

PROHIBITION OF SEXUAL DISCRIMINATION, HARASSMENT, AND MISCONDUCT / DISCRIMINATION COMPLIANCE PROCEDURE

Discrimination Complaint Procedure

William Rainey Harper College (College) prohibits discrimination against any individual on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, sexual orientation, physical or mental disability or unfavorable discharge from military service.

This procedure will address complaints involving employee to employee, employee to student, and student to employee. Employees of third party vendors and contractors working with William Rainey Harper College and visitors are subject to compliance with Harper College's policy on discrimination.

Definitions

Bias- prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.

Complainant – individual submitting a complaint of discrimination

Discrimination- the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex.

Responding Party – individual who is named to have performed the alleged discrimination in a complaint

The purpose of the discrimination complaint procedure is as follows:

- to advise individuals who believe that they have been subjected to discrimination on how to proceed with a discrimination complaint;
- to ensure that such complaints are resolved in a manner which is just, prompt and confidential.

Non-Discrimination Compliance Officer

The College's Non-Discrimination Compliance Officer (NDCO) is the college's Chief Human Resources Officer (CHRO). In the event of absence of the CHRO, the college's Executive Vice President of Finance and Administrative Services will serve as the NDCO. The NDCO will be responsible for the investigation of complaints of alleged discrimination within the guidelines of existing legislation, College policy and appropriate contracts.

Initial Contact

An individual who believes they are the victim of discrimination might choose to communicate these concerns to a trusted member of faculty or staff. The initial contact could also occur when a bias incident, as reported to the Vice President of Diversity, Equity and Inclusion, is deemed a potential discriminatory incident. A discriminatory complaint may also arise out of a Title IX matter or a general student complaint. In these events, the college employee should listen to the individual's concerns and instruct the individual to contact the NDCO. The NDCO

is the only person authorized to initiate and conduct a discrimination investigation.

Informal Discussion

Before filing a formal complaint, the affected individual is encouraged to discuss their concerns with the NDCO. This confidential discussion is the first step in the resolution procedure. It allows for sharing of information in hopes of achieving mutual resolution between/among parties. If resolution is not achieved, the NDCO will provide the affected individual with instructions on how to file a formal complaint of discrimination.

Filing and Resolution of a Complaint of Discrimination

A formal investigation of a claim of discrimination will be undertaken by the NDCO upon receipt of a written complaint.

The following procedures shall be used for investigating complaint(s) of discrimination.

Within 21 calendar days of the alleged discriminatory act or conduct, the complainant should:

- submit a specific and detailed written complaint setting forth the nature of the alleged discrimination;
- identify the person(s) against whom the complaint is being filed;
- identify the dates that the alleged discriminatory action occurred;
- Identify potential witnesses to the alleged discrimination
- indicate remedy or relief sought.

The written complaint may be emailed to CHRO@harpercollege.edu (da25828@harpercollege.edu) or delivered to:

Harper College
1200 West Algonquin Road, Room A-314
Palatine, IL 60067.

Additionally, persons wishing to submit complaints through online or electronic means should contact the NDCO for guidance and additional information regarding access to available online reporting forms.

Upon receipt of the written complaint, the NDCO will inform the individual, responding party, of which the complaint has been filed against with a Notice of Investigation (NOI). The NOI may be delivered to the individual electronically via Harper College email. The reporting individual will be supplied a copy of the notice of investigation. If the party receiving the NOI is represented by a collective bargaining agreement, the responding party may request a copy of the NOI to be delivered to their union representative.

The NDCO will appoint an investigator, who could be an independent third-party or a qualified member of the human resources department. The investigator will conduct an interview with the complainant and additional individuals as deemed appropriate. Such investigation may include, but is not limited to:

- interviewing the party(ies) alleged to have committed the discriminatory act;
- interviewing witnesses identified by the complaining or accused party;
- and reviewing documents relevant to the complaint.

As a result of the above steps, The NDCO will attempt to achieve resolution to the mutual satisfaction of the parties involved. If resolution is not achieved, the investigator will provide to the NDCO a confidential report with regard to the investigation. The report will describe the facts and testimonies collected during the investigation and may state whether or not the investigator believes a violation of the College's non-discrimination policy has occurred. The investigator's report will be completed within 30 calendar days of receipt of the complaint. Such time may be extended for an additional 30 calendar days if necessary.

Within 15 calendar days of receipt of the investigator's report, the NDCO will issue an Outcome Letter to the complainant and individuals accused of discriminatory action. The Outcome Letter will contain a summary of the complaint and the NDCO's ruling as to whether discrimination in the form of a violation of existing legislation, College policy, collective bargaining agreement or appropriate contracts has occurred.

A copy of the investigator's report and Outcome Letter will be maintained in the Human Resources office. Any finding that result in sanctions or discipline will be placed in the employee's personnel file.

Appeals

Appeals of the NDCO's Outcome Letter may be considered for the following reasons:

- A procedural error in the investigation process which would substantially affect the outcome of the investigation.
- New evidence or information has come to light that was not available or accessible during the investigation which would substantially affect the outcome.
- Concern of a conflict of interest with a person involved in the investigation.

Either party may appeal in writing the decision of the Outcome Letter by filing a written appeal to the Executive Vice President or Provost within five calendar days of receipt of the Outcome Letter. The Executive Vice President or Provost shall respond within 30 calendar days of receipt of the appeal. Decisions of the Executive Vice President or Provost are final.