Nondiscrimination, Harassment and Retaliation Policy and Procedures for Students, Faculty and Staff
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Statement of Purpose
Northern Illinois University (“NIU” or “the university”) is an equal employment opportunity institution and does not unlawfully discriminate against its students, faculty and staff on the basis of race, color, national origin, ancestry, sex, pregnancy, religion, age, physical and/or mental disability, marital status, veteran/military status, sexual orientation, gender identity, gender expression, political affiliation, order of protection status, victim of domestic or sexual violence status, citizenship status, arrest record in employment/personnel matters, genetic information, and/or other protected categories in compliance with applicable federal and state statutes, regulations and orders pertaining to nondiscrimination, equal opportunity and affirmative action that violate university policy. Additionally, conduct that results in sexual misconduct, sexual harassment and/or retaliation is also considered unlawful and prohibited by university policy.

Employment or academic decisions or conduct by any university employee (including, but not limited to faculty, supportive professional staff, civil service staff, extra help, student employees), volunteer, affiliate or vendor at all campus locations (including DeKalb, Hoffman Estates, Naperville, Lorado Taft, Chicago, and Rockford, Illinois) that are unlawfully based upon the protected categories referenced above may be considered a form of unlawful discrimination and a violation of this policy.

Any employee or student who experiences or witnesses possible acts of discrimination, harassment or retaliation has the right to report this activity to the applicable university administrator or to the Ethics and Compliance Office (ECO) immediately. Complaints or allegations of discrimination, harassment or retaliation will be examined in a reasonable, objective, private and expedient manner, and in accordance with applicable federal and state laws.

As warranted by the facts of the situation and in coordination with the organizational areas involved, suitable corrective action will be implemented whenever wrongful discrimination, harassment or retaliation in any form has been found to have occurred. Any employee or student who engages in conduct prohibited by this policy will be required to participate in appropriate corrective measures. All disciplinary actions will be performed in accordance with applicable procedural and substantive due process principles and personnel procedures as stated by this or other applicable university policies.

Introduction
Consistent with the importance of the mission of NIU, the university maintains an accessible, diligent and responsive complaint resolution system. Such procedures are outlined in the following sections. The university’s policies represent more than a reflection of static legal regulations; they embody a code of conduct and ethics for which we hold each student, employee, supervisor and university community member accountable.

The board of trustees has delegated the authority and responsibility to implement the various elements of this policy to the university administration. The university community, through its individual members, is expected to integrate these standards and cooperate in the fulfillment of this important aspect of our mission. It is essential to the effectiveness of this policy that appropriate administrative officers are promptly informed of discrimination, harassment and retaliation in order to properly respond to and correct unacceptable conditions that may result from the actions of individuals.
Consistent with procedural and substantive due process principles, NIU has developed policies and procedures intended to protect the legitimate rights of its students and employees as derived from applicable state and federal law. In this regard, the university will not tolerate unlawful discrimination, harassment or retaliation in any form.

Academic Diversity, Equity and Inclusion (ADEI) and the Ethics and Compliance Office (ECO) maintain these policies and procedures — along with the prioritization of diversity — as key strategic factors and two of the primary strengths of our institution. NIU trusts that employees and students will use these resources fairly and with confidence in the university’s willingness to take corrective action where warranted.

University Statement on Equal Opportunity in Employment and Education
The university acknowledges that equal employment opportunity is the right of all individuals to work and advance in the workplace on the basis of merit, ability and potential without regard to protected class or gender. Additionally, all facets of the educational process at the university shall be accessible to all students based upon the student’s ability and potential. Specific procedures that secure and maintain equal opportunity in education are stated by the regulations of the university. Unlawful discrimination, pertaining to students in all aspects of their educational relationship to the university, is prohibited by this policy.

Nondiscrimination Statement related to Title IX, Section 504, and Title II
Academic and employment decisions based upon sex or gender and/or acts of sexual misconduct are forms of unlawful sex discrimination under Title IX, additional federal and state laws, and are prohibited under this and other policies of NIU. The university does not discriminate on the basis of sex, gender or gender identity in any phase of its educational or employment programs; the university is required by Title IX and other applicable laws to not discriminate. The university also does not discriminate against its students, staff and the general public on the basis of disability in violation of Section 504 and Title II. The following entities are designated to coordinate the university’s efforts to comply with Title IX, Section 504 or Title II:

Title IX Coordinator
Altgeld Hall 238
TitleIXCoordinator@niu.edu
815-753-5560

ADA Coordinator
Campus Life 240
ADA@niu.edu
815-753-6038

Assistant Vice President of Student Affairs
Altgeld Hall 208
Student_Affairs@niu.edu
815-753-1573

University Statement Regarding Affirmative Action
Affirmative action is an essential tool in assuring that employment opportunities are accessible to all qualified individuals. The doctrine of affirmative action encourages employers to advocate and implement policies and procedures specifically geared toward the recruitment, employment and promotion of
qualified individuals from groups that have been formerly excluded from equal opportunity in employment. Effective affirmative action plans should facilitate constructive, deliberate steps toward achieving an environment that is representative of a balanced workforce.

All supervisors, directors, department chairs, administrative officers, deans and executive officers are individually accountable for the appropriate implementation of approved affirmative action programs and adherence to equal employment opportunity and nondiscrimination/harassment standards in their respective areas of responsibility. For more information regarding the university’s affirmative action goals and annual report, please consult the Affirmative Action Plan Policy Statement located at www.niu.edu/diversity.

Definitions of Policy Violations

Every person has a right to work and be educated in an environment free from unlawful discrimination, harassment and retaliation. This policy prohibits all university community members (faculty, staff, employees, students, volunteers and vendors) from making employment/academic decisions that are unrelated to performance, qualifications, academic achievement and/or conduct that seeks to limit, segregate or classify employees/students on the basis of race, color, national origin, ancestry, sex, pregnancy, religion, age, physical and/or mental disability, marital status, veteran/military status, sexual orientation, gender identity, gender expression, political affiliation, order of protection status, victim of domestic or sexual violence status, citizenship status, arrest record in employment/personnel matters, genetic information, and/or other protected categories under applicable federal and state statutes, regulations, and orders pertaining to nondiscrimination, equal opportunity, and affirmative action.

The definitions of what constitutes prohibited forms of discrimination, harassment and retaliation are as follows:

- **Discrimination:*** Being treated unfavorably or being subjected to adverse treatment based on the employee’s or student’s protected category.

- **Harassment:*** Unwanted or unwelcomed conduct that is based on the employee’s or student’s protected category that is severe or pervasive enough to interfere with an employee’s work or a student’s performance, or creates a hostile, intimidating or offensive workplace or educational environment.

- **Retaliation:*** An employee or student suffering an adverse action because of their engagement in a protected activity.

**Discrimination – In General**

In order to establish a claim of discrimination, the following evidence must be shown:

1. The employee or student is being treated unfavorably or being subjected to adverse treatment.
2. The treatment is based on the employee’s or student’s protected category.

In the educational setting, forms of discrimination include but are not limited to the following:

- Any aspect of admission to the university.
- Programs or organizational activity.
- Educational performance.
- Treatment in the classroom or course grade.
• Academic activities external to the classroom.
• Counseling.
• Career planning and placement services.
• Financial assistance.
• Health services.
• Insurance.
• Athletics.
• Access to university facilities.
• Failure to accommodate.
• All other student activities that have a reasonable impact upon students at the university.

In the employment setting, forms of discrimination include but are not limited to the following:
• Hiring and firing.
• Compensation, assignment or classification.
• Transfer, promotion, layoff or recall.
• Failure to accommodate.
• Job advertisements.
• Recruitment.
• Testing.
• Use of university facilities.
• Training and apprenticeship programs.
• Fringe benefits.
• Pay, retirement plans and disability leave.
• Disciplinary actions.
• Other terms and conditions of employment.

Harassment – In General
In order to establish a claim of harassment, the following evidence must be shown:
1. Unwanted or unwelcomed conduct.
2. Based on the employee’s or student’s protected category.
3. Severe or pervasive enough to interfere with an employee’s work or a student’s performance, or creates a hostile, intimidating or offensive workplace or educational environment.

The following factors are used to determine whether the conduct is severe or pervasive enough to be considered a form of harassment from a subjective and objective viewpoint.
• Frequency of the discriminatory conduct.
• Whether a reasonable person would deem the conduct to be offensive.
• Whether the conduct is physically threatening or humiliating as opposed to verbal abuse.
• Whether it unreasonably interferes with an employee’s or student’s performance.
• Whether the harassment was directed toward the employee and/or student.

Purpose or Effect
Even if the respondent does not purposefully engage in discriminatory comments or behavior or purposefully create a hostile work environment, their actions may still be a violation of this policy if it has the effect of such on the recipient of the conduct. Enforcement agencies focus on both the purpose and
effect of the alleged actions. Thus, even an individual who does not intend to harass another individual could be viewed as in violation of this policy if the effect of the action can be shown to have harmed the individual by unreasonably interfering with work performance or educational experience, or creating an intimidating, hostile or offensive working or educational environment. It is recognized that certain complaints may be subjective; individuals react differently to the behavior of others. However, it is both the subjective and objective (similarly situated, reasonable person) perspective in the totality of circumstances that is taken into account in determining whether an individual has been subjected to harassment.

**Sexual Harassment and Sexual Misconduct**

It is the policy of NIU that no member of the university community may sexually harass another, regardless of any employment or educational relationship, or the lack thereof. Moreover, all forms of sexual misconduct, as defined within the university’s Title IX/Sexual Misconduct Policy and Procedures, is considered a violation of university policy. For more information about sexual harassment and sexual misconduct, please see the university’s Title IX/Sexual Misconduct Policy and Procedures.

To assist and facilitate in the creation of a respectful employment and educational environment, sexual misconduct awareness and prevention training will be provided annually to all NIU students and employees. This training will include defining and understanding sexual misconduct, including sexual harassment and sexual assault, reviewing laws and university policy, discussing video examples and case studies, increasing awareness of personal behavior, learning strategies for prevention, and providing information on how to respond to sexual misconduct when it occurs.

Failure to complete the annual sexual misconduct training may be considered a performance issue, resulting in an appropriate level of corrective action.

**Sexual Harassment in Employment**

Sexual harassment in the employment sector includes any unwelcome sexual advance, request for sexual favor or any conduct of a sexual nature when: 1) Submission to such conduct is either explicitly or implicitly made a term or condition of employment, 2) Submission to or rejection of the conduct is used as a basis for making decisions about your employment, or 3) Such conduct interferes with your job performance or creates an intimidating, hostile or offensive working environment.

**Sexual Harassment in Education**

Sexual harassment in the education setting includes any unwelcome sexual advances or requests for sexual favors made to a student by an executive, administrative staff or faculty member, or any conduct of a sexual nature that substantially interferes with the student’s educational performance or creates an intimidating, hostile or offensive educational environment.

**Types of Sexual Harassment**

There are two types of sexual harassment: “quid pro quo” and “hostile environment.”

Quid pro quo – Is the Latin term for “this for that” and occurs when there is a demand for a sexual favor in exchange for some employment/academic benefit(s). A supervisor demanding sexual favors in exchange for a raise or promotion, or a professor demanding sexual favors in exchange for a course grade, are examples of quid pro quo sexual harassment.
Hostile environment – Occurs when the harassing behavior is so severe or pervasive that it unreasonably interferes with an employee’s work or a student’s performance, or creates a hostile, intimidating or offensive work/academic environment.

Effects on the Educational Setting
NIU recognizes and respects the importance of academic freedom and the responsibility of each academic unit to educate NIU students. In this regard, NIU does not intend to allow the issue of effect in the realm of sexual harassment to impede upon, stifle or otherwise have a chilling effect upon the academic process or the vital function that it serves.

Additionally, NIU recognizes that some academic disciplines and/or coursework involve information or instruction that may result in dialogue or communication that is sexually explicit and may be offensive to some students. In recognition of this possible result, all complaints of sexual harassment that occur in the classroom will be reviewed in reasonable relation to the course curriculum and required instruction. In most instances, a finding of sexual harassment will not result based upon the sole fact that a student became offended in the classroom if there is sufficient evidence to suggest that the instruction, dialogue or communication was reasonably related to the course curriculum.

As an advisory, academic units to are strongly encouraged to adhere to the following procedures:

- Classroom discussions that are sexually explicit in nature should be contained to the classroom and must be directly related to the intended course curriculum and the subject being discussed. Any extracurricular or personal discussion of a sexual nature that occurs between the student and faculty member is strongly discouraged.
- If applicable, make sure that all students are verbally and expressly warned in advance about the sexually related content of the course and the dialogue that could result from such instruction. This warning should be contained in a course syllabus and some form of written documentation should be available as evidence that the student read and understood the warning statement.
- It is highly advisable that each faculty member make every attempt to ensure that dialogue does not become offensive beyond what is reasonably required for the group discussion.

Notice of Sexual Harassment
NIU accepts its reasonable share of responsibility for attempting to assure that all of its employees and students are able to perform their responsibilities in an atmosphere that is free from sexual harassment. Each supervisor, director, department chair, administrative officer, dean and executive officer is obligated to assure compliance with this policy in their respective areas of responsibility.

Faculty and staff should be knowledgeable of and understand reporting requirements regarding information about suspected sexual harassment and sexual misconduct. For information about whether you are a “responsible employee” requiring submission of a report, please consult with your supervisor or Title IX Coordinator.

For information about being a responsible employee and the corresponding reporting obligations, please refer to the university’s Title IX/Sexual Misconduct Policy and Procedures.
Consensual Relationships, Conflicts of Interest and Assumption of Risk
Adult romantic and sexual relations when one individual in the relationship is in or has the perception of being in a position of power (i.e., supervisors and employees, faculty and students, athletic coaches and athletes, and residence hall staff and residents) do not necessarily involve sexual harassment. However, the trust accorded to faculty members by students and the powers faculty members exercise in evaluating students’ work, awarding grades, providing recommendations and the like will generally constrain a student’s actual freedom to choose whether to enter into or continue a romantic or sexual relationship with a faculty member. An employee likewise may not feel fully free to reject or end a romantic or sexual relationship with their supervisor. Similar considerations apply to other employment or academic relationships.

Therefore, where such a power differential exists, it may be exceedingly difficult to defend against a charge of sexual harassment on the grounds that the relationship was consensual. It should be anticipated that in an internal proceeding, a defense based on consent is challenging to prove when the facts establish that the accused had the power to affect the complainant’s academic or employment status or future prospects.

Even genuinely consensual relationships between individuals who are in a position of power and those who are not may be problematic. For example, such relationships may result in a conflict of interest, perception of a conflict of interest or improper favoritism that may or may not adversely affect the learning or work environment. If a sexual relationship exists, effective steps must be taken to ensure that unbiased evaluation or supervision of either the student or employee occurs. Consensual relationships involving a power differential, therefore, may violate university policy and equal opportunity law.

Individuals who enter into these relationships unavoidably do so at their own personal peril and assume all related personal risks.

Retaliation – In General
In order to establish a claim of retaliation, the following evidence must be shown:

1. The student or employee engaged in a protected activity.
2. The student or employee suffered an adverse action.
3. There is a causal link between the protected activity and the adverse action.

The university does not condone or tolerate acts of retaliation against any employee or student who has engaged in a protected activity, as defined by this policy or applicable law. The university strongly encourages its employees and students to report any act of retaliation to the Ethics and Compliance Office (ECO) immediately.

Consistent with these principles of nonretaliation, the university pledges to take swift appropriate action when retaliation is found to have occurred.

Protected Activity
An employee or student engages in a protected activity when they, in good faith, informally or formally report or oppose an alleged wrongful or unlawful activity; assist others in making such a report; or participate in an investigation or proceeding related to an alleged wrongful or unlawful activity.
Examples of activities that may be wrongful or unlawful include discrimination or harassment, unethical conduct, academic misconduct, research misconduct, arbitrary or capricious treatment/grading, suspected abuse or neglect, and other violations of university policies and procedures and federal or state law and regulations.

A violation of this provision may be found absent a decision that the reported or opposed activity is actually wrongful or unlawful. Additionally, the protection against retaliation extends to individuals who are closely related to or associated with the employee or student who reported or opposed the alleged wrongful or unlawful activity.

**Adverse Action**

An adverse action is a material action that would dissuade a reasonable person from engaging in the protected activity.

In respect to any aspect of employment, adverse actions include, but are not limited to, discharge, demotion, suspension, denial of promotion or job benefits, or refusal to hire absent a legitimate, nonretaliatory reason to do so. Other examples include, but are not limited to, threats, reprimands, unsubstantiated negative evaluations, harassment or acts of sabotage against the individual that reported or opposed the alleged wrongful or unlawful activity.

In respect to any aspect of education, adverse actions include, but are not limited to, receipt of a reduced grade, limitation or denial to participate in an educational program or activity, dismissal from a program, referral to a disciplinary body of the university and negative references absent a legitimate, nonretaliatory reason to do so.

**Causal Link**

A causal link between the protected activity and the adverse action may be established when there is evidence to prove that the employee’s or student’s engagement in a protected activity was a motivating factor in the respondent’s adverse action against them. The causal link may be established through direct or circumstantial evidence that establishes a motivating factor or inference in the timing of the events.

**Complaint Resolution Procedures – Introduction**

The goal of the complaint resolution procedures is to address, resolve and eradicate behavior and conduct that violates this policy. Most external agencies and courts of law encourage individuals who experience unlawful acts of discrimination, harassment or retaliation to utilize internal procedures provided by the institution prior to filing an external claim. Therefore, all employees and students are strongly encouraged to utilize these internal complaint resolution procedures.

As an alternative to these procedures, an employee or student may also seek assistance through the complaint alternatives outlined herein. However, seeking assistance via these alternatives will not constitute the filing or notification of issues that can be addressed by the Ethics and Compliance Office (ECO), and thus an investigation into such matters should not be an anticipated result and may not occur.

These complaint resolution procedures may proceed independent of any other grievance/complaint process provided for elsewhere by the university including, but not limited to, the Faculty/Staff University
Grievance, Grade Appeal, Collective Bargaining/Union Grievance, Student Grievance, or Title IX Report or Complaint. An investigation may be waived by ECO if the desired outcomes, or if issues contained in the complaint, are resolved by these or other internal administrative processes. ECO also reserves the discretion to determine an appropriate venue for the complaint.

Filing a Complaint
A complaint of unlawful discrimination, harassment and/or retaliation may be filed online at go.niu.edu/file-discrimination or go.niu.edu/file-retaliation. After the electronic complaint form has been submitted, an investigator will contact the complainant for a private appointment to discuss all of the factual and circumstantial information upon which the complaint is based.

An employee or student may also contact an investigator via email at ECO@niu.edu before filing a complaint to discuss the complaint resolution procedures.

A complaint of sexual misconduct may be filed online at go.niu.edu/FileTitleIX. The procedures contained in the Title IX/Sexual Misconduct Policy and Procedures will be adhered to for complaints of sexual misconduct.

Statement of Time Frame Limitations
Any employee or student (including former or prospective) may file a complaint no later than 180 calendar days from the time that the employee or student knew or should have known of the alleged violation of policy. This time frame limitation is designed to encourage the filing of complaints as soon as practicable and to ensure that evidence is reasonably available to afford a thorough investigation. Complaints filed after 180 calendar days will not be investigated unless rare and exigent circumstances warrant extension of the limitation.

Withdrawing a Complaint
The employee or student has the right to withdraw the complaint in writing at any time after submission. While the grant of a request for withdrawal will be strongly favored, there may be occasions where the university may have an obligation to proceed with a full investigation based on the nature of the allegations.

Presence of Support Persons
The complainant and respondent may each have one support person present at any meeting to provide support. Support persons may act in an advisory capacity only and may not speak on behalf of the party in any proceeding, but may consult with the party during the proceeding. The involvement of a support person cannot result in an undue delay of the proceeding. Additionally, the support person must comply with rules contained herein and failure to comply or engagement in behavior that is disruptive or harasses, intimidates or abuses any party or witness may result in their prohibition in future involvement in the process. Any individual who is participating in this capacity is expected to maintain the same level of privacy that is expressed throughout these procedures.

Individuals who may be a co-complainant, co-respondent, witness, hold a supervisory position over the complainant or respondent or be in a position that may suggest a conflict of interest may not serve as a support person.
A licensed attorney may be considered a support person. However, as this process is considered administrative in nature, neither party has the right to an attorney during any part of the complaint resolution process, thereby authorizing ECO with the right to deny the request for presence of an attorney. If the complainant or respondent is a member of a union, they have the right to have union representation present during their meeting. Union representation may be considered a support person.

The presence of a support person, including the presence of a union representative or a licensed attorney, must be made in writing to the assigned investigator in advance of their presence.

**Role of Investigators**
Investigators are neutral fact finders. As such, investigators do not function as advocates for any of the involved parties. Investigators will, however, inform individuals about other university offices where they may seek support or advocacy.

**Conducting the Investigation**
ECO reserves the discretion to determine whether to initiate a full investigation, the extent and content of the investigation, findings or lack thereof, recommendations, determinations and resolution procedures as warranted by the evidence and considered by the assigned investigator.

An employee is not required to inform their immediate supervisor about the filing of a complaint, being considered a complainant, respondent or witness in an investigation or the existence of an investigation, in general. However, ECO reserves the right to inform the division or department head that an investigation is being conducted, if warranted by the facts of the case.

The respondent will receive notice of the complaint, including details of the alleged conduct, and will have the opportunity to respond to all allegations contained in the complaint. Witnesses may also be identified and interviewed about the information relevant to their knowledge about the matter.

ECO is primarily responsible for conducting the investigation in as thorough, impartial and timely of a manner as possible. Generally, complaints may be investigated within 90 days. However, the complexity of the allegations, extent of the evidence and number of witnesses may warrant a longer time period for completion of the investigation process.

**Participation in the Investigation**
Fairness to all individuals involved in an investigation is a priority. The university considers accusations of violations of university policy as serious events, which can have a far-reaching effect upon the careers and lives of the individuals affected. The complainant, the respondent or any other member of the university community should not take such accusations lightly.

Intentional false allegations, misrepresentation of facts, failure/refusal to cooperate with an investigation or the intentional breach of confidentiality is a violation of this policy, and such conduct may result in disciplinary action including and up to suspension, termination or expulsion. Moreover, attempts to persuade others to not participate in an investigation or apply pressure to not fully cooperate may also
constitute an act of retaliation and could be treated as a separate and independent complaint initiated by the opposing party to the original complaint or ECO.

**Administrative Action Pending Investigation**
The university reserves the right to take administrative action deemed necessary to protect the rights and safety of the complainant, respondent and campus community pending completion of an investigation. Such measures include, but are not limited to; changes to academic, living, dining, transportation and working situations; obtaining and enforcing campus no contact orders; honoring an order of protection or no contact order entered by state civil or criminal court; and interim suspension/administrative paid leave from campus.

**Privacy, Anonymity and Confidentiality**
ECO will make a reasonable attempt to protect anonymity (upon written request to do so) and to limit all discussion regarding the issues contained in the complaint to those involved with the parties or subjects as necessary. Employees or students who file complaints and request anonymity or confidentiality must recognize that honoring a request for anonymity or confidentiality may impair the university’s ability to fully investigate and respond to the incident, including disciplining or taking other corrective action against the respondent. Nevertheless, the university will attempt to provide resources to the complainant/respondent and to take steps to remedy the effects of the alleged policy violation and to prevent its recurrence.

**Standard of Proof**
The investigation will result in a determination as to whether it is “more likely than not” (preponderance of the evidence) that a violation did or did not occur. The conduct alleged to have violated this policy shall be evaluated from the perspective of a similarly situated reasonable person when considering the totality of the circumstances involved in the matter.

**Suspension of the Investigation**
In some circumstances, the investigation may be temporarily placed on hold, such as a temporary unavailability of the complainant, the respondent or evidence. When an investigation is temporarily placed on hold, the involved parties will be notified in writing. The reason for the suspension may not be disclosed to the involved parties in certain circumstances.

**Conclusion of the Investigation**
Both parties will receive a written report upon conclusion of the investigation. The written report will summarize factual information obtained during the investigation, outcome of the investigation including rationale and whether recommendations for resolution are appropriate. While the full content of the investigation will include witness testimony or other documentation, and a list of recommendations, the complainant and respondent will not have access to this information absent a legal requirement to provide such. Witnesses, support persons or other affected parties will not receive a written report of the investigation unless it is deemed necessary to protect university interests.

ECO reserves the right to provide a summary of the findings and recommendations to the appropriate university official(s). This notification will be restricted to department or division heads in an identifiable
line of supervisory or administrative responsibility in relation to the parties involved in the complaint. Individuals external to the investigation and university will not receive any notification or information regarding the complaint or investigation unless a request is made by legal subpoena or directed by a court of law.

Official findings concerning employees may become part of the respondent’s permanent employment record located in Human Resource Services. Official findings concerning students will be forwarded to the Office of Student Conduct for implementation of appropriate sanctions.

There will not be a finding if there is not enough evidence to conclude that a violation has occurred. However, despite a lack of a finding, ECO may recommend disciplinary or corrective action as warranted by the information contained in the complaint or discovered during the investigation.

**Retaliation Prohibited**
Any individual, who in good faith, filed a complaint, testified, assisted or participated in the procedures outlined herein alleging that a violation of this policy has occurred is protected from retaliation.

**Corrective Action or Sanctions**
In the event that a finding is reached concerning a violation of this policy, corrective action (including sanctions) will be recommended by ECO and implemented by the appropriate division or department head to ensure that the conduct resulting in a policy violation is eradicated.

Corrective action against employees shall be consistent with the university’s applicable personnel due process and grievance procedures, in accordance with the standards set forth in the university constitution and applicable personnel procedures, and shall be commensurate with the severity of the policy violation. Corrective action may include, but is not limited to, a counseling statement, a letter of warning, oral reprimand, written reprimand, referral to a required counseling program, suspension from employment with or without pay or termination from employment in accordance with prevailing university personnel due process procedures or applicable collective bargaining agreements. Human Resource Services may monitor corrective actions to ensure compliance.

Formal sanctions or official findings may be imposed and enforced by college deans when the respondent is a faculty member. When the respondent is supportive professional staff, operating staff, an extra help employee or student employee, formal sanctions and official findings shall be imposed by the applicable division vice president or designee.

**Appealing Results of Investigation**
The results of the investigation of discrimination, harassment or retaliation may be appealed by either party by submitting a written request of appeal to the executive vice president and provost, or designee, within five business days after the date of the written report regarding the investigation.

Appeals may be made only on the following grounds:
- A material deviation from these procedures affected the outcome of the case.
- New and relevant information is available that was not available, with reasonable diligence and effort, at the time of the investigation that could reasonably affect the investigation finding(s).
The outcome was significantly contrary, unsupported and unreasonable to the weight of the evidence presented.

The executive vice president and provost or designee will render a decision about the appeal within seven business days after the date the written appeal is submitted. The executive vice president and provost may extend the time to render a decision on appeal when unusual circumstances arise. The appealing party will be informed of the extension of time along with the date in which the appeal decision will be rendered.

### Appealing Corrective Action or Sanctions

Employee corrective action or sanctions may be appealed in writing and directed to the senior administrator responsible for Human Resource Services within 10 business days from the date the corrective action is determined. Formal sanctions may become part of the respondent’s permanent employment record maintained by Human Resource Services. Sanctions may also be imposed upon any administrative official or supervisor who fails to respond to a complaint or refuses to enforce corrective measures or sanctions.

### Record Keeping

The person conducting an investigation is required to maintain records of all witness interviews, facts, evidence, outcomes and resolutions of the complaint or investigation. Records of the investigation will not be maintained in personnel or student files unless formal findings, corrective action or sanctions are imposed and approved by the appropriate administrator or senior official. In this instance, the employee or student must be informed that this information has become part of their permanent employment or student record. All original investigative records and notes will be maintained by ECO in accordance with university record retention schedules. Working copies will be utilized by the investigator and may be destroyed after completion of the investigation and submission of any final report.

### Alternatives to an Investigation

Any employee or student who does not wish to file a formal complaint may seek assistance/resolution of their concerns via complaint alternatives that are outlined below. **Seeking assistance via these alternatives will not constitute the filing and/or notification of issues that can be addressed by ECO and these complaint resolution procedures, and thus an investigation into such matters should not be an anticipated result.**

**Supervisory Assistance** — An employee or student who has witnessed or experienced what they believe to be conduct that violates this policy may initially attempt to resolve the issue directly with the respondent, or seek assistance from their supervisor. ECO recognizes that different issues will require customized approaches in resolving departmental complaints. Ultimately, the nature of the alleged issues will determine how the supervisor will attempt to resolve the matter. Most importantly, the process must be applied consistently. Evidence of inconsistent treatment or application of this process may be considered a form of conduct prohibited by the university policy.

Every employee in a supervisory capacity including, but not limited to, supervisors, directors, department chairs, administrative officers, deans or executive officers has the responsibility to make a good faith effort to prevent violations of this policy and to eradicate the prohibited conduct immediately. Any employee in a supervisory capacity who refuses or willingly fails to address or resolve conduct that is prohibited by this policy may be subject to disciplinary action.
Below are several suggestions for supervisors on how to address policy violations in the workplace:

- Promptly address all allegations of violations of this policy by contacting ECO, which satisfies the reporting requirement of a responsible employee if the conduct concerns sexual harassment.
- Take immediate and reasonable steps to eradicate conduct that is prohibited by university policy.
- Evaluate and discipline employees consistently, regardless of their individual characteristics, and maintain thorough documentation of any disciplinary and/or personnel actions.
- Encourage and direct all employees to attend discrimination and diversity awareness training programs established or promoted by the university.
- Communicate regularly the strong disapproval of any conduct that violates university policy and re-establish the department’s commitment to disciplining such behavior.
- Establish and communicate an open-door policy for employees to express their concerns in a safe and private setting.
- Make sure that this policy is centrally located and easily accessible to all employees and students served by the department.
- Consult with ECO or HRS to determine an appropriate course of action to address the alleged behavior or conduct absent a formal investigatory process.
- Read and understand this policy and its provisions.
- Take steps to ensure that every employee is aware of the complaint procedures contained herein.

Mediation — In some instances, both parties may agree to participate in the mediation process. Mediation is a voluntary process that provides a confidential way for individuals to discuss their issues and concerns with each other directly, facilitated by a neutral, trained mediator. The mediator does not decide who is right or wrong and cannot issue a final decision or conclusion regarding the matter or recommend corrective action. Instead, the mediator helps the parties identify their own solutions to the issues and concerns being discussed in a nonconfrontational and nonintrusive setting. The Employee Assistance Program facilitates mediation requests. Some Title IX cases may not be appropriate for mediation.

Informal Resolution — The parties to the complaint may agree to resolve the complaint via informal means. Informal resolution provides an alternative option that is designed to effectively fulfill university compliance interests while avoiding potentially intrusive formal approaches and maintaining privacy for involved individuals. Informal resolution may include the agreement for an involved party to attend training on the issues alleged within the complaint or participate in other remedial programs as warranted by the facts of the matter. The complainant or respondent may elect to end informal resolution and initiate a formal investigation at any point. The university reserves the right to ensure that any resolution is designed to stop problematic behavior. Some Title IX cases may not be appropriate for informal resolution.

Confidential Resources — As an alternative to the complaint process, any employee or student may seek confidential resources through designated units. The information discussed during these sessions will be kept in confidence and will not be shared with ECO. **Thus, this process is not considered a formal complaint, and will not result in an investigation.**
Office of the Ombudsperson
Holmes Student Center 601
815-753-1414
niu.edu/ombuds

Counseling and Consultation Services (for students)
Campus Life Building 200
815-753-1206
niu.edu/counseling

Employee Assistance Program (for employees)
Holmes Student Center, Seventh Floor
815-753-9191
go.niu.edu/eap

Other University Offices — An employee or student may report sexual harassment to a supervisor or the university ethics officer:

Sarah Garner, J.D.
Acting Ethics and Compliance Officer, Title IX Coordinator
Altgeld 238A
815-753-5560
NIUEthicsOfficer@niu.edu

External Agencies — Any employee or student may file a complaint with a state or federal agency. The locations for these offices and the websites are indicated below:

Illinois Department of Human Rights
James R. Thompson Center
100 W. Randolph St.,
Suite 10-100
Chicago, IL 60601
312-814-6200
312-263-1579 (TDD)
www.state.il.us/dhr

Equal Employment Opportunity Commission — Chicago District Office
500 W. Madison St.
Suite 2800
Chicago, IL 60601
312-353-2713
312-353-2421
www.eeoc.gov
Office of Civil Rights — Chicago Office
U.S. Department of Education
Citigroup Center
500 W. Madison St.
Suite 1475
Chicago, IL 60661-4544
312-730-1560
312-730-1576
www.ed.gov/ocr
OCR.Chicago@ed.gov

Office of the Executive Inspector General for the Agencies of the Illinois Governor
69 W. Washington St.
Suite 3400
Chicago, IL 60602
Phone: 312-814-5600, 866-814-1113 or 888-261-2734 (TTY)
Fax: 312-814-5479
www.illinois.gov/oeig

Illinois Sexual Harassment and Discrimination Helpline: 877-236-7703