

DEVRY UNIVERSITY GRIEVANCE PROCEDURES

DeVry University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. DeVry is committed to the maintenance of an academic environment that is free of discrimination and complies with the Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Please refer to published statements regarding discrimination in the Regulations section of DeVry Academic Catalogs.

Sexual harassment, a form of discrimination based on sex, is a violation of Title IX of the 1972 Education Amendments. Sexual harassment can take many forms. It is commonly defined as an unsolicited, offensive behavior toward another. It can be, but is not limited to, the following: verbal, written, or computer-transmitted harassment consisting of suggestive comments, innuendo, insults, humor or jokes; propositions; threats; nonverbal harassment consisting of obscene gestures, leering or ogling; physical harassment consisting of touching, patting, pinching, brushing the body; coerced sexual intercourse; assault. To further that commitment, the university has developed procedures to allow individuals to pursue grievances within the University community.

Disability harassment, a form of discrimination based on disability, is a violation of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Disability harassment can take many forms. It is commonly defined as "intimidation or abusive behavior toward a student based on disability," and includes "verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating."

Harassment of students due to race, color, and/or national origin is a violation of the Civil Rights Act of 1964. A racially hostile environment may be created by oral, written, graphic or physical conduct related to an individual's race, color, or national origin that is sufficiently severe, persistent or pervasive so as to interfere with or limit the ability of an individual to participate in or benefit from the University's programs or activities.

Discrimination

Informal Grievance Procedures

The student may seek a resolution of the matter through discussions with the alleged offender or other appropriate staff. If no resolution is forthcoming or if direct confrontation is deemed inappropriate, the student may report the incident or incidents to the Dean of Students or the local Human Resources Manager (HRM).

The Dean of Students or the local HRM should attempt to resolve the complaint and will maintain the student's confidentiality to the extent provided by law. The Dean of Students or the local HRM may then contact the supervisor, who should attempt to

resolve the complaint and will maintain the student's confidentiality to the extent provided by law.

Under these informal procedures, the student may, at any time, elect to stop further administrative action by withdrawing the complaint. The student can also decide to file a formal grievance, at any time, according to the procedures outlined below.

Formal Grievance Procedures

A student who feels that he or she has been subjected to illegal discrimination may file a written grievance to the local HRM or the campus President or Dean. The grievance should normally be filed within 90 calendar days of the incident or incidents.

An investigation will occur and will attempt to resolve the complaint using the following steps:

- a. Review the grievance report from the student.
- b. Gather any additional information from the student that is needed.
- c. Gather a response and any additional information from the accused.
- d. Document and assess the finding of facts, including those agreed upon and those disputed.
- e. Attempt a resolution of the grievance between the student and the individual, if appropriate.
- f. Determine final decision regarding the complaint.

The local Human Resources Manager or President should complete the investigation, produce a written report, and provide the report to the complainant within 30 calendar days. The written report shall make a finding or findings and implement appropriate remedies, if needed.

To appeal the decision, the student must file a written request for an appeal to the Director of Employee Relations at the DeVry Corporate Office at One Tower Lane, Suite 1000, Oakbrook Terrace, IL 60181, (630) 571-770 within 30 calendar days of the receipt of the written decision from the local Human Resources Manager, President or Dean.

Within 30 calendar days after receiving a request for an appeal, the Director of Employee Relations shall conduct an initial review of the request to determine if:

- a. The complaint alleges facts which, if true, would demonstrate a violation of an anti-discrimination statute or rule;
- b. The investigation was conducted in accordance with the grievance procedures;
- c. All relevant witnesses were interviewed and their testimony was recorded; and
- d. The conclusions of the investigating officer are supported by the evidence.

If the Director of Employee Relations finds that the initial investigation was not conducted properly, he or she must assign the case to a new investigating officer within

30 calendar days. This new investigating officer must not be an interested party to the allegation and must not be a subordinate of the original investigating officer.

If the Director of Employee Relations finds that the initial investigation was conducted properly and the conclusions are valid, a written response to the appeal that explains this finding will be provided. This letter must be provided to the appealing party within 30 days of the Director of Employee Relations finding.

Disability Accommodations in Academic Programs

DeVry is committed to the maintenance of an academic environment free of discrimination and complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

When a student alleges that he or she has been subjected to an act, rule, procedure, class requirement or practice in an academic program that involves discrimination based on the student's qualifying disability, the following procedures apply:

Any student or applicant with a disability who requests academic adjustments or auxiliary aids under section 504 should visit the Director of Student Services (DSS) or designee located in the student services department to begin the accommodation process. The applicant/student will be given a special accommodation request form to fill out and submit back to the DSS along with supporting medical, psychological, or educational assessments. DSS and the student will work together to identify an effective adjustment and/or aid.

Once the academic adjustment or auxiliary aid has been approved, the DSS will notify the professors in writing specifying adjustment and/or aid to which the student is entitled. During the student's duration of studies at DeVry University, all requests for accommodation should be addressed to the DSS.

Challenging and Determining Appropriate Accommodations for Students With Disabilities

Students who request accommodations should be sent to the Director of Student Services (DSS), where they will be instructed to follow the policies of the DSS office, which often include working with faculty to determine the academic appropriateness of requested accommodations.

When accommodations are approved, the student will receive a form signed by the DSS indicating the approved accommodations.

The faculty member should not challenge the approved accommodations directly with the student, but instead should follow this procedure for raising concerns.

- a. If a faculty member believes that the approved accommodations are not appropriate for the class or for the program in general because they fundamentally alter the educational program or for other reasons, the faculty member should discuss the concerns with the DSS before the start of a class if possible, and in no event later than one week after learning of the approved accommodation and the student's enrollment in the particular class.
- b. The DSS will promptly arrange for a discussion with the faculty member, sometimes including the department chair. In some cases, further information may be required – from the student's treating physicians or from academic sources. In most cases, it will not be appropriate for the DSS to share student medical information with the faculty member.
- c. The DSS will issue a written decision to the faculty member within fourteen (14) days of learning of the faculty member's concerns or objections. An email will suffice as this written notification. If the DSS decides to change the approved accommodations, the DSS will issue a new accommodations form to the student.
- d. When a faculty member wishes to further challenge the decision of the DSS, the faculty member should alert the Campus President or Dean of his or her view that the approved accommodations are not educationally or otherwise appropriate. This should be done in writing within three (3) days of the DSS written notification.
- e. The Campus President, Dean, or designee has fourteen (14) calendar days to make a ruling and should do so in writing. During this time, any approved accommodations must be adhered to (to the extent possible), until a new decision is issued.

Faculty are reminded that the University is required by federal and state laws to provide educationally appropriate reasonable accommodations to enable otherwise qualified individuals with disabilities to participate in our academic programs. Failure to follow this policy may lead to legal liability for the school and to discipline for faculty members, up to and including discharge.

Faculty should also be aware that students may file complaints under the University's Student Grievance Procedure for Internal Complaints of Harassment and Discrimination. Students are informed of this Grievance Procedure regularly, and will be informed of it specifically if a DSS approved accommodation is changed based on a faculty challenge to a previously approved accommodation.

Sexual Harassment Standards and Procedures

Definition of Sexual Harassment

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature, submission to which is made a condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. Sexual harassment occurs when a person is the recipient of conduct of a sexual nature where:

- a. Submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive or demeaning education or work environment.

Examples of Prohibited Behavior

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of conduct that may constitute sexual harassment include, but are not limited to:

- a. Repeated unwelcome sexual propositions, invitations, solicitations and flirtations.
- b. Stated or implied threats that a person's employment, wages, academic grade, opportunities for promotion, classroom or work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
- c. Repeated and pervasive unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene gestures.
- d. Unwanted exposure to sexual graffiti, photographs, electronically transmitted images or suggestive objects that substantially interfere with an individual's welfare, academic or work performance.
- e. Unwelcome and inappropriate touching, patting, pinching or unnecessary brushes.

Information and Consultation

Sexual Harassment Resource Persons

The Manager of Human Resources is available to serve as a resource to any student, non-faculty employee, or faculty member who has a sexual harassment inquiry or complaint. Individuals with a sexual harassment inquiry or complaint may be more comfortable

speaking with someone of their gender. They have the option of meeting with a staff member of a preferred gender in the Dean of Student Office or the Human Resources Office. These resource persons have information about applicable laws, university rules and procedures, options available for resolution of complaints, and confidentiality requirements.

Confidentiality

Persons gathering general information, seeking guidance, or filing a complaint may be concerned about the confidentiality of the information they are sharing. While the university wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the university may be legally obligated to take action when its officials are informed that sexual harassment may be occurring. If the individual does not disclose any identifying information about him/herself or any other party involved (e.g., names, department or unit) during the inquiry, no action can be taken in the matter.

Filing a Complaint

Once an individual discloses identifying information to the official contact of the university, he/she will be considered to have filed a complaint with the university. While the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant regarding action by the university cannot be guaranteed, they will be protected to as great a degree as is legally possible. The expressed wishes of the complainant regarding confidentiality will be considered in the context of the university's legal obligation to act upon the charge and the right of the charged party to be informed about charges against him/her.

Protection of Complainant and Others

The University will take reasonable action to assure that the complainant, the alleged offender, and those testifying on behalf of either party or supporting either party in other ways, are protected from retaliation. This action may come at any time during or following an investigation of a sexual harassment complaint. Persons who retaliate will be subject to disciplinary action.

Protection of the Alleged Offender

At the time a formal complaint is filed, the alleged offender will be informed of the allegations, the identity of the complainant and the facts surrounding the allegations. In the event the allegations are not substantiated, reasonable steps will be taken to restore the reputation of the alleged offender if damaged by the proceedings. A complainant who intentionally makes dishonest or malicious allegations is subject to university discipline.

Protecting Involved Parties

To the extent possible, university proceedings will be conducted in a manner that protects the confidentiality of all parties involved.

Complaint Procedures

Informal or formal notification to an official contact of the university constitutes official notification. Names, department, and other information necessary to conduct an investigation of the allegation(s) are required. Further action by the complainant will determine whether the filing is formal or informal.

Informal Complaint Procedures

Informal procedures are aimed at stopping the harassing behavior rather than determining culpability or intent. In some instances the offender may agree, voluntarily, to a sanction to avoid a formal hearing. Usually, official disciplinary action for employees or students cannot be invoked without a formal hearing.

Complaints that are resolved informally are generally not investigated to the same degree as formal proceedings, although the complainant and, in some cases, the alleged offender may be interviewed. Mediation may be utilized as a method for resolving the complaint informally. If a complainant decides to handle the situation her/himself, and the harassment stops, there may not be an investigation.

Unlike formal procedures, the harassment recipient is not required to write an account of what happened for the informal handling of the complaint to proceed. The outcome of informal procedures can range from no action, a simple apology, a promise not to do it again, a transfer of either or both parties, a voluntary resignation, up to termination or removal from the university.

Generally, under informal procedures, the complainant may, at any time, elect to stop further administrative action by withdrawing the complaint. Adopting informal procedures for resolving sexual harassment complaints does not mean that the institution does not take sexual harassment seriously. Informal procedures simply provide an alternative method for stopping sexual harassment. The complainant can also decide to file a formal grievance with the appropriate official contact of the university at any time.

Formal Complaint Procedures

When informal procedures are inappropriate or have failed, formal sexual harassment grievance procedures are aimed, among other things, at determining if sexual harassment has occurred, the culpability of the alleged offender and appropriate sanctions or remedies. Formal procedures are initiated with a written request for investigation of sexual harassment charges by the complainant, the institution, the alleged offender, or any of the parties involved. The request must be sent or delivered to the official contact of the university.

The Human Resources Manager (HRM) is responsible for all administrative activities required to conduct the investigation, under informal or formal complaint procedures. The HRM will conduct the investigation, and prepare a formal report detailing all relevant information. If the allegations of harassment are found to be true, a copy of the final report will be placed in the alleged offender's student conduct/personnel file.

Reasonable extensions of an investigation can be made for extenuating circumstances due to continuing a complex investigation, illness, scheduled vacations, professional presentations, etc... These extensions are granted by the HRM.

Complaint Investigation

Students

A formal complaint against a student shall be directed to the Judicial Advisor in charge of violations occurring under the Student Code of Conduct. The case will be investigated and a determination will be made within 12 working days as to whether or not further investigation or a hearing is warranted. If it is warranted a hearing will be held under the Student Code of Conduct Policy.

Student Employee/Staff/Faculty

A formal complaint filed against a Student Employee/Staff/Faculty shall be directed to the HRM. The HRM will investigate the case and determine, within 12 working days, whether to recommend sanctions at that time, to dismiss the case or to investigate the complaint further.

Once a decision for further investigation is made, it normally should be completed within 30 working days. The determinations of the HRM may be appealed to the campus President or Dean. The determination of the President or Dean regarding investigation and resolution of the complaint, including recommended sanctions, is considered final and shall be reported to the alleged offender, the complainant, and the HRM.

Appeals from Sanctions

The normal appeals process will be followed as outlined below. Decisions made during the appeals process may not impose a harsher penalty than the original decision.

Student

Appeals of sanctions assessed students shall be directed as listed in the Student Code of Conduct Policy.

Student Employee/Staff/Faculty

The campus President/Dean's office should handle appeals from recommended sanctions against Student Employee/Staff/Faculty.