

DEPAUL UNIVERSITY



Anti-Discrimination and Anti-Harassment Policy and Procedures

Category: Academic Affairs – Operational

Responsible Department: Human Resources

Responsible Officer: Vice President of Human Resources; Vice President for Student Affairs

Effective Date: 08/24/2020

Policy Summary

DePaul University has a long standing commitment to the diversity of its faculty, staff, and student body. As a university with a strong Catholic, Vincentian, and urban heritage, this commitment is particularly integral to our mission. DePaul University is committed to preserving an environment that respects the personal rights and dignity of each member of its community and providing an environment that is free from all forms of discrimination and harassment.

The Anti-Discrimination and Anti-Harassment Policy provides the overall philosophy and specific approaches for addressing discrimination, harassment, and/or related retaliation issues. It serves to augment other university-wide policies and is in accordance with federal, state, and local laws and regulations. The Anti-Discrimination and Anti-Harassment Policy combines and replaces the predecessor Sexual Harassment Policy and the Anti-Discriminatory Harassment Policy.

Scope

This policy affects the following groups of the University:

- Entire University Community

This policy affects all members of the DePaul community as well as those who interact with the DePaul community and its members. This could include students, employees, vendors, and guests.

Policy

It is the policy of DePaul University that no person shall be the object of discrimination or harassment on the basis of race, color, ethnicity, religion, sex, gender, gender identity, sexual orientation, national origin, age, marital status, pregnancy, parental status, family relationship status, physical or mental disability, military status, genetic information or other status protected by local, state, or federal law in

its employment or its educational settings. DePaul 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.

A. Related Policies

- [Blue Demon Duty](#)
- [Code of Student Responsibility](#)
- [Crime Reporting and Clergy Act Compliance](#)
- [DePaul's Guiding Principles on Speech and Expression](#)
- [FERPA Compliance](#)
- [Faculty Handbook](#)
- [Formal Title IX Sexual Harassment Policy and Procedures](#)
- [Reporting Misconduct & Non-Retaliation](#)
- [Progressive Discipline](#)
- [Protection of Minor Children](#)
- [Sexual & Relationship Violence Prevention and Response](#)

B. Prohibited Conduct

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 a person's race, color, ethnicity, religion, sex, gender, gender identity, sexual orientation, national origin, age, marital status, pregnancy, parental status, family relationship status, physical or mental disability, military status, genetic information or other protected status.

Prohibited Harassment

Harassment based on a protected category, as outlined above, is a form of discrimination. Harassment is unwelcome conduct that is based on any of the above described protected categories. Such harassment is prohibited where: 1) enduring the offensive conduct becomes a term or condition of one's academic, working, or living environment, or 2) the conduct is severe or pervasive enough to create an academic, working, or living environment that a reasonable person would consider intimidating, hostile, or abusive.

Minor and isolated incidents (unless extremely serious) generally will not rise to the level of prohibited conduct. To be prohibited, the conduct must create an academic, working, or living environment that would be intimidating, hostile, or abusive to reasonable people.

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, ethnicity, religion, sex, gender, gender identity, sexual orientation,

national origin, age, marital status, pregnancy, parental status, family relationship status, physical or mental disability, military status, genetic information or other protected status.

In addition to the examples of prohibited harassment above, sexual harassment warrants further explanation. Sexual harassment also 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; or

- 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; or
- submission to or rejection of such conduct by an individual is used or is threatened to be used as a basis for evaluation in making academic or employment decisions affecting that individual.

Prohibited Sexual and Relationship Violence

Sex discrimination and sex harassment can include instances of sexual or relationship violence. For more information on DePaul's policy prohibiting sexual and relationship violence, refer to the [Sexual & Relationship Violence Prevention and Response](#).

Title IX Prohibited Conduct

Title IX prohibits discrimination on the basis of sex in federally-funded education programs and activities. Sex discrimination includes sexual harassment and sexual and relationship violence. For more information on DePaul's policy prohibiting sexual harassment as mandated by the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (*see* 34 C.F.R. § 106 *et seq.*), refer to the [Formal Title IX Sexual Harassment Policy and Procedures](#).

Prohibited Retaliation

DePaul 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 Anti-Discrimination and Anti-Harassment policy or federal law, state law, or county law prohibiting discrimination, harassment or retaliation.

For the 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. In conjunction with this policy, the University also enforces a [Reporting Misconduct & Non-Retaliation](#) policy.

DePaul 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.

C. Academic Freedom

DePaul University values the free and open exchange of ideas within an academic community. Often ideas and viewpoints can challenge our assumptions, beliefs or perspectives that are intrinsic to learning and may sometimes prove disturbing or offensive. DePaul University is committed to the principles of academic freedom and inquiry; however, discrimination and harassment as identified in this policy are neither legally protected expression nor the proper exercise of academic freedom.

D. Reporting

Complaint Reporting Options

The University strongly encourages individuals who have been the subject of, or have witnessed, or are aware of, discrimination, harassment or retaliation, to make a complaint as soon as possible. The ability to investigate a complaint may be impacted if it is not made within a reasonable time period after the alleged occurrence(s).

An individual's options for reporting conduct that may be a violation of this policy are detailed below. Reports from third parties who have not themselves been involved in an instance of discrimination, harassment or retaliation are accepted.

For purposes of reporting, the terms employee, student, and third-party mean the following:

- Employee: Faculty, staff, student employee.
- Student: Student, as defined in the Code of Student Responsibility.
- Third-party: An individual who interacts with the DePaul community and its members. This could include, but is not limited to, vendors, off-site supervisors, guests, community partners, etc.

1. Reporting Conduct to Human Resources, Employee Engagement & Equal Employment Opportunity) (EE&EEO)

Human Resources, Employee Engagement & Equal Employment Opportunity ("EE&EEO") is responsible for receiving, processing, and investigating a complaint that an **employee or third party** has engaged in discrimination, harassment, or retaliation on the basis of:

- Race
- Color
- Ethnicity

- Religion
- National origin
- Age
- Disability
- Military status
- Genetic information
- Other status protected by local, state, or federal law

Individuals seeking to make such a complaint should contact EE&EEO.

Contact information for EE&EEO is as follows:

14 East Jackson Boulevard, Suite 1300
 (312) 362-8500
EEO_Investigations@depaul.edu

Complaints can also be submitted electronically on the Human Resources website by completing the [Complaint Form for Discrimination, Harassment and Retaliation](#)

2. Reporting Conduct to the Title IX Coordinator

The Title IX Coordinator is responsible for receiving, processing, and investigating a complaint that an **employee, student, or third party** has engaged in discrimination, harassment, or retaliation on the basis of:

- Sex
- Gender
- Gender identity
- Sexual orientation
- Marital status
- Pregnancy/parental status
- Family relationship status

Individuals seeking to make such a complaint should contact the Title IX Coordinator.

Contact information for the Title IX Coordinator is as follows:

Title IX Coordinator/Director of Gender Equity
 DePaul Student Center
 2250 N. Sheffield Avenue, Suite 308
 Chicago IL 60614
 312-362-8970
titleixcoordinator@depaul.edu

Complaints can also be submitted electronically on the [Sexual & Relationship Violence Prevention website](#).

3. Reporting Conduct to the Dean of Students Office

The Dean of Students Office is responsible for receiving, processing, and investigating a complaint that a **student** has engaged in discrimination, harassment, or retaliation on the basis of:

- Race
- Color
- Ethnicity
- Religion
- National origin
- Age
- Disability
- Military status
- Genetic information
- Other status protected by local, state, or federal law

Individuals seeking to make such a complaint should contact the Dean of Students Office.

Contact information for the Dean of Students Office is as follows:

Lincoln Park Campus
Student Center, Suite 307
(773) 325-7290
deanofstudents@depaul.edu

Complaints can also be submitted electronically on the [Dean of Students website](#).

4. Reporting Conduct to the Misconduct Reporting Hotline

One may anonymously report a complaint of discrimination, harassment, or retaliation to the Misconduct Reporting Hotline. The University's [Reporting Misconduct & Non-Retaliation](#) policy also describes the responsibility to report certain information that applies to this Policy.

(877) 236-8390
www.depaul.ethicspoint.com

General Reporting Obligations

1. Reporting obligations of managers and supervisors

All members of the University who serve in a supervisory capacity are responsible for relaying all complaints of discrimination, harassment, or retaliation that comes to their attention as supervisors and that may be in violation of this policy to the appropriate office.

2. Reporting obligations of all employees

Title IX prohibits discrimination on the basis of sex in federally-funded education programs and activities. Sex discrimination includes sexual harassment and sexual and relationship violence. Title IX requires that when an individual who is a “responsible employee” learns of sex discrimination, the responsible employee is required to promptly report specific information about the sex discrimination to DePaul’s Title IX Coordinator or other appropriate designees.

At DePaul, unless otherwise designated as a confidential reporting resource, all DePaul faculty, staff, and student employees are required to promptly report incidents of sex discrimination and sexual harassment, including sexual and relationship violence that comes to their attention to the Title IX Coordinator.

As appropriate, the Title IX Coordinator works with other offices to address Title IX complaints and other Title IX compliance issues. These offices include, for example, other offices in Student Affairs, Academic Affairs, Human Resources, Athletics, Compliance and Risk Management and Enrollment Management & Marketing.

Information to be disclosed: The information that must be disclosed to the Title IX coordinator includes:

- the name of the person who reported the information to the employee;
- the name of the alleged affected individual, if different than the individual reporting;
- the name of the alleged perpetrator (if known);
- the names of others involved; and
- any relevant facts that have been provided, such as date, time, and location.

Information to be provided: For instances involving sexual and relationship violence, the employee will also provide the reporting individual with a [Sexual and Relationship Violence Information Sheet](#).

Other important information: Employees should also:

- Familiarize themselves with confidential reporting resources.
- Inform the individual disclosing an issue related to sex discrimination or sexual harassment, including sexual or relationship violence, of their obligation to report any information shared to the Title IX Coordinator.
- Connect the individual with a confidential resource if the individual wishes to speak to someone confidentially.

Employees may also have other reporting obligations pursuant to other DePaul policies including:

[Crime Reporting and Clery Act Compliance](#)

[Reporting Misconduct & Non-Retaliation](#)

More information about reporting responsibilities regarding sexual and relationship violence and sexual harassment for all DePaul employees and confidential reporting options can be found on the [Sexual & Relationship Violence Prevention website](#).

Procedures

Investigation and Resolution Process

When the offices above receive a complaint of discrimination, harassment or retaliation, including matters related to the Sexual and Relationship Violence Prevention and Response Policy and the Formal Title IX Sexual Harassment Policy and Procedures, the office will promptly investigate the complaint in a fair and expeditious manner. Every complaint is based on its own facts and circumstances, which can impact the course of the investigation. Except as mandated by the Title IX regulations, the following is an outline of the procedure generally followed. To review the procedures mandated by Title IX, please see the [Formal Title IX Sexual Harassment Policy and Procedures](#).

Receipt and Review

The specific initial steps may vary depending on the facts and circumstances of the complaint. Generally speaking, the responsible office will:

- Acknowledge receipt of the complaint in writing within 10 days of receipt.
- Conduct a preliminary assessment of allegations to determine whether the alleged conduct, if substantiated, could constitute a violation of this Policy.

Fact-Finding and Notifications

The specific fact-finding and notifications steps may vary depending on the facts and circumstances of the complaint. Generally speaking, the responsible office will:

- Simultaneously inform the complainant and the respondent in writing of the initiation of the investigation.
- Collect and review relevant documentation.
- As needed, interview the complainant, respondent, and witnesses to the reported event or events.
- Prepare a summary of the investigation.
- Simultaneously inform the complainant and respondent in writing of aspects of the investigation, including, for example, any interim measures, extensions of time, and outcomes.
- Provide written notification to the appropriate University officials of its finding, if necessary.
- In matters involving student respondents, the parties will be given a written notification as to whether the matter will move forward to a Student Conduct Process.

Time Frame for Resolution

DePaul will take reasonable measures to complete any process resulting in a determination as to a policy violation within 60 calendar days from the date when an investigation is initiated. DePaul reserves the right to extend this time limit, in its sole discretion, in order to ensure a proper review of all material and as circumstances warrant. As referenced above, the appropriate office will simultaneously inform the complainant and respondent of any extensions and the reasons.

Resolution of Complaint

When the Respondent's Status is: Employee

A determination as to policy violation(s) will be made by EE&EEO or the Title IX Coordinator. All determinations as to whether an individual is or is not in violation of a policy will be based on the standard of whether it is “more likely than not,” based on the information available at the time, that the individual is or is not in violation of the policy at issue. If EE&EEO or the Title IX Coordinator, following its investigation, determines that the Anti-Discrimination and Anti-Harassment policy has been violated, it will work with the appropriate University officials to recommend appropriate corrective action. Supervisors, department heads, chairs, and other University managers and officers have the responsibility for determining and implementing appropriate corrective action. EE&EEO or the Title IX Coordinator may advise in the implementation of corrective action and may monitor the implementation of the corrective actions.

- Report that a **staff member or student employee** may have violated this policy: For staff members, the [Progressive Discipline policy](#) applies. For student employees, the [Student Conduct Process](#) may also apply, as detailed below.
- Report that a **faculty member** may have violated this policy: The procedures outlined in the [Faculty Handbook](#) apply, including Chapter Four of the [Faculty Handbook](#) relating to discipline, suspension or termination of faculty members for cause

When the Respondent's Status is: Student

A determination as to a policy violation and a determination as to sanctions will be addressed through the procedures outlined in the [Student Conduct Process](#). The range of potential sanctions for students who are found responsible for violating this policy is detailed in the [Student Conduct Process](#). Students should also familiarize themselves with all of the [Student Rights in the Student Conduct Process](#) and aspects of the [Student Conduct Process](#). This includes, for example, the Amnesty/Good Samaritan policy.

Other Policies

To the extent that the initial assessment or investigation indicates that other University policies may have been violated by the reported conduct, the appropriate University official(s) will be notified and applicable procedures set forth in the DePaul Student Handbook, the applicable policy, the DePaul Faculty Handbook, or relevant collective bargaining agreements will apply

Confidentiality

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

Section 504 Grievance Procedure

Please note that this Policy constitutes the University's Section 504 Grievance Procedure. EE&EEO is the University's Section 504 Coordinator for Grievance Procedures. Any employee, applicant, or student who believes that they may have been discriminated against based on a disability, or retaliated against because they complained about discrimination or because they have requested an accommodation may file a complaint through this Policy.

Employees and applicants for employment seeking accommodations for physical or mental disabilities should contact the University's Section 504 Coordinator for Employees (EE&EEO). Students and applicants for admissions seeking accommodations for physical or mental disabilities should contact the University's Section 504 Coordinator for Students (Center for Students with Disabilities).

Other Resources

Although the University encourages individuals to utilize the complaint process described above to resolve any complaints, use of this process does not prohibit the filing of a complaint with external agencies at any time. Individuals may choose to file a complaint with various external agencies including, but not limited to, the government agencies listed below.

The U.S. Equal Employment Opportunity Commission

<https://www.eeoc.gov/field-office/chicago/location>

Illinois Department of Human Rights

<https://www2.illinois.gov/DHR/pages/default.aspx>

The U.S. Department of Education, Office for Civil Rights

<https://www2.ed.gov/about/offices/list/ocr/addresses.html>

Divisional Collaborations

Office of Institutional Compliance
Student Affairs

Contact Information

EE&EEO

14 East Jackson Boulevard, Suite 1300

(312) 362-8500

EEO_Investigations@depaul.edu

Title IX Coordinator

Lincoln Park Campus

Student Center, Suite 307

(312) 362-8970

titleixcoordinator@depaul.edu

Appendices

None.

History/Revisions

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