BOARD OF TRUSTEES

Compliance, Audit, Risk Management and Legal Affairs Committee

August 28, 2014
AGENDA

NIU Board of Trustees
COMPLIANCE, AUDIT, RISK MANAGEMENT AND LEGAL AFFAIRS COMMITTEE
9:00 am – Thursday – August 28, 2014
Board of Trustees Room
315 Altgeld Hall

1. Call to Order and Roll Call
2. Verification of Appropriate Notification of Public Meeting
3. Swearing In of Student Trustee Paul Julion
4. Meeting Agenda Approval ..............................................................Action .......... i
5. Review and Approval of Minutes of May 29, 2014 .........................................................Action .......... 1
6. Chair’s Comments/Announcements
7. Public Comment*
8. University Reports
   a. Title IX ........................................................................................................Information ...... 7
   b. Risk Management.....................................................................................................Information ...... 33
9. Other Matters
10. Next Meeting Date – November 6, 2014
11. Adjournment

*The Board and its committees comply with P.A. 91-0715 through its Bylaws, Article II, Section 5.B:
1. Consistent with Public Act 91-0715 and reasonable constraints determined by these Bylaws and the Chair, at each regular or special meeting of the Board or its committees that is open to the public, members of the public may request a brief time on the approved agenda of the meeting to address the Board on relevant matters within its jurisdiction.
2. Committees of the Board review University proposals for action and make adjustments and endorsements as appropriate for further consideration by the full Board. Public comments are generally most useful at meetings of Board committees, where proposals are first considered and the time for interaction most feasible.
3. To facilitate an orderly process, appearance requests must be registered on a Board-provided form and submitted to the Board’s Parliamentarian at least 45 minutes before the meeting is scheduled to be called to order. To be recognized, the appearance request will include the name, address and position of the individual wishing to speak, the name of the organization or group represented, a concise summary of the presentation, and whether the requestor has appeared earlier on the topic before any other meeting of the Board. The Parliamentarian may confer with registered speakers to cooperatively assist the Chair of the meeting in assuring coordinated issue presentation and an efficient use of allocated time. The Parliamentarian will acquaint requestors with the generally acceptable rules of decorum for their presentations. In lieu of oral presentations, individuals may present brief written materials not to exceed five (5) pages to the Parliamentarian for distribution and consideration by the Board in advance of the meeting.
4. The Chair of the meeting will recognize duly registered individuals at the appropriate point during the meeting. Unduly repetitive comments may be discouraged and restricted by the Chair. To assure an orderly and timely meeting the Chair may limit time allotments to five minutes or less, may delay or defer appearances when appropriate, and defer or refer questions received from presenters for answers if available.

Anyone needing special accommodations to participate in the NIU Board of Trustees meetings should contact Ellen Andersen, Director of Special Events, at (815)753-1999, as soon as possible, normally at least a week before the scheduled Board meeting.
Minutes of the  
NIU Board of Trustees  
COMPLIANCE, AUDIT, RISK MANAGEMENT AND LEGAL AFFAIRS  
COMMITTEE MEETING  
May 29, 2014

CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Robert Boey at 12:30 p.m. in the Board of Trustees Room, 315 Altgeld Hall. Recording Secretary Sharon Banks-Wilkins conducted a roll call of Trustees. Members present were Trustees Robert Marshall, Cherilyn Murer, Marc Strauss, Student Trustee Elliot Echols, Committee Chair Robert Boey, and BOT Chair John Butler. Trustee Anthony Iosco joined the meeting via telephone. Also present were Committee Liaison Nancy Suttenfield, President Douglas Baker and General Counsel Jerry Blakemore. With a quorum present, the meeting proceeded.

VERIFICATION OF APPROPRIATE NOTICE OF PUBLIC MEETING

Confirmation of Open Meetings Act notification compliance was given by Board General Counsel Jerry Blakemore.

MEETING AGENDA APPROVAL

Chair Boey asked for a motion to approve the agenda. Trustee Strauss made a motion to approve the agenda, seconded by Trustee Echols. The motion was approved.

REVIEW AND APPROVAL OF MINUTES

It was moved by Trustee Strauss and seconded by Trustee Butler to approve the minutes of February 27, 2014 meeting. The motion was approved.

PUBLIC COMMENT

The Chair asked Board General Counsel Jerry Blakemore if any members of the public had registered a written request to address the Board in accordance with state law and the Board of Trustees Bylaws. Mr. Blakemore noted that no timely requests had been received to address this Board Committee meeting.

CHAIR’S COMMENTS/ANNOUNCEMENTS

Chair Boey recognized University Advisory Committee representatives, Dr. Alan Rosenbaum, Executive Secretary of the University Council and President of the Faculty Senate and Deborah Haliczer, President of the Supportive Professional Staff Council. When asked for comments, Dr. Rosenbaum indicated that in the interest of efficiency he would not make a comment. Ms. Haliczer indicated the same.

Chair Boey: Today our agenda includes discussion of a current topic of national interest – Collective Bargaining and Student Athletes. Over the last few weeks, the local and national headlines have been filled with issues related to whether student athletes, particularly football players at Northwestern University, have the right to organize. The purpose of today’s session will be to provide a summary of the legal issues associated with this topic, but more importantly, to apprise the committee of the compliance efforts of Northern Illinois University. This is a topic we are familiar with and one which the university continues to place as a high priority. We are proud of the work that our Associate Vice President for Intercollegiate Athletics/Athletic Director and his staff have done in this area and we are
committed to the continued support of our athletic compliance program. I would now like to ask our
interim Chief Financial Officer to introduce our presenters for today’s discussion.

Nancy Suttenfeld, Interim Chief Financial Officer and Committee Liaison, introduced General Counsel
Jerry Blakemore and Director of Athletics Sean Frazier along with members of his NCAA compliance staff.

**UNIVERSITY REPORTS**

**Agenda Item 7.a. - Student Athletes and Collective Bargaining: The Legal and Compliance
Implications**

Jerry Blakemore indicated that he wished to provide a quick legal perspective on the issue of students
and collective bargaining. There were four talking points that Mr. Blakemore touched upon:

1) Mr. Blakemore indicated that members of the Board expressed interest when this topic became a
public issue to see what, if any, effect what was happening with Northwestern and the National
Labor Relations Board (NLRB) would have on our university. Mr. Blakemore wanted to focus on
the question that was asked by the Board, but ultimately to turn this over to those issues which
are most relevant to Northern Illinois University.

In regard to the initial question, the NLRB’s decision to allow for an election or collective
bargaining for Northwestern football students does not have an impact on Northern Illinois
University or any other public university. The jurisdiction of the NLRB is limited to private
entities/institutions, and does not include public entities/institutions. And so, the first talking
point generates lots of discussion, but is not particularly relevant or binding at this point on NIU.

2) This is the time table of to-date and projected events, but the bottom line is there will not be a
legal decision, in the opinion of General Counsel, for at least another year. The NLRB at the
regional level has acted; the NLRB Board itself will not even set a hearing date for this case
before August or September. It is more likely, than not, that the case, whatever the decision of
the NLRB is, will be appealed to the Appellate Court and because this court is in our district, the
7th Circuit Court of Appeals, it will actually be heard in Chicago. But again given the magnitude
of the decision it is more likely, than not, the decision will probably be taken up by the U.S.
Supreme Court.

3) There are six legal issues that have been raised in this case. Slides with each issue are part of
the presentation; however General Counsel did not speak to them today. These issues are part
of the record if anyone has a particular interest in them.
   - Legal Issue #1 – What test should the Board apply to determine whether grant-in-aid
     scholarship football players are “employees” within the meaning of Section 2(3) of the
     National Labor Relations Act, and what is the proper result here, applying the appropriate
test?
   - Legal Issue #2 – Insofar as the Board’s decision in Brown University, may be applicable
to this case, should the Board adhere to, modify, or overrule the test of employee status
applied in that case, and if so, on what basis?
   - Legal Issue #3 – What policy considerations are relevant to the Board’s determination of
whether grant-in-aid scholarship football players are “employees” within the meaning of
Section 2(3) of the Act and what result do they suggest here?
   - Legal Issue #4 – To what extent, if any, is the existence or absence of determinations
regarding employee status of grant-in-aid scholarship football players under other federal
or state statutes or regulations relevant to whether such players are “employees” under
the Act?
   - Legal Issue #5 – To what extent are the employment discrimination provisions of Title
VII, in comparison to the antidiscrimination provisions of Title IX of the Education
Amendments Act of 1972, relevant to whether grant-in-aid scholarship football players are “employees” under the Act?

- Legal Issue #6 –
  - If grant-in-aid scholarship football players are “employees” under the Act, to what extent, if any, should the Board consider, in determining the parties’ collective bargaining obligations, the existence of outside constraints that may alter the ability of the parties to engage in collective bargaining as to certain terms and conditions of employment?
  - What, if any, should be the impact of such constraints on the parties’ bargaining obligations?
  - In the alternative, should the Board recognize grant-in-aid scholarship football players as “employees” under the Act, but preclude them from being represented in any bargaining unit or engaging in any collective bargaining, as is the case with confidential employees under Board law?

4) The most important point as it relates to Northern Illinois University and where our focus needs to continue to be is on NCAA Compliance as opposed to what is happening, possibly, on the private side. So our focus would continue to be on how we are complying particularly with the NCAA and the reforms being considered. Bottom line – there is a lot of discussion about Northwestern and the football players; however it really has little to do with NIU in the short term. In the event that there are any long term implications it would require state legislative action or federal congressional action in order to have NIU be part of that discussion.

With that Jerry Blakemore turned the floor over to Sean Frazier, the Athletic Director, to discuss NIU Athletics NCAA compliance. AD Frazier indicated that the real issue for NIU which is extremely important is ongoing compliance efforts from the NCAA perspective. AD Frazier brought the NIU Athletics Compliance Team to today’s meeting to present a breakdown of NIU’s compliance efforts. AD Frazier stated that for NCAA compliance, what is most important is to have command and control of those particular metrics that govern the data component of tracking student athletes and then the other piece of it which is extremely important is the regulation of Graduation Success Rates (GSR) or Academic Progress Rates (APR). AD Frazier stated that intercollegiate athletics uses many acronyms and performs at a speed that commands the NCAA to maintain a strong oversight component.

Athletic Director Sean Frazier called up to the podium Deputy Athletic Director Christian Spears, who is nationally recognized in the area of NCAA compliance, and Associate Athletic Director Lindsey Hicks, who is responsible for monitoring the day-to-day components of compliance.

Deputy Athletic Director Christian Spears wanted to touch on how NIU goes about interacting with our student athletes. In 2009, when Spears and Hicks arrived on campus, one of their first initiatives was to build a student athlete data base in coordination with our campus ITS. This was a “home grown” product. Many universities purchase outside products or software to help manage these compliance matters. Instead the Athletics Compliance Team was determined to build it internally with campus support. It was a cooperative effort which took some time to accomplish and get everyone on board to see the “big picture” and what Athletics was trying to accomplish. The data base provides “real time” data to our athletes. The athletes are asked a lot of specific questions about the type of experience they want to have, the type of program they want to see, whether or not they are interested in going to graduate school, and what kind of career opportunities they want after graduation. So no matter what happens with NCAA legislation, no matter what happens with the Northwestern case, for example, NIU is prepared to deal immediately with any student athlete’s concern because we have access to our own internal student athlete data base that can be manipulated, changed, asked different questions, priorities re-assessed, and really deal with the individual student athlete’s concerns in real time, first hand and quickly.

Deputy Athletic Director Spears stated that Associate Athletic Director Lindsey Hicks played an amazingly large role in building this data base and really coordinated the effort on behalf of our intercollegiate
athletics program. Associate AD Hicks along with Brett Russell, the NCAA compliance coordinator, proceeded to walk through some of the database features showing briefly the backend of the system to give a context and a sense of exactly what is done with the data.

Associate Athletic Director Lindsey Hicks brought up an image of what the database looks like and explained the advantages of working with an on-campus unit so all the information is pulled in from PeopleSoft and there are none of the security issues associated with hiring an outside company. The system allows Athletics to manage the people who are administrators on this database and to manage the data that is listed on front and edit the text. This is crucial given the NCAA reforms and changes in legislation. Athletics is able to access and update the database in-house without going to ITS for technical support. Each July the NCAA issues slight changes in all of the different forms that Athletics is required to have signed off and this system allows for real-time updates of the forms to occur. In terms of the time period covered by the database, 2014 is for the next academic year (2014-2015).

Associate Athletic Director Hicks indicated that with this system, it is possible to look at whether all the information has been submitted and whether the submitted information has been approved by the compliance office. There is also the opportunity to query based on everyone who has been coded or those that are active or inactive. The active/inactive component was something that Athletics worked closely with Internal Audit to establish. Because many times there are student athletes that begin the year but are no longer on the roster by the end of the year, we are able to keep the same data that we need for those athletes that originally filled it out but are now inactive while also having an active list that if we need to get any of this information to anyone all of the coding is done in PeopleSoft and ties directly to the database.

AAD Hicks stated that access to the system is restricted and only certain people are allowed to fill out the information on the database. It is done through a link on our website. Access requires a sign-in with their Z-id and password just like they would to access MyNIU. Individuals must complete each screen before moving to the next. A response is required and a question cannot be skipped. Once the information is completed, it is reviewed by the compliance team and approved or if there are questions about the information a follow-up inquiry will be made. One of the greatest things is the ability to generate reports based on every section. Administrators are able to query the data for a certain sport and then export this data. This helps with programming beyond athletics including academics and our life skills program including graduate school plans or career interests or concerns the student athlete may have. So we are able to craft questions specific to what is needed or what we want to know about the student athlete population at that time.

Trustee Boey asked Associate AD Hicks what the current population of the student athletes was. Associate AD Hicks indicated it ranges between 400 and 410 depending on the specific time of year.

Deputy Athletic Director Christian Spears indicated that he had one last thing he wanted to share with the Board. He emphasized that the drop-down menu shows all the different reporting functions from an individual such as: Do we have consent to drug test our student athlete or can you verify your automobile registration? There are all sorts of things that Division I Athletic Programs are required to monitor. This database does that for us and we specifically ask the questions of our student athletes and we require them to fill it out. So if and when we ever would get accused or “God Forbid” an allegation of some kind of impermissible benefit was provided, we go directly to our database. Look and see how the student athlete responded and then provide that information whatever it happens to be to an outside NCAA auditor. So we are well positioned to make sure that the Board feels comfortable about how we are managing our athletic programs.

Trustee Strauss inquired: You have a number of regulations that you are responsible for complying with. So I’m wondering whether you have gotten to the point where you’ve constructed some sort of a dashboard or Christmas tree affair, something that allows you quickly to be able to determine when you have to be able to examine things that are required for compliance and whether or not they are in compliance.
Deputy Athletic Director Spears responded: To be honest with you, we use the self-reported violations that we have as an institution and then we review the self-reported violations that other likeminded institutions have, we usually utilize our own conference the Mid-American Conference to determine that. We're in a situation where our conference has its own infractions committee. There are only two conferences in the country that have their own internal infractions committee – the PAC 12 and the Mid-American Conference. So we get access via Sean or Deborah or Lindsey or myself to every single school's self-reported violation and then we review those to say - do we, could we, will we have a similar problem on our campus and that becomes our dashboard to assess if there are likeminded schools/similarly situated schools involved in these things and maybe we should do a double and triple check to make sure that we are not. I would imagine that other schools do the same thing with our self-reported violations.

Trustee Strauss inquired: But you haven't found a way yet to be able to identify for instance those things that are higher risk to look at them proactively. I'm asking so that we can see whether there are some models that we can apply more generally throughout the university.

Deputy Athletic Director Spears replied that other than assessing our own likeminded institutions and then our roles on national committees (we are in a situation where I’m the past president and Lindsey on the board of directors, Sean the past president of MOAA), we have access to national data that we also have conversations about – are we going to have this issue here or do we need to reassess how we manage a particular process or protocol based on what's happening nationally. So do we have a specific dashboard? No. But do we have a keen interest in understanding what's happening at other institutions and use those things in our own dialogue? Yes.

Lastly, Deputy Athletic Director Spears wanted the Board to see the national metrics. These are the metrics that you as a Board of Trustees and/or the CARL Committee responsible for compliance should be aware of. So the NCAA has the academic progress rate (APR), the key thing here is to understand that the APR of all of our teams are above the 930 cut score. The 930 cut score is very important because it can put you in a situation where you will not be ineligible for postseason competition and/or suspensions of particular sports teams or student athletes. We want to stay above the 930 cut score. That is our goal. We have remained above the 930 cut score since the inception of the APR and we hope to continue to do that. We have programs that are near and dear and that are closely related to that 930 cut score that we have processes, policies, programs and protocols in place to ensure that we maintain a high level of scrutiny when and if we do become close to that cut score. We hope to maintain our ability to manage that and we want you to be aware that this is an important metric for us all to understand.

Trustee Strauss asked: I’m curious as to what the impact is on the APR when you have student athletes who leave your program.

Spears responded that Athletics does projection worksheets on every single student athlete. Any time we have a transfer situation or we have a student who becomes ineligible and leaves our institution, we review with the coach and the athletic director as well as the sport administrator the impact of that individual student athlete leaving the program in real time and then we project forward what this will do to our APR in the next year. This is somewhat unique. You would think everyone would do that, but I can tell you that out of 127 Division I football playing institutions not everyone does that. We do, because we want to make sure that we have a real time understanding of a projected forward look on the impact of one student athlete leaving our program.

Spears said the Graduate Success Rate (GSR) is a 6 year graduation rate that includes transfers that leave our institution eligible and transfers that come into our institution and graduate. So it’s different from the federal graduation rate in just that respect. We are well above the national average here. We lead the Mid-American Conference in arguably the most visible sport of football with an 85% graduation success rate. We are well positioned to maintain success in our graduation success rate with the way this institution long ago determined our academic program is outside of athletics it reports to the Provost.
Office. We have great people in those areas. They make sound decisions. They work critically and appropriately with faculty reviewing our individual student athletes and we are earmarked for success long term because of the decisions that were made long ago on how we manage our academic program here at NIU.

The academic BCS, USA Today and an independent educational council puts out a listing of who does the best job at a football playing institution of graduating their student athletes and ensuring that they are academically successful and you can see for the last two years unfortunately we've been 2nd. Hopefully we will be able to right that ship and get to #1.

Trustee Boey concluded: Great! Thank you Sean, Christian, and Lindsey for taking the time and thank you for managing our program so well. We appreciate it. Have a good day.

Boey: Are there any other matters to come before this committee?

**NEXT MEETING DATE**

The Chair announced that the next meeting of the Compliance, Audit, Risk Management and Legal Affairs Committee is scheduled Thursday, August 28, at 9 a.m. in DeKalb.

**ADJOURNMENT**

Chair Boey asked for a motion to adjourn. Trustee Strauss so moved, seconded by Trustee Butler. The meeting was adjourned at approximately 1:01 p.m.

Respectfully submitted,

Cheryl A. Ross  
Interim Recording Secretary

*In compliance with Illinois Open Meetings Act 5 ILCS 120/1, et seq, a verbatim record of all Northern Illinois University Board of Trustees meetings is maintained by the Board Recording Secretary and is available for review upon request. The minutes contained herein represent a true and accurate summary of the Board proceedings.*
Agenda Item 7.a.
August 28, 2014

TITLE IX

Karen L. Baker, Associate Vice President, Administration and Human Resource Compliance and Nikkita Carrington, Assistant Director for Training and Development, Center for Affirmative Action and Diversity Resources will give a presentation on Title IX.
Title IX

Center for Affirmative Action and Diversity Resources (AADR) committed to Responding, Resolving, and Preventing Sexual Misconduct at NIU through Awareness and Education

Presented by:

Karen L. Baker, Associate Vice President, Administration and HR Compliance &

Nikkitta Carrington, Assistant Director for Training and Development, Center for

Affirmative Action and Diversity Resources

August 28, 2014
What is Title IX?

Title IX of the Education Amendments of 1972 states in part:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”
Sex-based misconduct includes but is not limited to:

- sex discrimination;
- sexual harassment;
- hostile work environment;
- sexual violence (rape/sexual assault, sexual abuse);
- domestic violence;
- dating violence;
- stalking, and;
- gender-based harassment or discrimination.
Why is Title IX more than *Equity* in Athletics?

Several important Dear Colleague Letters and guidance from the Office of Civil Rights (OCR) expanded the application of Title IX to sexual harassment and sexual violence of students:

- 2001 OCR Guidance on Sexual Harassment recognized sexual harassment of students as a type of sex discrimination prohibited by Title IX;
- 2011 OCR Dear Colleague Letter recognized sexual violence/misconduct (rape/sexual assault, sexual battery and sexual coercion) as a form of sexual harassment prohibited by Title IX;
- 2013 Violence Against Women’s Act (VAWA)/Campus SaVE Act expanded the definition of sexual violence to include domestic violence, dating violence, and stalking for Clery purposes.
Why Title IX is Timely....

- May 1, 2014 – OCR released list of **55** colleges and universities being investigated for possible Title IX violations

- May 31, 2014 – **5** schools were added to the list

- June 30, 2014 – **4** more schools added

- July 2, 2014 – **3** more schools added

- July 23, 2014 – **4** more schools added
Schools Under Federal Investigation

- In Illinois, Knox College and The University of Chicago are under investigation.
- Northwestern is facing a Title IX controversy not specifically related to a federal complaint or investigation.
- In the Mid-American Conference (MAC), University of Massachusetts-Amherst and University of Akron in Ohio is under investigation.
Title IX offenses at NIU

- During Fiscal Year 2014, eighty-five (85) Title IX offenses were investigated and/or adjudicated, including seven (7) sexual assaults;

- During current Fiscal Year 2015, five (5) Title IX offenses have been investigated and/or adjudicated.
What are the Title IX Requirements for NIU?

Pursuant to Title IX, NIU must:

• Respond to all complaints of sexual harassment and/or sexual violence;
• Designate a Title IX Coordinator;
• Publish a notice of non-discrimination to all employees and students;
• Adopt and publish grievance procedures;
• Train all employees regarding Title IX compliance;
• Define how notice of sexual harassment/sexual violence is received;
• Define the Responsible Employees, and;
• Identify procedures on how to handle the reluctant/confidential and anonymous complainant, witness and offender.
Responding to Complaints of Sexual Harassment and/or Sexual Violence

When NIU knows or has reason to believe that sexual harassment and/or sexual violence involving a student and/or employee has occurred, NIU must take immediate action to:

- Conduct a prompt preliminary inquiry/investigation to determine what occurred;
- Take immediate steps to resolve the situation, including implementation of applicable interim measures;
- Eliminate the harassment/sexual violence;
- Prevent its recurrence, and;
- Address the effects of the behavior.
Responding to Complaints of Sexual Harassment and/or Sexual Violence continued

Any student or employee (other than Responsible Employees) who witnesses and/or experiences what s/he believes is a form of **sex-based misconduct** is strongly encouraged to address this conduct via one or all of the following options/procedures:

- Contacting a Title IX Coordinator for an appointment to discuss the incident in a confidential setting;
- Filing an Incident Report of sexual misconduct utilizing the Maxient Reporting System;
  - If warranted by the facts, AADR will conduct a Title IX investigation within 45 to 60 days from notification of the incident.
  - Interim measures deemed necessary to protect the rights and personal safety of its community as part of the investigation.
  - The finding and recommendation for sanctions will be forwarded to the Office of Student Conduct for review and decision.
Responding to Complaints of Sexual Harassment and/or Sexual Violence continued

• Contacting the NIU Police for assistance;
  — Any employee and/or student may file a police report with the NIU Police.
  — The Police Department will make the individual aware of the services and/or Victim Advocacy Services.
  — The criminal investigation and Title IX investigation will proceed independently.

• Seeking assistance through the various confidential campus resources.
  — Confidential resources are available to provide advocacy service to victims/survivors.
  — Conversations conducted utilizing confidential resources and/or services are privileged to the extent permissible at law.
Designation of the Title IX Coordinator

The Title IX Coordinator is responsible for:

- Coordinating the University’s efforts to comply with Title IX;
- Serving as the contact person for government inquiries;
- Acting as the point person for campus complaints;
- Creating and implementing appropriate Title IX policies and procedures;
- Preventing and remediating gender/sex based discrimination, sexual harassment, and sexual violence.
Karen L. Baker, Associate Vice President, Administration and HR Compliance & Title IX Coordinator, 1515 W. Lincoln Highway, Dekalb, IL 60115, (815) 753-5017, kbaker@niu.edu.

Sara Cliffe, Deputy Title IX Coordinator, Compliance Administration, 1515 W. Lincoln Highway, DeKalb, IL 60115, (815) 753-6540, scliffe@niu.edu.

Anne Birberick, Deputy Title IX Coordinator for Academic Affairs, Foreign Languages & Literatures, Allgeld Hall 220, DeKalb, IL 60115, (815) 753-0494, annie@niu.edu.

Debra Boughton, Deputy Title IX Coordinator for Athletics, Intercollegiate Athletics, Convocation Center, Room 200D, DeKalb, IL 60115, (815) 753-9541, dboughton1@niu.edu.

Jeanne Meyer, Deputy Title IX Coordinator for Student Conduct, Office of Community Standards & Student Conduct, Campus Life Building, Room 280, DeKalb, IL 60115, (815) 753-9286.

Sarah Adamski, Assistant Director for Title IX Investigations, Center for Affirmative Action & Diversity Resources, 1515 W. Lincoln Highway, DeKalb, IL 60115, 753-5560, sadamski@niu.edu.
Notice of Nondiscrimination

- The Title IX regulations require that each recipient publish a notice of nondiscrimination stating that the recipient does not discriminate on the basis of sex in its education programs and activities, and that Title IX requires it not to discriminate in such a manner.

- The notice must state that inquiries concerning the application of Title IX may be referred to the recipient’s Title IX Coordinator or to OCR. It should include the name or title, office address, telephone number, and e-mail address for the recipient’s designated Title IX Coordinator.

- The notice must be widely distributed to all students, employees, applicants for admission and employment, and other relevant persons.
Title IX Grievance Procedures

- NIU must provide all employees and students with a prompt and equitable avenue for resolving complaints of sexual harassment/sexual violence.

- Grievance Procedures must include:
  - Notice to students and employees of the grievance procedures, including where and to whom the complaints may be filed;
  - Application of the procedures to complaints alleging harassment carried out by employees, other students, or third parties;
  - Adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
  - Designated and reasonably prompt time frames for the major stages of the complaint process;
  - Notice to parties of the outcome of the complaint;
  - An assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others.
Title IX Education and Training

- All employees must receive training on Title IX and the obligation to report allegations, complaints and/or notice of sexual harassment and/or sexual violence to the appropriate school official.

- Responsible Employees must receive training on how to respond appropriately to any allegation, complaint and/or notice of sexual harassment and/or sexual violence.

- OCR recommends that this training be provided to any employees likely to witness or receive reports of sexual harassment and/or violence, including:
  - Teachers
  - School Law Enforcement Unit Employees
  - School Administrators
  - School Counselors
  - General Counsels
  - Health Personnel
  - Resident Advisors
Title IX Education and Training continued

At NIU, Non-Discrimination/Title IX Education and Awareness Training is conducted by the Center for Affirmative Action and Diversity Resources (AADR) for all employees and includes:

- Overview of NIU Non-Discrimination/Sexual Harassment Policy
- Protected Categories
- Sexual Harassment
- Affirmative Action Complaint
- Understanding Title IX
- University Responsibility
- Responsible Employee
- Notice
- Sexual Misconduct Terminology
- Consent
- Title IX Complaint Process
- Confidential Resources
- External Agencies
Training of Employees

As of August 28th Title IX training has been conducted for the following NIU departments:

- Division of Finance
- New Employees
- ITS Helpdesk Graduate Assistants
- Resident Hall Directors, Community Advisors & Housing Employees
- Department of English Teaching Assistants
- Building Service Workers
- Human Resource Services
Notice of Sexual Harassment and/or Sexual Violence

A school has notice if a “responsible employee” knew, or in the exercise of reasonable care, should have known, about the sexual harassment or violence.

There are two types of notice that warrant a formal investigation:

- Actual notice
- Constructive notice
The University has **actual** notice when an individual:

- Files a Title IX grievance;
- Notifies the Title IX Coordinator or other responsible employee that discrimination on the basis of sex and/or gender has occurred;
- Complains to NIU Police or security official;
- Witnesses the discrimination and/or harassment;
- Receives information from sources such as flyers, postings, media, videos or social media messages.
The University receives constructive notice when:

- The pervasiveness of the harassment is enough to conclude that the college should have known of the hostile environment – where harassment is widespread, openly visible, or well known to students and/or staff;
- The institution should have known of incidents of harassment based on a report to an employee who had a reporting duty to a supervisor, but failed to uphold that duty, or based on a complainant’s reasonable understanding of the apparent authority of the person to whom the report was made, though that employee in fact lacked actual authority as a mandated reporter.

**NOTE:** Contacting the following offices does NOT put the University on notice unless warranted by the facts of the case as required by law:

- Ombudsperson
- Health Service
- Victims Advocacy Service (VAS)
A responsible employee includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report harassment or other types of misconduct to appropriate officials; or
- Is someone a student could reasonably believe has this authority or responsibility.
A reluctant victim is one that does not want his/her name disclosed or to participate in an investigation.

- If a complainant requests that his/her name not be used, the University should take all reasonable steps to respond and investigate the matter consistent with the request to remain confidential and/or anonymous, so long as doing so does not prevent NIU from responding effectively and preventing recurrence of the harassing behavior.

- The University cannot guarantee privacy if doing so would jeopardize the safety of the complainant and/or others.

- A committee will meet to discuss and decide whether or not confidentiality should be maintained when requested and will consist of the Title IX Coordinators, the Title IX Investigator(s), a representative from Victim Advocacy Services, and a representative from the NIU Police Department.
Title IX - Retaliation

NIU has a zero tolerance for retaliation. Both the Non-Discrimination/Harassment and Title IX policies prohibit retaliation against an individual who participates in a protected activity. A protected activity includes:

- Opposing unlawful employment/educational activity;
- Filing a complaint;
- Assisting someone in reporting discrimination or filing a complaint;
- Participating in any manner in an investigation of discrimination;
- Protesting any form of discrimination and/or sexual misconduct.
Questions?

Thank you for your participation!

If you have any questions, please feel free to contact AADR:

Phone: (815) 753-1118
Email: aadr@niu.edu
or visit our website at:

http://www.hr.niu.edu/ServiceAreas/DiversityResources.

Title IX Policy: http://www.hr.niu.edu/policy/PolicyView.cfm?Policy=670
RISK MANAGEMENT

Sara Cliffe, Director of Compliance Administration and Emily Hochstatter, Compliance Coordinator of Compliance Administration will give a presentation on Risk Management.
Risk Management is a process of:

- Identifying
- Analyzing
- Evaluating
Management of Risk

Risks may be managed by:
- Avoidance;
- Transfer;
- Control;
- Eliminate; or
- Acceptance (funding the cost of risk).
Dept. of Central Management Services

- Comprehensive General Liability Plan
- Employee Indemnity Plan
- Motor Vehicle Liability Plan
- Worker’s Compensation
Compliance Administration

Compliance Administration maintains responsibility for risk management and the procurement of insurance to protect the resources and assets of the University.

Risk Management facilitates a total of twenty-four (24) insurance policies.
University-Wide Policies

1. Property
2. General Excess Liability
3. Educator’s Legal Liability
4. Liquor
5. Crime
6. Foreign
1. Property Insurance

Covers:

- Damage to Real and Personal Property
  - Business Interruption
  - Extra Expense
  - Rental Value
  - Royalties
  - Transit
  - Accounts Receivable
  - Leasehold Interest
MHEC MPP – Other Schools

Missouri State System
Harris Stowe State University
Lincoln University
Missouri Southern State University
Missouri State University
Missouri Western State University
Northwest Missouri State University
Southeast Missouri State University
Truman State University
University of Central Missouri
Nebraska State College System
University of Minnesota
University of Missouri
University of Nebraska
St. Louis Comm. College
Central Michigan Univ.
Eastern Michigan Univ.
Ferris State Univ.
Grand Valley State Univ.
Lake Superior State Univ.
Northern Michigan University
Oakland Univ.
Saginaw Valley State Univ.
Western Michigan Univ.

Johnson County Comm. College
Chicago State Univ.
Eastern Ill. Univ.
Governor’s State Univ.
Illinois State Univ.
Northeastern Illinois Univ.
Northern Illinois University
Southern Illinois Univ.
University of Illinois
Western Illinois Univ.
Aurora Univ.
Nevada System of Higher Ed.
Lewis & Clark college
Pima Comm. Coll.
Seattle Pacific Univ.
Westminster College
Indiana Wesleyan Univ.
Willamette Univ.
Roosevelt Univ.
Reed College
Loyola University
University of Wyoming
Colorado College
Univ. of Maine System
Clark University
Washburn University
MHEC MPP – Pooling Structure

- $250,000,000 Excess Layer Per Occurrence (Shared Limit)
- $250,000,000 Excess Layer Per Occurrence (Shared Limit)
- $500,000,000 Excess Layer Per Occurrence (Shared Limit)
- $400,000,000 Per Occurrence (Shared Limit) Including $150,000,000 Terrorism Excluding Flood and Earthquake
- $100,000,000 Primary Layer Per Occurrence Per Member Including Flood, Earthquake, Terrorism
- Captive Layer $1,000,000 Per Occurrence $6,458,548 Annual Aggregate
- Minimum $25,000 Institutional Deductible

Northern
Insured values are reviewed annually with the insurance carrier;

Buildings are insured on a replacement cost basis.

Contents and business interruption coverage are provided when required by specific circumstances, including contractual obligations.
Property – Financial Information

Coverage: $1,000,000,000
Coverage Period: July 1 - June 30
Deductible: $25,000*

Premium:
FY 15: $783,923 for $1,931,038,000 TIV
For Fiscal Year 2017, MHEC is imposing a deductible increase to $100,000.

Problem: Bond Covenants and Leases often require a $25,000 deductible
2. Excess General Liability (GL)

Coverage for:
- personal injury
- advertising injury, and
- property damage.
Covers by Endorsement:

- student health center
- public safety operations
- crisis events and
- accidental death benefits.
GL - continued

Contractual liability and criminal acts, once proven, are among the exclusions.
The policy provides coverage to:

- the University,
- Trustees,
- Officers,
- Employees while acting within the scope of their duties, and
- Volunteers.

GL - continued
GL - continued

**Policy Options** - students

- student teachers teaching as a part of their educational requirements, and
- students participating in unpaid practicums, internships, clinical training, or similar programs in satisfaction of a course requirement for which academic credit is granted.
GL – continued

Coverage: $10,500,000 per occurrence
$19,650,000 in the aggregate

Coverage Period: August 30 - August 29

Total Cost: FY 14: $111,377
Self-Insured Retention: $350,000
3. Educator’s Legal Liability (ELL)

ELL provides coverage for employment practices, including:
- wrongful dismissal, discharge or termination,
- harassment and sexual harassment,
- discrimination,
- retaliation,
- failure to grant tenure,
- non-employment discrimination (sexual harassment and unlawful discrimination of students and patients),
- libel, slander, defamation, or violation of individual’s right to privacy.
ELL - continued

The coverage extends to:

- the “Board of Trustees of Northern Illinois University,”
- a past, present, or future duly elected or appointed director, officer, trustee, trustee emeritus,
- executive director,
- department head,
- committee member (of a duly constituted committee of the Organization),
- staff or faculty member (salaried or non-salaried),
- employees (includes part-time, seasonal and temporary), and
- volunteers.
Contractual liability and criminal acts, *once proven*, are among the exclusions.
ELL - continued

Coverage: $10,000,000

Coverage Period: August 30 - August 29

Cost: $85,829

Self-Insured Retention: $350,000
4. Liquor Liability

Under this policy, the University receives coverage for claims alleging injury resulting from the acts of an intoxicated person or as a consequence of the intoxication of any person.
Liquor - continued

Coverage: $1,000,000
Coverage Period: July 1 – June 30
Total Cost: FY 15 (quote): $2,302
Deductible: $0
5. Crime Policy

This Policy provides coverage for:

- employee theft,
- forgery or alteration, and
- theft or robbery of money and securities.
Crime - continued

Coverage: $10,000,000
Coverage Period: July 1 – June 30
Total Cost: FY 15 (quote): $21,498
Deductible: $25,000
6. Foreign Liability Policy

This policy provides
- general liability,
- employer's liability,
- worker's compensation and
- automobile coverage
for University employees working in or visiting foreign countries.
Foreign – Coverage

• General Liability:
  – Bodily injury/property damage, $1,000,000 per occurrence
  – Products/Completed Ops, $2,000,000 aggregate
  – Personal and Advertising Injury, $1,000,000 aggregate
  – Medical Payments, $10,000
  – Employees Benefits $1,000,000

• Auto Liability:
  – $1,000,000 combined single limits (owned, hired, non-owned)
  – $25,000 property damage hired auto, one accident and aggr.
  – $10,000 medical payments per person, $25,000 per accident

• Workers Comp: State of hire
• Employers Liability: $1,000,000 per occurrence
• Executive Assistance Services: $1,000,000 policy limit
• Accidental Death & Dismemberment: $25,000 per employee with aggregate limit of $1,500,000
Foreign – continued

Coverage Period: August 30 – August 29

Cost: FY 14: $3,588
Deductible: $0

$1,000 for each employee benefits claim
Looking Ahead

- Cyber Risk Insurance
- Enterprise Risk Management (ERM)
- Risk Management Committee
Questions

Thank you for your participation!

If you have any questions, please feel free to contact Risk Management at 815-753-6540, email scliffe@niu.edu or emurray2@niu.edu.