NATIONAL LOUIS UNIVERSITY

HUMAN RESOURCES POLICY AND PROCEDURE

<table>
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<tr>
<th>POLICY TITLE:</th>
<th>Anti-Harassment Policy</th>
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<td>EFFECTIVE DATE:</td>
<td>January 2005; Amended November 2013</td>
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<tr>
<td>SCOPE:</td>
<td>Full time faculty and staff, Part time faculty and staff, Student Employees</td>
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PURPOSE
In keeping with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, it is the policy of National Louis University that harassment of faculty, staff, and students is unacceptable conduct and will not be tolerated.

POLICY
National Louis University is committed to maintaining a fair and respectful environment for living, work and study. To that end, and in accordance with federal and state law, the University prohibits any member of the faculty, staff, administration, student body or visitors to campus, whether guests, patrons, independent contractors, or clients, from harassing any other member of the University community. The University maintains a zero tolerance policy for harassment, violence and threats of violence in the workplace\(^1\). Reports of harassment will immediately be investigated and violations of this Policy will be met with appropriate disciplinary action, up to and including termination\(^2\).

PROCEDURE

Discrimination
1. It is a violation of this Policy to discriminate in the provision of employment opportunities, benefits or privileges to create discriminatory work or learning conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, religion, disability, gender, sexual orientation, pregnancy, military or marital status.

Harassment
Harassment, including sexual harassment, is prohibited by federal and state laws. This Policy prohibits harassment of any kind, and the university will take appropriate actions swiftly to address any violations of this policy. Harassment is defined as verbal, non-verbal or physical conduct with the purpose or effect of creating a hostile, threatening or

\(^1\) Please refer to the Violence in the Workplace policy for a full description of the University’s zero tolerance policy.

\(^2\) Tenured faculty should refer to Faculty Policy 115 for a full description of the procedure for Termination of Tenured Faculty for Cause.
intimidating work or learning environment. Also, verbal taunting (including racial and ethnic slurs) which, in the employee’s opinion, impairs his/her ability to perform their job.

Examples of harassment are:

1. Comments which show hostility regarding a person’s nationality, origin, race, color, religion, gender, sexual orientation, age, disability, pregnancy, marital or military status. Slurs, epithets or negative stereotyping.
2. Distribution, display or discussion of any written or graphic materials that include denigrates, insults, belittles, or shows hostility or aversion towards an individual, or group because of national origin, race, color, religion, age, gender, sexual orientation, disability or other protected status.

**Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct is sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s academic status or employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or creating an intimidating, hostile, or offensive working environment.
4. Use of electronic mail or computer dissemination of sexually oriented, sex-based communications.

Sexual harassment may often be a specific form of discrimination in which the power inherent in a faculty member’s or supervisor’s relationship to his or her students or subordinates is exploited. This policy recognizes that sexual harassment may occur between persons of the same University status, e.g., faculty-faculty, staff-staff as well as faculty-student or supervisor-subordinate. Sexual harassment may occur where inverse power relationships exist as when a student exhibits such behavior toward faculty or staff. It may occur between persons of the same sex. Both men and women may initiate these behaviors. Faculty, staff, or student employees who are negatively affected by the behavior of others, even though the behavior is not directed towards them, may bring claims of third-party harassment.

**Consensual Relationships Policy**

National Louis University prohibits romantic or sexual relationships only in circumstances in which one of the individuals is in a position of direct professional power over the other. In that circumstance, both the University and the person in the position of superior power are vulnerable to charges of harassment from the person in the position of lesser power or from third parties.
A professional power relationship is defined as a faculty member or supervisor having such direct power if the student is in an educational experience in which the faculty member has the authority to assign grades, or the supervisor has any input into the evaluation of the employee’s work performance, promotion or tenure. A faculty member will be treated as having such direct power in other circumstances as well, e.g. when serving on thesis, dissertation, or scholarship awards committees, or in matters of admissions and advisement. The same principles which apply to the faculty-student relationship, also govern administrative faculty in their relationships with students.

Faculty, staff and administration should be aware of the possibility that an apparent consensual relationship with a student or a subordinate may be interpreted (either at the time or at a later date) as non-consensual and therefore, sexual harassment. Moreover, faculty, staff and administrators, particularly in relationships with students and persons under their supervision, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. They need to be aware that a sexual relationship may give rise to a perception on the part of others that the evaluative capacity of the faculty member or the supervisor has been compromised. The power differential inherent in faculty-student and supervisor-subordinate relationships may compromise the student’s or the subordinate’s ability to make decisions and thus may call into question the bona fide consensual nature of a relationship.

Complaint Procedure
The following procedures are designed to provide flexibility in reporting for the person complaining of discrimination and/or harassment, while balancing the interests of the accused party and the University’s need to obtain the information necessary to resolve these discriminatory and harassment issues in its community.

1. Reporting and resolution - All incidents of discrimination and/or harassment must be reported to a supervisor/manager or the Office of Human Resources. Complaints will be treated with discretion and will be promptly and thoroughly investigated. After investigation of the complaint has been concluded, the Complainant will be advised of the results of the investigation. NLU will take appropriate disciplinary action, up to and including termination, against any individual found to have harassed another employee, a student or any other person at the University. Resolution may include, but is not limited to: an apology by the respondent, a commitment by the respondent not to repeat the offending behavior and/or to take steps to achieve that goal by, for example, seeking counseling. No further proceedings with regard to the resolved complaint will be permitted, unless the complaint later becomes relevant in the context of another complaint.

2. Confidentiality – NLU is committed to balancing the interests of all parties involved in any discrimination or harassment complaints and will attempt to keep the name of the complainant confidential as well as respecting the rights of the accused harasser. However, the University recognizes that there are certain situations, which may require disclosure of information. Further, when credible information received through an investigation shows that there may be violations of other University policies, than the appropriate officials will be notified.
3. Files - During an investigation of a complaint, and, upon the completion of an investigation, the custodian of the file shall be the Office of Human Resources.

4. If there is a real or perceived conflict of interest involving the actions of the designated University official or University office typically responsible for handling matters of concern for a student, employee or faculty member, an alternative University representative or University office can be contacted. Alternate representatives may include the Student Services Office, the University Ombudsperson, Provost’s Office, Department of Diversity, Access & Equity or Office of Human Resources. The alternate University representative or office may then designate an impartial and appropriate University official to resolve the matter following applicable University policy.

5. Groundless or Malicious Charges – Accusations of sexual harassment are treated with the utmost seriousness. They should never be made casually or without cause. This policy shall not be used to bring groundless and malicious charges against students, faculty members or employees. It does not refer to charges made in good faith which cannot be proven. The same sanctions appropriate to a violation of the sexual harassment policy apply to those who bring charges in bad faith. At any time during the complaint process, the respondent may provide evidence to the Office of Human Resources that the charges are groundless or malicious. Bringing groundless and malicious charges may result in disciplinary action, up to and including termination. Additionally, they may also result in legal liability for the person filing the charge(s).

6. Prohibition Against Retaliation – The University has adopted a strict zero-tolerance policy of retaliation against anyone who, in good faith, even if the claim is unsubstantiated, reports what they believe to be discrimination and/or harassment, or who cooperate in any investigation. Any student or employee who believes that he/she has been the victim of retaliation for reporting discrimination and/or harassment internally pursuant to this policy, formally to a State Agency, or anyone who cooperates in any portion of this type of investigation, should immediately contact the Office of Human Resources.

**Responsibilities**

Harassment is illegal. It is important for Administrators, Faculty and Staff to understand their responsibilities.

1. All Faculty, Staff, and students must share in the responsibility of understanding and preventing discrimination and harassment. But, ultimately, no satisfactory investigation or resolution can occur without the initiative and continued cooperation of the person being discriminated and/or harassed. Individuals who believe they have been discriminated and/or harassed have the primary obligation to inform a supervisor or the Office of Human Resources.

2. All faculty, staff and students must share in the responsibility of understanding and supporting a positive and productive work environment. No satisfactory investigation or resolution can occur without the complete honesty and cooperation of any individual contacted by the Office of Human Resources during the course of an investigation. Failure to cooperate and/or hinder an ongoing
investigation may be considered professional misconduct and may be subject to disciplinary action, up to and including termination.

3. Supervisors have the special responsibility to act promptly to eliminate any discrimination or harassment which exists in their areas of responsibilities. If the supervisor has knowledge of discrimination, harassment or retaliation that is occurring, they must take immediate action to address the situation. Such actions could include, but are not limited to, speaking with the victim, developing a specific account of the action, omissions or occurrences that are alleged to be discrimination, harassment, or retaliation, consultation with the Office of Human Resources, and administering corrective or disciplinary action up and including termination.

4. Supervisors are responsible for the actions of subordinate employees with regard to discrimination and/or harassment when the supervisors knew or reasonably should have known about the conduct.

5. Supervisors are responsible for any employment action or decision regarding an individual when these actions or decisions can be shown to be a result of sexual favors that were granted or denied by the individual(s) affected.

6. Supervisors are responsible for acts of sexual harassment from non-employees if the manager knew or reasonably could have been expected to know about offensive conduct and failed to take action.

Supervisors may be exempted from personal liability, however, if they take immediate action, which could be to refer the matter to their superior or the Office of Human Resources.

If a supervisor is unable to demonstrate that they have satisfied the above responsibilities, they may be named in a complaint and subjected to administrative investigations or civil proceedings. Also, they could, as an individual, be made liable for part or all of the monetary damages assessed to the defendant(s) by the court.

Supervisors must contact the Office of Human Resources when they receive a complaint or suspect a situation of discrimination, harassment or retaliation.

Resolution Outside National Louis University
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. Based on the fact that National Louis University has an effective anti-harassment policy in place and the complaining employee fails to take advantage of that policy and allow the employer an opportunity to address the problem, such an employee may, in certain cases, lose the right to further pursue the claim against the employer. 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 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after IDHR has completed its investigation of the
An employee, who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation. An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges, such as assault or battery.

**Administrative Contacts**

Illinois Department of Human Rights (IDHR)
Chicago: 312-814-6200 or 800-662-3942
Chicago TTY: 866-740-3953
Marion: 618-993-7463 Marion TTY: 866-740-3953

Illinois Human Rights Commission (IHRC)
Chicago: 312-814-6269 Chicago TTY: 312-814-4760

The Illinois Human Rights Department and the Illinois Human Rights Commission are located at the James R. Thompson Center, 100 W. Randolph, Suite 10-100, Chicago, Illinois, 60601

United States Equal Employment Opportunity Commission (EEOC)
Chicago: 800-669-4000 Chicago TTY: 800-869-8001