

Harassment/Unlawful Discrimination

Midwestern University believes in the dignity and worth of its students, faculty, staff, interns, and residents and therefore maintains a policy of nondiscrimination for all students, faculty and staff regardless of race, color, gender, gender identity, sex, sexual orientation, religion, national origin, ethnic origin, disability, status as a veteran, marital status, pregnancy status, or age. Any form of unlawful discrimination or harassment that has the effect of substantially interfering with the individual's performance or creates an intimidating, hostile, or offensive learning/working environment is not tolerated by the University.

This policy/procedure establishes a protocol whereby those who believe they have been discriminated against or harassed may obtain redress promptly and equitably through formal and informal procedures of the University. This policy applies to all members of the University community, each of whom is expected to report promptly complaints about violations. Students found to be in violation of this policy shall be subject to disciplinary action, which may include, but is not limited to, disciplinary warning, disciplinary probation, suspension, or dismissal. No action shall be taken against anyone who submits a complaint that the student believes to be valid - regardless of the outcome of the investigation; however, any person found to be intentionally dishonest in making the allegations or to have made them maliciously is subject to University discipline.

Definitions

Unlawful Discrimination: Unlawful discrimination refers to unfair or unequal treatment of an individual or group based on protected status, such as race, color, gender, gender identity, sex, sexual orientation, religion, national origin, ethnic origin, disability, status as a veteran, marital status, pregnancy status, age or other protected group status as defined by law.

Harassment: Harassment includes all unwelcome conduct (whether verbal, physical, visual or written) based on an individual's protected status, such as race, color, gender, gender identity, sex, sexual orientation, religion, national origin, ethnic origin, disability, status as a veteran, marital status, pregnancy status, age, or other protected group status as defined by law. Among the types of conduct prohibited by this policy are teasing, jokes, slurs, epithets, and negative stereotyping based on another person's protected status. Even where the conduct is not sufficiently severe or pervasive to rise to the level of a legal violation, Midwestern University discourages any such conduct in the workplace and/or any of our related educational settings and reserves the right to take remedial action for all conduct it deems inappropriate.

Complaint Process

Informal Complaint Resolution

Any member of the Midwestern University community may seek advice, or information, on matters related to harassment without having to lodge a formal complaint. Students who feel they are being harassed, or are uncertain as to whether what is experienced is harassment, are encouraged to talk to the Dean of Students. The complaining party (the "complainant"), will be informed as to the options available under this policy, including upgrading the informal complaint to a formal written complaint (see below #2). At the complainant's request, steps will be taken to resolve the complaint informally. The aim of the informal resolution process is to ensure that the alleged offending behavior ceases and that the matter is resolved promptly. The name of the complainant will be held in confidence during the informal resolution process, unless and until the complainant agrees that additional people must be informed in order to facilitate a solution. The Dean of Students will have the discretion to determine when the situation warrants notification of an alleged offender. If deemed advisable, constructive,

confidential informal discussion to increase awareness will be undertaken with the person alleged to have violated this harassment policy. An informal complaint may also be elevated to a formal complaint by the Dean of Students because of the severity of the factual allegations made by the complainant or because of the frequency of allegations against the alleged offender (see section below).

Formal Complaint Resolution

Prior to any formal action, a formal complaint must be reduced to writing, identifying both the complainant and the alleged offender.

1. After a complaint has been reduced to writing, an investigation of the alleged harassment will be initiated by the Dean of Students, if possible, within 3 working days. For complaints against faculty, staff, administrators and preceptors, the Dean of Students and the Director of Human Resources will initiate a joint, formal investigation of the allegations, with the right to interview other parties in relation to the complaint in order to conduct a fair and thorough investigation.
2. The investigation will include, at a minimum, an interview with the complainant. The alleged offender will be interviewed if it is determined that the allegations, if true, would constitute a violation of this policy. The alleged offender will then be informed of the nature of the allegations, the identity of the complainant and the facts surrounding the allegations, and will be afforded a full opportunity to respond to the allegations. Any other person who may have information regarding the alleged harassment may also be interviewed.
3. Notes and documentation of all interviews relating to the investigation will be maintained. All matters related to the investigation shall remain confidential to the extent permitted by law, provided it does not interfere with Northwestern University's ability to investigate or take corrective action.
4. The Dean of Students will report the student findings to the College Dean/Department or Division Head/Program Director of the alleged offender for disposition typically within 10 working days of the receipt of the written complaint. For incidents involving faculty, staff, administrators and preceptors, the findings will be reported to the Vice President of Human Resources and Organizational Development, as well as the College Dean/Department or Division Head/Program Director when applicable.
5. The report shall include the allegation, the investigative process, the persuasiveness of the evidence, and the credibility of the witnesses. The report shall arrive at one of the following three findings based upon the preponderance-of-the-evidence standard (i.e., that it is more likely than not that harassment/unlawful discrimination occurred):
 - a. Harassment/unlawful discrimination has occurred;
 - b. Harassment/unlawful discrimination did not occur; or
 - c. There is inconclusive evidence as to whether harassment/unlawful discrimination occurred.
6. Upon review, the College Dean/Department or Division Head/Program Director or Vice President of Human Resources and Organizational Development responsible for receiving the report will recommend or take appropriate disciplinary action, if applicable.
7. Notification of the findings and disposition as recommended by the College Dean/Department or Division Head/Program Director or Vice President of Human Resources and Organizational Development shall be provided, confidentially, in writing, to both the complainant and the alleged offender.
8. The complainant or the alleged offender may appeal the decision of the College Dean/Department or Division Head/Program Director or Vice President of Human Resources and Organizational Development or Dean of Students.
9. All complaints and associated resolutions will be kept on file in the Office of the President in accordance to HLC accreditation requirements and in the Office of the Dean of Students when complaints/resolutions involve students.

Appeal by a Student

1. A student's request for appeal must be submitted in writing to the President within 14 calendar days of the date of notification of findings. The President can designate the appropriate Vice President, Chief Academic Officer to review the case.
2. The appeal shall proceed according to the procedures stated in section 1 of the student handbook.

Protection Against Retaliation

Midwestern University shall not in any way retaliate against any individual who informally or formally complains of harassment. Retaliation is a serious violation of this harassment policy. Any person found to have retaliated against another individual for reporting harassment will be subject to disciplinary action up to and including dismissal.