

NONDISCRIMINATION AND ANTI-HARASSMENT POLICY AND PROCEDURES

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, gender identity or expression, body size and shape, national origin, political belief, age, marital status, family relationship status, parental status, physical or mental disability, status as a victim of domestic violence, arrest record, pregnancy, childbirth (including but not limited to conditions related to pregnancy or childbirth), genetic information, citizenship status, military or veteran status (including unfavorable military discharge), conviction of criminal offense that is unrelated to the employment or the intended employment of that person, or any other status protected by local or federal law in employment or educational settings (“Prohibited Grounds”).

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.

1. Prohibited Discrimination

Discrimination means any form of unequal treatment – whether that treatment imposes extra burdens or denies benefits – based on any of the Prohibited Grounds. Discrimination may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices, or procedures that appear neutral but have the effect of disadvantaging any protected group of people. Discrimination may take obvious forms, or it may occur in very subtle ways. In any case, even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this Policy.

2. Prohibited Harassment

Harassment is a form of discrimination. Harassment means an incident or a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or ought reasonably to be known to be offensive, embarrassing, humiliating, demeaning or unwelcome. This includes any microaggression or macroaggression, defined as a statement, action, or incident regarded as an instance of indirect, subtle, or unintentional discrimination against members of a marginalized group such as a racial or ethnic minority.

Examples of harassment include but are not limited to:

- Making remarks, jokes, or innuendos related to an individual’s race, disability, religion, age, or any of the Prohibited Grounds of discrimination;

- Displaying or circulating offensive pictures, graffiti, or materials related to any of the Prohibited Grounds, whether in print form or via e-mail or other electronic means;
- Singling out an individual for humiliating or demeaning “teasing” or jokes because the individual is a member of a protected group; and
- Ridiculing an individual because of dress, language, or other characteristic that is related to any of the Prohibited Grounds.

Sexual harassment is a form of harassment that can include:

- Unwelcome remarks, jokes, or innuendoes about gender, sex, or sexual orientation;
- Unwanted comments or questions about an individual’s personal life;
- Refusal to work with others because of their sex or sexual orientation;
- Display or distribution of sexually explicit or otherwise offensive material through print or electronic media;
- Derogatory or degrading comments about a person’s body;
- Leering or other offensive or sexually aggressive gestures;
- Unwelcome advances, invitations, or propositions of a sexual nature or repeated invitations after previous requests have been refused;
- Advances, invitations or propositions of a sexual nature which might on reasonable grounds be perceived as placing a condition on a person’s future employment, assignments, or opportunity for promotion or training; and
- Unwanted physical contact or verbal abuse or threats of a sexual nature.

An extreme form of sexual harassment includes sexual assault. Sexual assault is a form of sexual misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person’s gender or sex. 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. This Policy does not preclude an individual at any time during the process from contacting law enforcement to file a report of sexual assault.

To file a complaint of sexual assault, any person may contact one of the Title IX coordinators identified in this Policy and may also get assistance by calling the police (911) and/or by going to a local emergency room.

3. Sexual Harassment – Consensual Relationships

Romantic/sexual 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) 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 provides grounds for complaint when that relationship gives undue access or advantage to, restricts opportunities of, or creates a hostile, unethical and unacceptable environment for one of the parties to the relationship or for others. For these reasons, the University prohibits any employee of the University to engage in a consensual romantic or sexual relationship with any University student or any University employee under their supervision.

Consent will generally not be considered a defense against a charge of sexual harassment in violation of this Policy. The determination of what constitutes sexual harassment depends on the specific facts and the context in which the conduct occurs.

4. Prohibited Retaliation

Adler University prohibits retaliation and the threat of retaliation against any person (including complainants, respondents, and witnesses) exercising their rights and/or responsibilities in good faith under this Policy or federal 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, or provincial, or local law that is likely to dissuade the individual from exercising their 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.

5. 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 involving employees of Adler University, as well as, vendors, clients, and other third parties.

A student may 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 with whom the University has interaction. Complaints should be directed to the Office of Human Resources (Chicago and



Online Campus) at 312.662.4415 or to the Executive Dean, Vancouver Campus (Vancouver Campus) at 236-521-2401.

The Division of Student Affairs (DSA) is responsible for receiving, processing, and investigating complaints of discrimination, harassment, and/or retaliation involving student complaints against other students. Students who wish to make such a complaint may contact the Office of Student Affairs (Chicago and Online Campus) at 312.662.4141 or the Manager, Student Services (Vancouver Campus) at 236-521-2433.

Employees or students who report incidents of discrimination, harassment, and/or retaliation may bring a support person with them to OHR or DSA when filing the complaint. Every effort will be made to help employees and/or students through the process in a respectful and supportive manner. Employees who hear about incidents of discrimination, harassment, and/or retaliation from students are expected to review this Policy with them and work with the student to bring forward the complaint to the appropriate office (OHR or DSA).

There are multiple channels for the reporting of violations of this Policy. If any person believes he or she has been the subject of, or have witnessed, or are aware of, discrimination, harassment, or retaliation, he or she should make a complaint as soon as possible to the OHR and/or the DSA, or to their supervisor, Chair or Program Director, or Executive Dean. If an individual contacts their supervisor, Chair or Program Director, or Executive Dean, this person must direct the individual to OHR or DSA based on the nature of the complaint. Formal complaints must be received by OHR or DSA from the person filing the complaint.

The University'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 University therefore strongly encourages complainants to contact the OHR and/or the DSA as soon as possible, to the extent practicable, after the alleged conduct. While the University acknowledges it is often difficult to come forward in a timely fashion, it advises that complaints be filed as soon as possible and within 120 days of the alleged occurrences). 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 maybe in violation of this Policy to the Associate Vice President of Human Resources at 312.662.4415 or to the Executive Dean, Vancouver Campus at 236.521.2401.

Adler University strongly encourages individuals to make a complaint as soon as possible after the alleged conduct. The quicker a complaint of discrimination, harassment, or retaliation is made, the better the University will be able to investigate the complaint. A complainant should receive an acknowledgement of receipt from the OHR and/or DSA within ten (10) business days



of filing a complaint. If this does not occur, then that person should directly contact the OHR and/or DSA to confirm receipt of original complaint.

If a criminal investigation is pursued by a person filing a complaint, such investigations can be conducted concurrently to any internal investigation conducted by Adler University.

6. Investigation and Resolution Process

When the OHR or the DSA, or both receive a complaint of discrimination, harassment, and/or retaliation, they will promptly designate an individual to investigate the allegation in a fair and expeditious manner. The role of the investigator is to conduct a neutral investigation and then to make a finding as to whether or not a policy violation exists. The investigator can also make recommendations regarding disciplinary actions to be reviewed by the appropriate University officials (see Resolution of Complaint section below). In rare instances, the OHR or DSA may engage an external investigator for some or all portions of the investigation at the discretion of the University.

Every complaint is based on its own facts and circumstances, which can impact the course of the investigation. The following is an outline of the procedure generally followed once a complaint has been brought to the attention of the OHR and/or the DSA.

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 and/or the DSA.

A. Filing a Complaint

If any person believes he or she has been the subject of; or have witnessed; or are aware of discrimination, harassment, or retaliation, he or she should make a complaint as soon as possible to the Office of Human Resources (OHR) and/or the Division of Student Affairs (DSA). An individual may also contact their supervisor, Chair or Program Director, or Executive Dean who will then support and direct the person to OHR or DSA based on the nature of the complaint. Formal complaints must be received by OHR or DSA from the person filing the complaint.

For a complaint **against an employee** of Adler, as well as **vendors, clients, and other third parties**:

Chicago and Online Campus
Office of Human Resources
17 North Dearborn St., Suite 16-200
Chicago, IL 60602
312.662.4415

Vancouver Campus

Executive Dean, Vancouver Campus
520 Seymour Street
Vancouver, BC V6B 3J5
236.521.2401

For a **complaint against a student:**

Chicago and Online Campus

Division of Student Affairs
17 North Dearborn Street
Chicago, IL 60602
312.662-4141

Vancouver Campus

Manager, Student Services
520 Seymour Street
Vancouver, BC V6B 3J5
236.521.2401

B. Processing a Complaint

In processing a complaint, the OHR and/or DSA will:

- Acknowledge receipt of the complaint in writing.
- Work closely with the person filing the complaint to provide supportive resources, (e.g., connection with Adler Student Assistance Program or Employee Assistance Program) as he or she moves through the process. Consideration of the need for self-care and resources to address any trauma response related to the complaint will be a high priority.
- Collect and retain documents and information related to the complaint in a secure and locked location with OHR or DSA as required by law within the jurisdiction in which the complaint is filed.
- 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. The complainant and respondent are permitted and encouraged to bring a support person to this meeting.
- Prepare a summary of the investigation and the findings for the OHR and/or DSA. Findings will be determined utilizing a preponderance-of-the-evidence standard

after examining the entirety of the information available at the time of the investigation.

D. Resolution of Complaint

The OHR and DSA are charged, as appropriate, with the responsibility of investigating complaints of discrimination, harassment, and/or retaliation; making findings; and reporting their findings to the appropriate relevant University officials.

Depending upon the nature of the complaint and findings, the appropriate University officials will be notified and may include but are not limited to the supervisors or department heads of the complainant and respondent, the Vice President of Administration, the Vice President of Finance, the Vice President of Academic Affairs or Executive Dean, the applicable Chair or Program Director, and the Office of the President. In cases in which policy violations and/or findings and recommendations are presented involving students, the DSA will also notify the Student Development Committee or Student Comprehensive Evaluation Committee.

The OHR and/or the DSA will provide written notification to the complainant, respondent, and the appropriate University officials of its findings and recommendations. A face-to-face meeting will generally accompany the written documentation.

If the OHR or the DSA, following the investigation, determines that the Nondiscrimination 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.

Whether or not the Nondiscrimination and Anti-Harassment Policy is deemed to have been conclusively violated, it is acknowledged that conflicts that make their way through a complaint process may result in schisms that create ongoing resentments between parties. It is the goal of the process that examines conflict to acknowledge and not vilify any party to a conflict. Additionally, in an effort to restore the community to its highest form of function, a restorative justice process may be made available to all sides of a conflict, should all sides voluntarily choose to participate. This would entail a restorative justice practitioner meeting with each party to the conflict separately to fully understand the residual harm he or she is experiencing due to the conflict. Each party will also be asked if he or she is interested in participating in a restorative justice process that allows each party to bring a support person, to discuss residual harm, and to create a repair-of- harm

agreement in collaboration with the restorative practitioner. If all parties desire to participate voluntarily in a restorative justice process, it will be arranged.

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

The files of complaints will be maintained in the appropriate office—either the OHR or the DSA, depending upon the nature of the complaint and the office that is charged with the investigation. Documents collected by the OHR or the DSA 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.

F. Other Resources

Although the University encourages employees/students 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 be limited to, the government agencies listed below. Online students can file a claim at the EEOC agency in the state in which they live and/or the EEOC in Illinois.

The U.S. Equal Employment Opportunity Commission

500 West Madison St., Suite 2800
Chicago, IL 60661
312.353.2713



Illinois Department of Human Rights

James R. Thompson Center
100 West Randolph St., Suite 10-100
Chicago, IL 60601
312.814.6200

The Office of Civil Rights/Chicago

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

7. Discipline for Discrimination or Harassment

Any employee, whether co-worker, supervisor, or manager, who is found to have engaged in discrimination or harassment contrary to this Policy will be subject to appropriate disciplinary action, up to and including termination of employment.

Any employee, whether co-worker, supervisor or manager, who is found to have known about discrimination or harassing behavior and who took no action to report it or to stop it, may be subject to appropriate disciplinary action, up to and including termination of employment.

Any student who is found to have engaged in discrimination or harassment contrary to this Policy will be subject to appropriate disciplinary action, up to and including dismissal from their degree program.

8. Appeal Procedure

The respondent has the right to submit an appeal.

An individual who wishes to appeal part or all of the outcome of the University's investigation must submit a written appeal to the President of the University within ten (10) days of being notified of the outcome of the investigation. Appeals of the decision or the sanctions may be filed on grounds of:

- 1) new, relevant, substantive information not previously available and sufficient to substantially alter the outcome;
- 2) allegations that the investigator deviated from the investigation and resolution process outlined in the Policy in a way that substantially altered the outcome of the case or influenced the nature of the sanction; and/or
- 3) the sanction is disproportionate with the violation (i.e., excessively harsh or excessively lenient).

The President may affirm the outcome or sanctions, modify either or both, impose new sanctions and/or remedies, or may return the matter for further investigation. The President will issue a determination within fourteen (14) days after receiving the individual's submissions, unless the President determines in their discretion that more time is required. The individual will be notified in writing of the outcome of the appeal within seven (7) days after the conclusion of the review of findings or sanctions, including any changes to the determination of whether a violation occurred, the sanctions, or both. The decision of the President is final.