



Ethics and Compliance Office Annual Report

Fiscal Year 2023

July 1, 2022-June 30, 2023



Northern Illinois
University

Ethics and Compliance Office Annual Report

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About the Ethics and Compliance Office

The Ethics and Compliance Office (ECO) advances the university's mission by promoting the highest standards of ethics, integrity and responsibility to enhance the programs and activities that NIU provides within the university and to the community.

To achieve this objective, ECO performs the following services:

- Investigate complaints involving allegations of discrimination/harassment, retaliation, sexual misconduct and unethical conduct.
- Develop and maintain policies and procedures in an efficient manner and system.
- Ensure compliance with laws and policies including Title IX, Clery Act, state record retention, data privacy and accessibility of information technology.
- Work in collaboration with other university offices to assist with compliance efforts and identify compliance mandates.

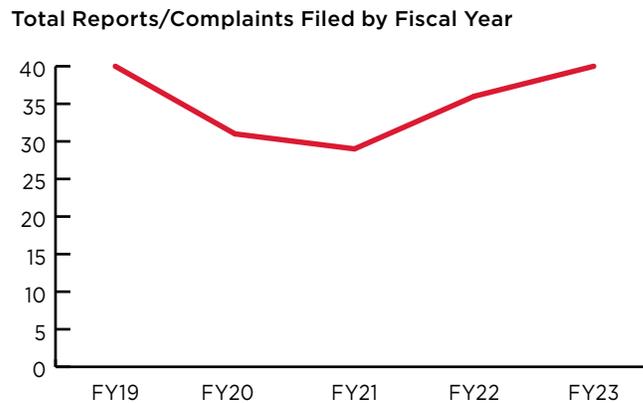
Complaint Resolution

The university is committed to ensuring that its students and employees can learn and work in an environment that is free from discrimination and harassment on the basis of race, color, national origin, ancestry, sex, pregnancy, religion, age, physical and/or mental disability, conviction record, marital status, veteran/military status, sexual orientation, gender, gender identity, gender expression, political affiliation, order of protection status, victim of domestic or sexual violence status, citizenship status, work authorization status and genetic information. The university also prohibits acts of retaliation for those who have reported discrimination or harassment.

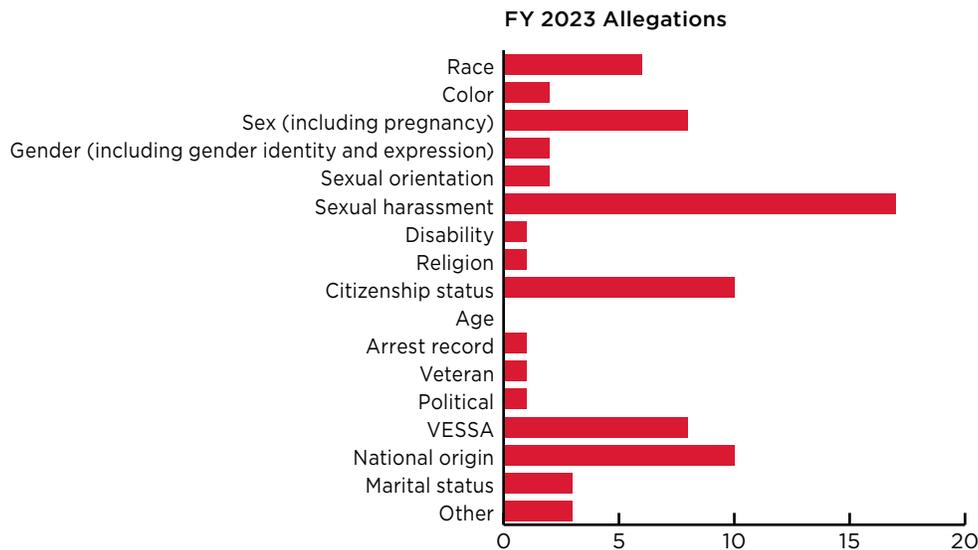
The complaint resolution process is designed to address and resolve allegations of discrimination, harassment and retaliation in a manner that maintains and promotes positive academic and working environments consistent with the values of NIU. All employees and students have a right to file a complaint of discrimination, harassment or retaliation. Complaints are reviewed and investigated according to the university's Nondiscrimination, Harassment and Retaliation Policy and Complaint Procedures.

ECO staff work closely with those who have filed complaints to achieve their desired outcome in an efficient and expedient manner, and provide a comprehensive review of the alleged misconduct. As an example, individuals may request to participate in mediation to resolve what happened rather than continue with the formal complaint process. ECO staff help connect individuals with trained mediators. Additionally, if a university process contributed to unequal treatment, ECO staff provide recommendations to department heads to prevent the reoccurrence of what happened.

During Fiscal Year 2023, ECO responded to a total of 40 complaints. The chart below illustrates the total number of complaints filed as compared to prior years.



A complaint may allege more than one form of a policy violation (for example, an individual may allege race discrimination, sexual harassment and retaliation within one complaint). There were a total of 79 allegations within the 40 complaints received during FY 2023. Disability discrimination was the most reported, comprising 22% of the total allegations. Race discrimination and retaliation were the second-most reported, each comprising 13% of the total allegations.



In addition to the investigatory work that ECO provides, staff frequently advise departments and provide on-call trainings on how to respond to concerns of prohibited conduct and how to be supportive of individuals who have filed a complaint or are involved in the investigation process. ECO is also a partner in developing the annual and new hire discrimination and harassment training, and is involved in campuswide discussions and initiatives related to positive working and learning environments.

Sexual Misconduct/Title IX

The university, through ECO, responds to reports of sexual misconduct which include sexual and gender harassment, sexual assault, stalking, and dating and domestic violence. Every individual has rights and options to address what they experienced including requesting confidential supportive measures, seeking assistance through on- and off-campus partners, or filing a police report with local law enforcement and/or a formal sexual misconduct complaint with the university.

When an individual reports they have been subjected to sexual misconduct, an individualized response is provided and tailored to their specific needs and requests. For example, supportive measures such as a no-contact order may be implemented, or the Title IX Coordinator may work with faculty to provide academic accommodations to students who have indicated they are struggling because of what happened.

During FY 2023, ECO increased education and understanding of informal resolution. This process allows those involved in the complaint resolution process to provide input on terms of resolution, such as sanctions or remedies, without the need to participate in a hearing. This voluntary process has been successful in resolving complaints and achieving the desired outcomes of the individuals involved.

Compliance with “Title IX of the Education Amendments of 1972” (“Title IX”) and maintaining the university’s **Sexual Misconduct Policy and Complaint Procedures** cannot be achieved alone and require continued collaboration with multiple departments across campus, including Academic Diversity, Equity and Inclusion; Student Affairs; and Police and Public Safety. Students and staff also provide feedback that is critical to the effectiveness of the university’s response to sexual misconduct.

A huge thank you goes out to staff who dedicated their time, outside their typical workday, advising students and staff in the adjudication process. Those individuals include Kelly Olson (Student Affairs), Alex Pitner (Student Involvement), Jessica Web (Web Communications), Eric Armstrong (Military and Veteran Services), Stephanie Brown (International Affairs) and Dan Pedersen (Housing).

The information below indicates the number of reports of sexual misconduct compared to previous years. These reports are either filed by someone who has learned of what happened, such as a responsible employee, or an individual who has experienced or witnessed sexual misconduct. As illustrated, the number of reports received for FY 2023 significantly increased compared to prior years.

Total Reports Filed by Fiscal Year

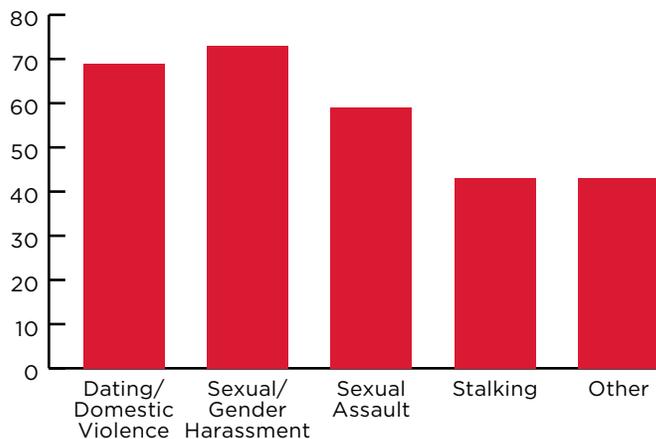


The number of reports indicated in the above chart are illustrative of the conduct reported, without a determination of whether they constitute a university policy violation.

A report may allege more than one form of a policy violation. For example, an individual may allege in one report that they were subjected to sexual harassment and sexual assault. There were a total of 285 allegations within the 235 complaints received during FY 2023.

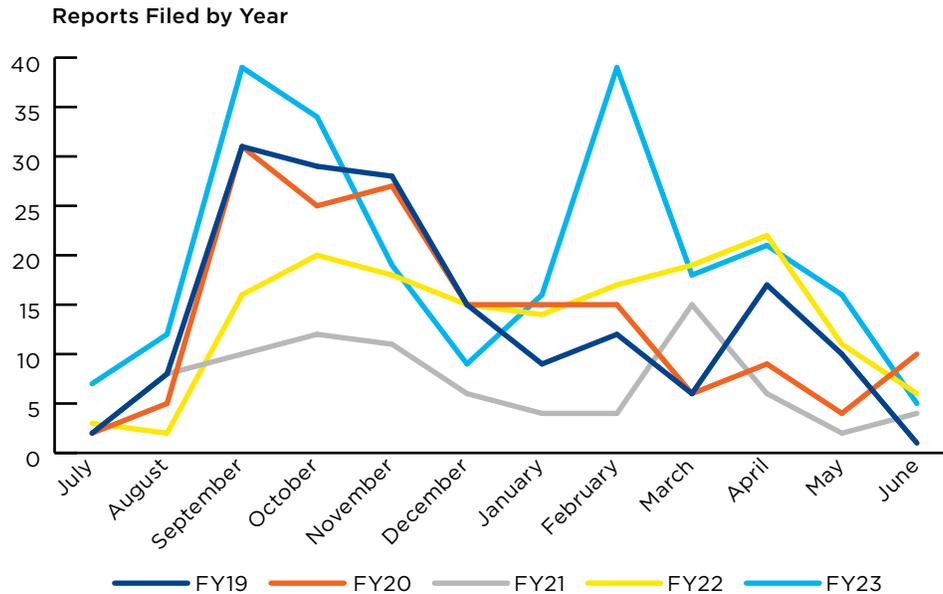
For FY 2023, harassment based on sex and gender was the most reported type of sexual misconduct, comprising 26% of the total allegations. Dating and domestic violence were the second-most reported type of misconduct, comprising 24% of the total allegations. This information helps our campus partners determine what types of training and education to provide to our students and employees.

Total Reports by Category for FY 2023



The reports indicated in this chart may not be representative of information contained within the Annual Security Report due to geography and the definitions of prohibited conduct being different.

In addition to understanding what incidents are being reported, information about when reports are submitted also informs campus partners on the timing of trainings and education. The chart below indicates how many reports were made each month over the past five fiscal years.



All employees of the university, unless deemed confidential, are considered “responsible employees” and are required to report actual or suspected sexual misconduct to the Title IX Coordinator. For the past four years, ECO provides responsible employee training to university departments, which is designed to educate responsible employees on how to be supportive of an individual who has disclosed information to them and what happens after a report is submitted. Faculty and staff walk away with a better understanding of how they can support students and confidently speak about what services the university has to offer those impacted by sexual misconduct. During FY 2023, ECO trained 534 employees during 17 sessions.

In addition to the training provided to responsible employees, ECO attends trainings on a variety of issues surrounding sexual misconduct in order to remain best in class for the services we provide. ECO also develops training for those involved in the adjudication process. More information about the training attended by staff and developed by ECO is prominently displayed online.

In addition to responding directly to sexual misconduct, ECO is a member of various campus and community groups related to sexual misconduct and harassment. Most notably, ECO is a member of the core team for the grant that was awarded by the Department of Justice Office on Violence Against Women. This grant involves working with campus and community partners, including law enforcement and advocates, to do a comprehensive review of all the work NIU engages in related to sexual misconduct. Some of the areas on which the grant focused include how to provide a coordinated response, ways to educate individuals on bystander intervention and what it means to be an advocate for a student.

Ethics

ECO advises on ethics-related inquiries and questions regarding a variety of topics including the gift ban, political activity, conflicts of interest and revolving door prohibition. ECO is available by phone, email and in person to respond to ethical concerns, and we encourage members of the campus community to reach out with questions.

Statements of economic interest, administered by the Illinois Secretary of State and Executive Ethics Commission, are reviewed by the Ethics Officer prior to certification. During FY 2023, 368 statements were submitted by designated employees and were reviewed by ECO. The review by ECO provides employees with information about conflicts of interest and connects them with the Provost's Office to complete the Outside Consulting, Research (OCR) and Outside Employment (OE) processes.

During FY 2023, ECO had 18 ethics inquiries/investigations; 13 were reported directly to ECO, and five were referred by the Office of the Executive Inspector General (OEIG). The inquiries and investigations involved a wide range of allegations including misuse of state resources, engagement in prohibited political activity and inaccurate work time reporting. Additionally, if a report does not allege a violation of the university's **Ethics and Accountability in the Workplace Policy**, it is referred to the appropriate university office to address.

The new employee and board member training is updated annually to ensure the most relevant content. ECO, in conjunction with Human Resource Services, administers the annual ethics training for all employees. For nearly the past decade, almost 100% of employees completed the annual state-required training.

Information Technology Accessibility

NIU is required by federal and state law to have accessible electronic and information technology (EIT). Technology is accessible when people with and without disabilities can use it independently to get the same information, engage in the same interactions and receive the same services in the same time frame. EIT includes software, hardware, operating systems, and documentation and support.

The Information Technology Accessibility Officer (ITAO) provides an accessibility check for NIU's website and web applications. During FY 2023, 26 new or revised websites, individual pages, templates and applications were reviewed for accessibility. Additionally, the ITAO remediated 29 online documents to ensure accessibility.

The ITAO provides input regarding the purchase of major technology and is part of the approval process for technology purchase requisitions. Over 300 purchase requisitions were reviewed by the ITAO to determine whether the equipment or software is accessible to its users, regardless of disability. Campus requesters complete a use case survey to determine who is using the technology to ensure compliance with accessibility laws. The ITAO also requests a Voluntary Product Accessibility Template (VPAT), the legally accepted measure of accessibility, from vendors and shares a breakdown of the information to the purchase requestor.

The ITAO is consulted when accessibility issues arise and, in response, the ITAO works with units, departments and divisions across campus to find accessible solutions. In addition to responding to concerns, the ITAO provides proactive education and outreach to employees regarding how to make NIU's rich technology environment accessible.

This year, an accessible wayfinding system was installed in 34 buildings, with more buildings planned. Using the free NaviLens app and special QR codes, users can scan the environment and locate QR codes from up to 30 feet away, at an angle, while moving. The distance from and direction to the QR code are announced and displayed in the language of the phone, updating as the phone is moving. The city of DeKalb also installed them on its bus doors so visually impaired riders using the accessible bus app can find the right bus independently.

Privacy

The director of privacy joined ECO during FY 2023. This new position sets guidelines for the university's privacy standards and works with others to maintain the integrity of information for students, faculty and staff. The director also acts as the subject matter expert on privacy laws in the procurement of new software for NIU use and the interaction of NIU systems with outside organizations.

The director is the chair of the Health Insurance Portability and Accountability Act (HIPAA) Steering Committee, the Breach Assessment Team and Graham-Leach-Bliley Act (GLBA) Privacy Compliance workgroup. These cross-functional groups include representatives from the Department of Information Technology, the Office of the General Counsel, Risk Management, Internal Audit, and Financial Aid, as well as the College of Health and Human Sciences, the College of Education and the Institutional Review Board related to research.

Starting in FY 2023 and moving into FY 2024, reviewing and updating the university's compliance with HIPAA and GLBA are priorities. In addition, the university's general privacy policies will be updated and a website devoted to how the university maintains data integrity and privacy compliance for employee and student information will be created.



Policy Library

It is hard to believe that the Policy Library has been a part of campus operations for over four years. The Policy Library continues to provide transparency to the policy-making process by allowing members of the campus community to see which policies are new or up for review and provides them with an ability to learn about the policy and comment on it before it is approved. This fiscal year, the policy librarian worked with divisions across campus to revise their policies. In total, 28 policies were submitted for addition or revision to the library.



Records Management

The university is committed to the efficient and reliable maintenance of records. The records management program, as supported by ECO, provides direction and assistance to departments and divisions about how to properly identify, retain and dispose of records in their possession so that records of vital, historical, fiscal and legal value are identified and preserved. Records management also ensures that nonessential records are discarded in a timely manner according to the established guidelines of the State Records Act.

FY 2023 was spent assisting departments in updating retention schedules. Notably, ECO assisted Human Resource Services in their digitization efforts by revising their existing schedules and creating new ones. ECO also advised Materials Management in reorganization and disposal of records contained in Business Archives (Dorland Building), and the Division of Academic Affairs in the Campus Cleanup Project, which re-envisioned existing spaces for best use.

Some may find the task of creating and updating schedules to be daunting. However, the friendly staff at ECO are available to assist and provide guidance whenever asked.

Clery Compliance

As of March 2022, the director of Clery Compliance is housed within ECO. The university must comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, a federal law commonly referred to as the Clery Act. Some of the requirements of this law include the following:

- Collect, classify and count campus crime statistics related to certain crimes.
- Prepare, publish and distribute an **annual security report** containing campus security policies and campus crime statistics.
- Submit campus crime statistics annually to the U.S. Department of Education.
- Maintain a **daily crime log** of alleged crimes occurring that were reported to campus police within NIU's Clery geography.
- Issue **timely warnings and emergency notifications**.

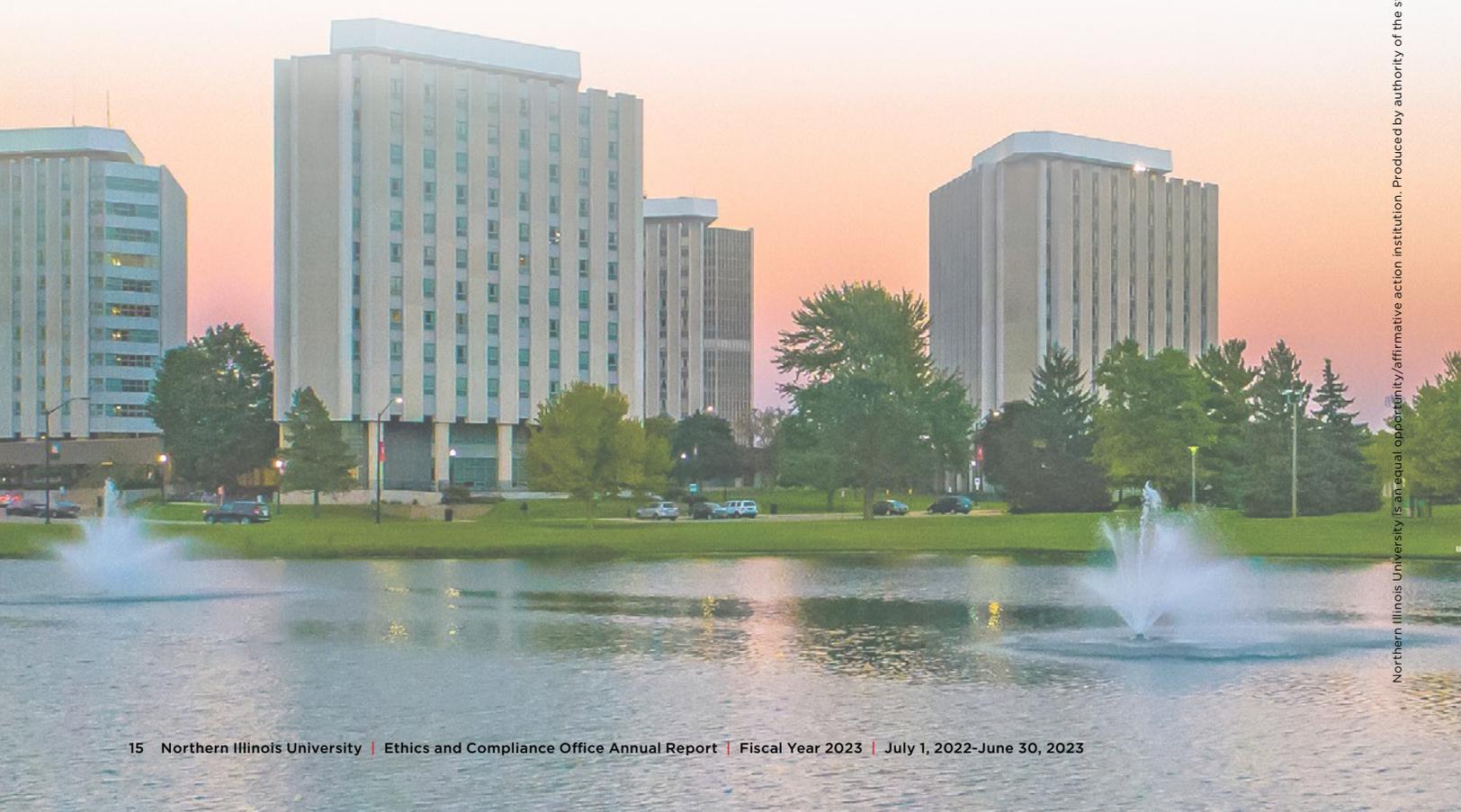
While the director of Clery Compliance oversees Clery compliance at the university, compliance with the Clery Act requires the cooperation and assistance of various departments at NIU including the NIU Department of Police and Public Safety, Student Conduct, Human Resource Services, and Academic Diversity, Equity and Inclusion.

During FY 2023, enhancements were made to the university's compliance with Clery. Some of those enhancements include developing and launching a new campus security authority training via Blackboard, revisions to the Clery compliance webpage which provide valuable information to campus security authorities, the creation of a Clery Act Compliance Policy and establishing new protocols for identifying campus security authorities.

Additionally, the university's annual security report has been revamped and will be combined with the annual fire safety report this year.

Compliance

ECO assists departments in meeting state and federal mandates that impact higher education. The compliance calendar serves as a comprehensive listing of reporting mandates for various divisions and departments within the university. In addition to making this listing available, ECO works closely with general counsel and the state legislative liaison in reviewing recently enacted state laws and disseminating the information to senior leaders.





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