☐ Sex (including Sexual Harassment)
- ☐ Sexual Orientation
- ☐ Gender Identity/Expression
- ☐ Marital Status
- ☐ Veterans' Status
- ☐ Unfavorable Military Discharge
- ☐ Order of Protection
- ☐ Genetic Information
- ☐ Retaliation*

* For the purposes of this process, retaliation is defined as retaliatory conduct against an individual who has opposed that which the individual believes to be unlawful discrimination, harassment in employment/education or because the individual has filed a complaint, assisted or participated in an investigation, proceeding or hearing concerning an unlawful practice.

Describe the incident that you believe is discrimination and/or harassment:
(attach additional sheets if necessary)



Appendix B

GRIEVANCE PROCEDURE

The following investigation procedures are the University's grievance procedures for cases involving discrimination and/or harassment, including sexual harassment, and sexual assault.

A. Initial Steps

A private in-depth interview will be conducted with the Complainant by the Director of Equal Opportunity, Affirmative Action and Ethics Compliance (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 30 calendar days of the alleged incident, but has the discretion to investigate older allegations or 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

Informal resolution does not apply to sexual assault grievances. For other cases, 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; or other interventions or actions aimed at ending the alleged misconduct.

In concluding the informal resolution phase, the Director of EO shall submit a report to the parties involved in the allegation and the appropriate executive officers, but not typically to any other campus-level office. The appropriate executive officers are typically Respondent's Vice President and immediate supervisor if the Respondent is an employee or the Director of Student Rights and Responsibilities if the Respondent is a student. Informal resolution reports will usually be brief. Reports prepared by the Director of EO and all records collected during the investigation shall be kept separate from the official personnel files of the parties, except for discipline and/or sanctions.

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 or the Director of Student Rights and Responsibilities if the Respondent is a student. 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 Director of Student Rights and Responsibilities, 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 Director of Student Rights and Responsibilities (for a student), will review and discuss the case and the Investigation Report as a group, and the Vice President or Director of Student Rights and Responsibilities will make a decision on the merits of the complaint. 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 Director of Student Rights and Responsibilities 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 Director of Student Rights and Responsibilities 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 Status 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 Director of Student Rights and Responsibilities, 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 Director of Student Rights and Responsibilities' 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.