

Guidance re: University Training Programs

All Northwestern University faculty, staff, units, and departments are required to comply with applicable anti-discrimination laws.¹ This memorandum has been prepared as a reminder to the Northwestern University community about the requirements under federal anti-discrimination laws and provides guidance regarding student, staff, and faculty trainings offered at Northwestern University. University stakeholders with questions about specific training programs should contact ad-faqs@northwestern.edu for guidance.

Training Administration

Discrimination on the basis of protected characteristics (e.g., race and sex) is prohibited with respect to any term, condition, or privilege of employment. This prohibition is broadly construed and applies to, among other things, the provision of training opportunities. See 42 U.S.C. § 2000e; 775 ILCS 5/2-102(A). Such discrimination is also prohibited in the offering of programs and activities to students. See 42 U.S.C. § 2000d. Accordingly, access to University trainings should be provided in a non-discriminatory manner. At the same time, it is permissible to make trainings available only to select individuals (e.g., supervisors, new hires, 1st-year students, etc.), provided such restrictions are non-discriminatory and comply with applicable federal, state, and local law.

Consistent with the above, activities within University trainings should be conducted in a non-discriminatory manner. Trainees should not be separated or segregated on the basis of protected characteristics, even if the separate groups receive the same training content. For example, when administering a sexual harassment training on campus, participants should not be divided into groups based on their sex, sexual orientation, gender identity, or any other protected characteristic.

Voluntary vs. Mandatory Training

Trainings that are required under federal, state, or local law should be mandatory for relevant University community members. For example, Illinois state law requires annual sexual harassment prevention training for all employees. Trainings should also be mandated when they are necessary for an employee's performance of the duties and responsibilities of their job, for a student to meet relevant academic or programmatic requirements, or for community members to satisfy other University requirements.

Federal guidance highlights the possibility that training on diversity, equity, and inclusion-related topics may (intentionally or not) create a hostile work environment, specifically in cases where the training is discriminatory in content, application, or context. Accordingly, training on such topics should be carefully reviewed for compliance with applicable law before being made available to the University community. And in the absence of a requirement under University policy or federal, state, or local law, such training should be offered on a voluntary basis only.

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¹ Please refer to Northwestern University's [Non-Discrimination Statement](#) and [Policy on Discrimination, Harassment, and Sexual Misconduct](#) for more information and resources.