

Non-Discrimination and Anti-Harassment Policy and Procedures

Policy

It is the policy of Adler University that no person shall be the object of discrimination or harassment on the basis of race, color, creed, ancestry, ethnicity, religion, sex, gender, sexual orientation, national origin, age, marital status, parental status, family relationship status, physical or mental disability, pregnancy, childbirth, conditions related to pregnancy or childbirth, genetic information, citizenship status, military or veteran status—including unfavorable military discharge, record of arrest not leading to conviction, status as a victim of domestic violence, or other status protected by local, state, or federal law in its employment or its educational settings. The University is committed to maintaining an environment that is free of discrimination and harassment. In keeping with this commitment, we will not tolerate harassment of University employees, students, or others by anyone, including any supervisor, co-worker, vendor, client, or student of the University or any third party. Adler University reserves the right to take actions that are consistent with its policies and procedures to deal with individuals found to have engaged in harassment, discrimination and/or retaliation in violation of this policy.

Prohibited Discrimination

Examples of discrimination in violation of this policy include treating an employee, student or other member of the University community differently in the terms and conditions of his or her employment or education or making decisions about a person's employment, compensation, or education based upon, for example, a person's race, marital status, parental status, family relationship status, physical or mental disability, military status, or other protected status.

Prohibited Harassment

Examples of harassment in violation of this policy include any behavior (verbal, written or physical) that has the intent, purpose, or can reasonably be expected to have the effect of abusing, intimidating, victimizing or demeaning a person based on any protected status identified by this policy or by law so as to interfere with the person's academic or professional performance or advancement, or which creates a hostile educational, working, or living environment for any person based on any protected status identified in this policy or law. Harassment includes (but is not limited to) name-calling, letters, jokes, e-mail, cartoons, graffiti, pictures, posters, gestures, ethnic slurs, racial epithets, and other conduct aimed at a particular individual or group of individuals.

Depending on the specific circumstances and impact on the workplace or academic environment, examples of harassment in violation of this policy include, but are not limited to, verbal abuse, offensive innuendo, derogatory comments, or the open display of offensive objects or pictures concerning a person's race, color, creed, ancestry, ethnicity, religion, sex, gender, sexual orientation, national origin, age, marital status, parental status, family relationship status, physical and mental disability, pregnancy, childbirth, conditions related to pregnancy or childbirth, genetic information, citizenship status, military or veteran status—including unfavorable military discharge, record of arrest not leading to conviction, status as a victim of domestic violence, or other protected status.

1. Sexual Harassment

Adler University takes all forms of prohibited harassment seriously. In addition to the examples of prohibited harassment above, sexual harassment warrants further explanation.

Sexual harassment includes, but is not limited to, any unwelcome sexual advances, direct or indirect, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made or is threatened to be made, either explicitly or implicitly, a term or condition of instruction, employment or participation in other University activity;
- Submission to or rejection of such conduct by any individual is used or is threatened to be used as a basis for evaluation in making academic or employment decisions affecting that individual; or
- Such conduct has the intent, purpose or can reasonably be expected to have the effect of interfering with an individual's academic or professional performance or advancement, or creating an intimidating, hostile or offensive education, living or working environment.

An extreme form of sexual harassment includes sexual assault. Any person who may experience a sexual assault has the right to pursue all options to address this behavior including processes internal to Adler University as well as any legal and civil options.

To file a complaint of sexual assault, you may contact one of the Title IX coordinators identified in this policy depending on who the complaint is against (student, faculty, staff or visitor/third party) and you may also get assistance by calling the police (911) and/or by going to a local emergency room. Another non-school resource is the Rape Victim Emergency Assistance Hotline at 1-888-293-3368.

2. Sexual Harassment- Consensual Relationships

Amorous relationships that might be appropriate in other circumstances present serious difficulties within the University community. Relationships between individuals in inherently unequal positions (such as teacher and student, supervisor and employee) may undermine the real or perceived integrity of the supervision and evaluation process, as well as affect the trust inherent in the educational environment. Consensual romantic or sexual relationships in which one party is in a position to review work or influence the career of the other may provide grounds for complaint when that relationship gives undue access or advantage to, restricts opportunities of, or creates a hostile and unacceptable environment for one of the parties to the relationship, or for others.

In such circumstances, consent may not be considered a defense against a charge of sexual harassment in violation of this Policy. The determination of what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs.

Prohibited Retaliation

Adler University prohibits retaliation and the threat of retaliation against any person, including complainants, respondents and witnesses, exercising his or her rights and/or responsibilities in good

faith under the Non -Discrimination and Anti-Harassment policy or federal, state, county, or local law prohibiting discrimination, harassment or retaliation.

For purposes of this policy, retaliation includes any conduct directed against an individual or someone affiliated with the individual, on the basis of or in reaction to the exercise of rights accorded and/or defined by this policy, or federal, state, county, or local law that is likely to dissuade the individual from exercising his or her rights in the future.

Claims of retaliation will be investigated and, if substantiated, constitute a separate violation of this policy. Any acts of retaliation will be subject to appropriate disciplinary action, including but not limited to reprimand, change in work assignment, loss of privileges, mandatory training, suspension, and/or termination.

Adler University takes good faith complaints of discrimination, harassment, and/or retaliation seriously. Individuals who knowingly make false allegations under this policy may be subject to disciplinary action, including but not limited to reprimand, suspension, and/or termination.

Complaints of Discrimination, Harassment, or Retaliation

The Office of Human Resources (OHR) is responsible for receiving, processing, and investigating complaints of discrimination, harassment, and/or retaliation.

There are multiple channels for the reporting of violations of this Policy. If you believe you have been the subject of, or have witnessed, or are aware of, discrimination, harassment or retaliation, you should make a complaint as soon as possible to OHR, or to your supervisor, Chair or Dean. The OHR's ability to investigate a complaint may be harmed if it is not made within a reasonable time period after the alleged occurrence(s). The OHR therefore strongly encourages complainants to contact the OHR as soon as possible, to the extent practicable, of the challenged conduct. The OHR advises that complaints be filed within 120 days of the alleged occurrence(s). All members of Adler University who serve in a supervisory capacity are responsible for relaying all complaints of discrimination, harassment, or retaliation that come to their attention as supervisors and that may be in violation of this policy to the Associate Vice President of Human Resources at 312-662-4415.

A student may also file a complaint with the OHR as long as it concerns the actions of a University faculty or staff employee, vendor, client or any third party. Student complaints about actions of other students are handled by the Division of Student Affairs. Students who wish to make such a complaint may contact the Associate Vice President of Student Affairs directly at 312-662-4141 or gmacvarish@adler.edu

Adler University strongly encourages complainants to make a complaint as soon as possible after the challenged conduct. The quicker a complaint of discrimination, harassment or retaliation is made, the better OHR will be able to investigate the complaint. A complainant should receive an acknowledgement of receipt from the OHR within 10 business days of filing a complaint. If this does not occur, then that person should directly contact the OHR to confirm receipt of original complaint.

Please note that this Policy constitutes the University's Section 504 Grievance Procedure and that the OHR investigates complaints of discrimination or harassment based on physical or mental disability and

does provide accommodations for physical or mental disability. Students seeking accommodation for a physical or mental disability should contact the University's Section 504 Coordinator for students (Associate Vice President of Student Affairs).

If a student under the age of 18 reports an incident of sexual harassment to any faculty or staff member, that faculty or staff member is obligated to report the incident to the OHR and to follow any other requirements of the Crime Reporting Clery Act Compliance.

Investigation and Resolution Process

When the OHR receives a complaint of discrimination, harassment and/or retaliation, it will promptly investigate the allegation in a fair and expeditious manner. In rare instances the OHR may engage an external investigator for some or all portions of the investigation. Every complaint is based on its own facts and circumstances, which can impact the course of the OHR's investigation. The following is an outline of the procedure generally followed once a complaint has been brought to the attention of the OHR.

At any time in the process, a complaint may be resolved voluntarily prior to the completion of the investigation process when the issues have been addressed to the satisfaction of the parties involved and in consultation with the OHR.

A. Filing a Complaint

- Contact the OHR:
17 North Dearborn Street
Suite 16-200
Chicago, Illinois 60602
(312) 662-4415

B. Processing a Complaint

In processing a complaint, the OHR will:

- Acknowledge receipt of the complaint in writing and inform complainant of his/her right to file a criminal investigation by contacting the Chicago Police at (911). Criminal investigations can be done concurrent to any internal investigation done by Adler University.
- Collect and retain in the OHR documents and information related to the complaint.
- Conduct a preliminary assessment of allegations to determine whether the alleged conduct, if substantiated, could constitute a violation of this Policy.

C. Fact-Finding

The specific fact-finding steps may vary depending on the facts and circumstances of the complaint.

Generally speaking, an investigator will:

- Inform the complainant and respondent of the start of the investigation.
- Collect and review relevant documentation.

- Interview complainant, respondent, and witnesses to the reported event or events.
- Prepare a summary of the investigation and the findings for the OHR.

D. Resolution of Complaint

The OHR is charged with the responsibility of investigating complaints of discrimination, harassment, and/or retaliation, making findings, and reporting its findings to the appropriate relevant University officials, including, but not limited to, the supervisors or department heads of the complainant and respondent, the Vice President of Administration, the Vice President of Finance and Technology, Vice President of Academic Affairs, the applicable Chair or Program Director, and the Office of the President. The OHR will provide written notification to the complainant, respondent, and the appropriate University officials of its finding.

If the OHR, following its investigation, determines that the Non-Discrimination and Anti-Harassment policy has been violated, it will work with the appropriate University officials to recommend appropriate corrective action, up to and including discharge/expulsion.

Supervisors, department heads, and other Adler University managers have the responsibility for implementing appropriate corrective action. The OHR may advise in the implementation of corrective action and may monitor the implementation of the corrective actions. To the extent that the OHR concludes that other University policies may have been violated by the reported conduct, the appropriate University official(s) will be notified.

E. Confidentiality

The OHR is committed to balancing the interests of all parties involved in discrimination, harassment, and/or retaliation complaints. To the extent possible, the OHR will limit the disclosure of information related to the complaint and its investigation. Nonetheless, due to the nature of the investigative process, the OHR cannot promise confidentiality of any information received in a complaint or during an investigation.

The files of complaints will be maintained in the OHR. Documents and information collected by OHR through its investigation of the complaint will not be kept in relevant personnel or academic records; except that any discipline or sanction imposed as a result of a policy violation will be documented in the disciplined individual's personnel or academic record in accordance with applicable University procedures.

Other Resources

Although the University encourages employees to utilize the complaint process described above to resolve any complaints, use of this process does not prohibit an employee or student from filing a complaint with external agencies at any time. Employees or students may file a formal complaint with various external agencies, to include, but not limited to, the government agencies listed below.

The U.S. Equal Employment Opportunity Commission
500 West Madison Street, Suite 2800
Chicago, Illinois 60661

(312) 353-2713

Illinois Department of Human Rights

James R. Thompson Center
100 West Randolph Street, Suite 10-100
Chicago, Illinois 60601
(312) 814-6200

The Office of Civil Rights/Chicago

U.S. Department of Education
Citigroup Center
500 W. Madison Street
Suite 1475
Chicago, IL 60661

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