

Policy against Discrimination, Harassment, and Retaliation

I. INTRODUCTION

As a Christian institution of higher learning supporting the mission and embodying the faith heritage of the Evangelical Covenant Church, North Park desires to have a campus community “which truly values people and is characterized by integrity, diversity, collegiality, fairness, compassion and joyful living”. North Park is committed to providing and maintaining a welcoming environment, and will not tolerate discrimination, harassment, and retaliation, any form of intimidation (collectively “Prohibited Conduct”) by any person in any form directed against students, faculty, staff or visitor of the institution. The institution will take prompt and appropriate action when complaints of Prohibited Conduct are received. If the complaint is substantiated, sanctions will be levied against the perpetrator, including appropriate disciplinary action up to dismissal.

Any act of sexual harassment or discrimination that is severe, pervasive, and objectively offensive is a violation of the Title IX Policy. Other behavior that does not rise to the level of severe, pervasive, and objectively offensive may be a violation of the University Student Code of Conduct or this Policy.

This Policy applies to conduct on campus and at University-sponsored events and programs off-campus. It also covers other off-premises conduct (e.g., at a private party) if that conduct adversely impacts the ability of a North Park student, employee, or campus visitors to enjoy the full benefits of their association with North Park. Enforcement of this Policy will be coordinated by the Assistant Vice President of Human Resources, who shall serve as Equal Opportunity (EO) Coordinator. The EO Coordinator is responsible for overseeing the University’s compliance with federal equal opportunity laws such as Title VI, Title VII, Title IX, the ADA, ADEA, and similar state laws, the Preventing Sexual Violence in Higher Education Act. The EO Coordinator is also responsible for seeing that institutional procedures are followed in investigating all allegations or complaints of Prohibited Conduct involving faculty, staff, students and campus visitors. The EO Coordinator is assisted in these functions by the Title IX Coordinator as it relates to Title IX compliance and policy.

II. DISCRIMINATION PROHIBITED

Discrimination is generally defined as unequal, adverse treatment of an individual because of their race, color, religion, national origin (including ancestry), ethnicity, sex, gender identity, gender expression age, pregnancy, physical or mental disability, marital status, sexual orientation, military or veteran’s status, or other protected status, as those terms are defined by applicable local, state, and federal law. This policy covers nondiscrimination in both employment and access to educational opportunities. For instance, different treatment of two similar individuals with respect to hiring, pay, an opportunity for advancement, admission to North Park as a student or educational opportunity after admission constitutes discrimination if the reason for the different treatment is the protected status of one of the individuals. Harassment based on any protected characteristic also constitutes discrimination. Discrimination on the basis of sex is prohibited by Title IX of the Education Amendments of 1972, 34 C.F.R. 106, and other laws. State and federal law also prohibit discrimination on the basis of each of the above-enumerated characteristics. It is North Park policy to comply with all of these laws. It is also North Park policy not to discriminate on the basis of religion, except that as a religious institution, North Park reserves the right to make hiring and employment decisions on the basis of religious beliefs or lifestyle consistent with the religious principles espoused by the Evangelical Covenant Church

and as permitted by applicable law.

III. DISABILITY DISCRIMINATION AND ACCOMMODATION

North Park is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by North Park, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Human Resources has been designated with interim responsibility to coordinate ADA/504 compliance and is responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations for students will be addressed by the Division of Student Engagement at ada@northpark.edu.

IV. HARASSMENT PROHIBITED

A. Harassment

North Park strives to be a community in which all persons are treated with respect. Any form of harassment is contrary to this goal. Harassment tends to target one or more personal characteristics of the person(s) being harassed. Oftentimes, it focuses upon readily identifiable attributes such as race, color, national origin, sex, age, disability, etc. However, it may also focus on beliefs or perspectives, such as religion, politics or lifestyle. Harassment, regardless of its nature, involves unwelcome verbal or physical conduct that implicitly or explicitly demeans an individual or group based on such actual or perceived membership in a personal class protected by policy or law, and:

1. Affects tangible job or education benefits or opportunities, or
2. Interferes unreasonably with the education, work or other institutionally sponsored activity of a student, employee or campus guest, or
3. Creates an intimidating, hostile, or offensive environment for education, work or other institutionally sponsored activity.

North Park will not permit harassment and considers harassment based on race, color, national origin, religion, sex, age, disability, veteran's status, or other protected status as those terms are defined by applicable local, state and federal law particularly intolerable. Although North Park does not permit harassment of any person for any reason, this does not imply institutional approval of all beliefs or lifestyles. North Park's institutional position on

these matters is necessarily congruent with our sponsoring denomination, the Evangelical Covenant Church.

B. Racial, Religious, and Ethnic Harassment

1. North Park aspires to be an intercultural community of learning. In order to make this goal a reality, we need to develop sensitivity to, and an educated awareness of, each other's cultures, nationalities, ethnic and religious differences. Demeaning or harassing comments or acts which are racially or ethnically motivated or based on an individual's religion are contrary to the spirit and goals of the North Park community.
2. Harassment on the basis of, for example, race, color, national origin, religion or any other protected classification can include verbal or physical behavior that explicitly or implicitly demeans the race, color, national origin, religion or other protected classification of an individual or individuals. Examples of harassing conduct include, but are not limited to: Verbal assaults that demean the color, culture or history of any person or persons, and/or that perpetuate false stereotypes. Examples include name-calling and racial, ethnic, or religious slurs, slang references and jokes.
 - a. Nonverbal behavior that demeans the characteristics, color, culture or history of any person or persons and/or that perpetuates false stereotypes. Such behaviors may include gestures, portrayals, or graffiti.
 - b. Intimidation through threats of force or violence or threats of interference with an individual's education, work or other activity.
 - c. Physical contact or assault because of an individuals' race, color, national origin or religion.

C. Sexual Harassment, Sex Discrimination, Sexual Violence and Relationship Violence

Any act of sexual harassment or discrimination that is severe, pervasive, and objectively offensive is a violation of the Title IX Policy. Other behavior that does not rise to the level of severe, pervasive, and objectively offensive may be a violation of the University Student Community Standards or this Policy.

D. INCIDENTS OF BIAS

Reporting incidents may lead to an inquiry and/or an investigation, where the University can hold the respondent accountable for their acts.

The term 'bias incident' refers to language and/or actions that demonstrate bias against persons because of, but not limited to, their actual or perceived race, color, religion, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, gender identity, gender expression, or status as a military veteran. Bias incidents may take the form of, but are not limited to:

- Racist slurs
- Derogatory comments
- Offensive terminology
- Cultural appropriations

- Microaggressions

V. RETALIATION PROHIBITED

Retaliation is defined as taking or attempting to take a materially adverse action against an individual who has (1) complained about alleged Prohibited Conduct, (2) participated as a party or witness in an inquiry, investigation or hearing relating to such allegations, or (3) participated as a party or witness in a court proceeding or administrative investigation relating to such allegations. Retaliation by any member of the campus community, including students, faculty, and staff, is prohibited by state and federal law and violates North Park Policy. Some examples of unlawful retaliation include:

1. A professor giving a student a lower grade because s/he reported harassment or discrimination;
2. A student barring a classmate from membership in a student-run organization because s/he filed a complaint with the Title IX Coordinator;
3. A member of Campus Safety refusing to investigate an incident because a student filed a prior complaint under the University's anti-discrimination policy;
4. Any member of the campus community encouraging others not to participate in an investigation relating to a complaint of discrimination;
5. Denying a campus employee a raise or promotion because he or she participated in a faculty disciplinary hearing;
6. Posting (or threatening to post) negative statements, potentially embarrassing photos, or revealing private information on social media because of participation in a complaint proceeding;
7. Threats or acts of violence.

Retaliation is strictly prohibited. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator, Dean(s) of Students or designee based on the nature of the complaint, and will be promptly investigated. North Park will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

VI. PREVENTIVE ACTION

A. Early Intervention

1. Some instances of perceived harassment or discrimination may be the result of misunderstandings or miscommunications. Sometimes individuals unwittingly make insensitive or careless statements or exhibit behaviors that you may find offensive but that are not intended to give offense. In such circumstances, ongoing problems may be avoided or prevented by early and direct communication with the offending party.
2. The communication should make clear to the offending party that their remarks and/or behaviors are unacceptable to you. Several approaches can be used:
 - a. Verbal Confrontation - Explain why you view the particular

comments or behaviors as offensive. Be firm and direct; make it clear that the comments and/or behaviors are to stop.

- b. Written Communication - Write a letter to the offending party in which you give a detailed description of the unacceptable comments and/or behaviors. Explain how these incidents make you feel. State that you want the comments/behaviors to stop.
3. If you are not comfortable discussing the matter directly with the offending party (or if direct preventive action is not successful in stopping the offending comment or behavior) you should pursue the alternatives provided in the section titles Seeking Advice and Mediation. You have the right to proceed directly to file a complaint or confer with an advocate without first engaging in direct preventive action. (Note: direct preventive action is not recommended if the behavior in question involves physical contact or threats. Instead, you should proceed with a complaint or at least seek advice from the University, as described below.)

B. Good Samaritan

Every member of the community should be alert to violations of this policy and has an obligation to report suspected violations and take action to avert violations, so long as they can do so safely. The University has established a Medical Amnesty/Good Samaritan Policy for this purpose. See [Appendix D](#).

VII. SEEKING ADVICE AND MEDIATION

- A. Members of the North Park community who believe they have been subjected to discrimination, harassment or retaliation may seek the assistance of the EO Coordinator (Assistant Vice President of Human Resources) or Title IX Coordinator, Dean of Students, or and Dean of Seminary Students and Community Life, and other employees such as administrators (Deans, Vice Presidents, Directors), faculty, head coaches, residence directors, or residence assistants. Each of these resources will either direct you to the appropriate University official with whom to discuss your complaint or in some circumstances discuss the complaint and options with you according to the appropriate policy. Individual contact information for employees is provided via the online Faculty/Staff Directory.
- B. You may seek general guidance without identifying the person who is the subject of the concern or details of the situation. If the person is identified, the University may undertake an investigation regardless of whether you wish to initiate a complaint because of the University's obligations to all members of its community. However, the University will take into consideration your wishes in making that decision, and will strive to maintain confidentiality to the greatest degree possible.
- C. In all situations except those involving violence or non-consensual sex, you may seek mediation. See Informal Complaint Procedure below. Please refer to the Title IX Policy for details on sexual violence or non-consensual sex.

VIII. REPORTING SUSPECTED VIOLATIONS OF THIS POLICY AND COMPLAINTS

- A. Any person who is a member of the North Park community and believes that he or she has witnessed, or been subjected to Prohibited Conduct by any other member or members of the North Park community (including campus visitors) may file a complaint. Ideally, complaints should be made promptly to help assure a just and appropriate determination. However, there is no specific time limit on when a complaint may be made.
- B. If the subject of the complaint is a student, the complaint will be directed to the appropriate individual based on the complaint. This could include the Title IX Coordinator, Dean(s) of Students or designee based on the nature of the complaint.
- C. If the subject of the complaint is a member of the faculty or staff, the complaint is directed to the EO Coordinator: Assistant Vice President of Human Resources.

In the Complaint procedure below, the individuals are identified as “Coordinators” and will follow the designation above and outlined here depending on the subject of complaint and nature of complaint. Student complaints about Title IX will be directed to the Title IX Coordinator, all other student complaints will be directed to the Dean(s) of Students. Employee complaints will be directed Human Resources.

- D. If the person bringing the complaint is uncomfortable complaining to the individuals and offices identified above or is otherwise unclear as to where a complaint should be directed, guidance may be sought from an advocate of choice from within the community.

Complaint Procedure

1. You may request either an Informal or Formal Complaint Procedure. The University will strive to honor that request. However, the coordinator may determine the complaint should be handled through the formal complaint procedure. This determination is made based on the severity of the alleged offense and whether or not there is a previous history of complaints against the accused.

2. Informal Complaint Procedure

- a. The coordinator will attempt an informal resolution of the complaint directly and privately with the person complained against, maintaining the anonymity of the complainant if he or she requests it, to the degree possible.

-OR-

- b. The coordinator and the complainant will seek an informal resolution of the complaint by meeting together with the subject of the complaint. The coordinator serve as mediator.
- c. The latter approach is not appropriate in situations involving physical contact or threats. In other situations, it will be taken only if the complainant agrees. In either approach, the Coordinator will help to clarify the parameters of appropriate conduct.
- d. Each party may be accompanied during the informal procedures by an advocate of their own choice for all meetings, interviews, and hearings.
- e. An informal complaint will be considered to have been resolved when all parties have stated their acceptance of the outcome of this procedure in writing to the coordinator or designee who has directed the procedure. It should be noted that in some instances, e.g., where the conduct in question has the potential to affect other members of the community, the University may determine that further action is necessary despite the parties' resolution of the issue.

3. Formal Complaint Procedure: Unless the responsible coordinator has already decided that the Formal Complaint Procedure must be followed, a complainant's request that the formal procedure be followed triggers a preliminary inquiry into the facts by the responsible coordinator (or designee). The purpose of the preliminary inquiry (which may consist solely of an interview of the complainant) is to determine whether there are grounds for further action, i.e., whether there is a reasonable basis for believing that a violation of the University's policy may have occurred.

- a. The responsible coordinator will
 - (1) Notify and offer the complainant an opportunity to present all information supporting the complaint, including suggesting questions to be posed to the subject of the complaint.
 - (2) Endeavor to interview any witnesses identified by the complainant.
 - (3) Endeavor to protect the privacy of all persons involved in the investigation, to the degree possible.
 - (4) Review any additional applicable evidence (e.g., security tapes, incident reports, student or personnel files).

(5) Determine, based on all the information presented, whether the complaint is substantiated. The University uses a preponderance of the evidence standard, i.e. is it more likely than not that the violation occurred.

(6) Complete an Investigation Summary, which may include recommended sanctions if the complaint is substantiated.

b. If the responsible coordinator determines at the preliminary inquiry stage that there are no reasonable grounds to pursue an investigation, the responsible coordinator will inform the complainant and close the matter. If the responsible coordinator or investigator(s) determines after the full investigation that the complaint is not substantiated, the responsible coordinator will inform the complainant and the subject of the complaint of the determination and shall close the investigation.

c. If the complainant disagrees with a determination that there are no grounds to proceed with an investigation or that a complaint is not substantiated, they may appeal the decision utilizing the appeal/grievance procedures set forth in the Student Handbook, Staff Handbook, or Manual of Academic Personnel Policies, as appropriate based on the status of the complainant.

d. If the responsible coordinator determines that the complaint is substantiated, the responsible coordinator will identify appropriate corrective action, including, but not limited to, sanctions against the subject of the complaint.

(1) If the subject of the complaint is a staff member, the AVP of Human Resources will determine the sanction in consultation with the investigator (if applicable), staff member's supervisor and any other University official deemed appropriate. An appeal of the sanction may be taken to the appropriate Dean or Vice President at Step 3 of the Grievance Procedure set forth in the Staff Handbook.

(2) If the subject of the complaint is a student, the responsible coordinator will determine the sanction(s). The responsible coordinator may consult with the investigator(s).

- (a) The subject of the complaint may accept or deny the sanctions.
 - (i) If the subject accepts the sanction(s) the complaint is considered resolved.
 - (ii) If the subject denies the sanction(s) then the following occurs:
 - (b) If the sanction is severe, i.e., suspension or dismissal, the responsible coordinator will refer the matter for hearing before the student conduct panel, except that any hearing will be private, the responsible coordinator will serve as the University Representative, another coordinator who has not previously been involved with the complaint will serve as Panel Chair, and both the complainant and student respondent will have the right to request substitution of one panel member. All other sanctions will be levied directly by the responsible coordinator, but the decision will be subject to the appeal process set forth in the Student Handbook.
 - (c) Both complainant and respondent have the right to appeal.
- (3) If the subject of the complaint is a faculty member, the AVP of Human Resources will determine the sanction in consultation with the Provost or Dean of the Seminary.
- (a) In the case of Tenured, Tenure-Track, and Professional Faculty, if the sanction is severe, i.e., suspension or dismissal, the Provost or Dean of the Seminary will proffer charges pursuant to Section 7.1.5.2 of the Manual of Academic Personnel Policies (MAPP) or Seminary Faculty Manual. A determination whether the severe sanction will be imposed will be made utilizing the procedures in the remainder of Section 7.1 or the Seminary Faculty Manual, whichever is applicable, except that any hearing will be private, the EO Coordinator will assist the Provost or Dean of the Seminary throughout the proceeding, and the complainant will be accorded the same rights to participate in the hearing as the charged faculty member.
 - (b) Except as specified in the immediately preceding paragraph, all sanctions against faculty will be levied directly by the Provost or Dean of Seminary. An appeal may be taken to the President utilizing the grievance process in the Manual of Academic Personnel Policies (MAPP) or Seminary Faculty Manual.
- e. If the subject of the complaint is the decision-maker outlined in the

procedure above, or in any other circumstance in which a change in identity of investigators or decision-makers is warranted, the President or designee may appoint other appropriate senior-level administrators to hear the complaint and the defense, and to determine appropriate discipline, if any. During hearings, no direct cross-examination will be permitted, and if desired, neither party need testify in the presence of the other party. Nor is the complainant required to appear at the hearing. The University will make arrangements to assure that both parties are able to hear all evidence presented.

- f. Both parties will receive written notification of the Formal Complaint Proceeding outcome at the same time, no later than seven days after the conclusion of the proceeding. The notification will include information regarding appeal rights.
- g. Appeals may be based on the following grounds, in addition to any grounds specified in the Student Handbook, Staff Handbook, or Manual of Academic Personnel Policies (whichever applies):
 - (1) A procedural error.
 - (2) New information that substantially changes the outcome of the finding.
 - (3) The sanction is disproportionate with the violation.

- h. Written notice of the determination on appeal will be provided no later than seven days after the conclusion of the review on appeal.

Interim Measures

During the pendency of the Formal Complaint Proceeding, the University, at its discretion, may take temporary measures to ensure the integrity of the proceeding and to safeguard the complainant, respondent and the University community. Such measures may include changes to academic location, schedule, or campus housing situation, office location change, temporary supervisory change, limiting or suspending access to University facilities and events or regulating continued interaction between the complainant and the subject of the complaint.

Timeframe for Completion of Complaint Proceeding

1. The Informal Complaint Proceeding will be concluded generally within thirty days of the date the process is initiated, absent extenuating circumstances.
2. The Formal Complaint Proceeding consists of multiple steps.
 - a. The investigatory portion of the process, including the determination and, if appropriate, recommendation of sanctions, will be completed within thirty days of the date the process is initiated, absent extenuating circumstances (e.g., unavailability of a critical witness) justifying a delay.
 - b. The hearing portion of the process (if applicable) will be promptly completed in accordance with the handbook/manual governing the process.
 - In the case of a student conduct panel, the determination by the hearing panel will be made within thirty (30) days of an investigatory finding substantiating the complaint, absent extenuating circumstances
 - In the case of a faculty appeals and sanctions committee hearing, the President's recommendation for final action will be transmitted to the Board of Trustees within thirty (30) days of the faculty appeals and sanctions committee's determination.

IV. CONFIDENTIALITY

To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this policy will be observed, provided that it does not interfere with the University's ability to conduct an investigation and take any corrective action deemed appropriate by the University.

V. FABRICATED ALLEGATIONS

Any allegations suspected to be fabricated for the purpose of harassing the respondent or disrupting the University's operations are subject to these investigation and grievance procedures. A determination that allegations were intentionally fabricated for an improper purpose could result in disciplinary action.

VI. OUTSIDE REMEDIES

Nothing in this policy is intended to restrict an individual's right to pursue legal remedies in any agency or court and a person is not required to use this complaint resolution procedure before pursuing outside remedies. At the same time, the right of a member of the North Park community to prompt and equitable resolution of complaints under this policy is not withdrawn by the individual's concurrent pursuit of legal remedies, such as the filing of a charge with federal, state or local agencies, initiating a lawsuit, or pursuit of a criminal complaint. While external proceedings may take precedence over internal procedures in those instances where access to all relevant information is limited as a result of the external proceeding, both external proceedings (e.g., prosecution of a criminal complaint) and internal proceedings (i.e., completion of the Formal Complaint Proceeding) occur concurrently.