

427.01 Sexual Harassment Policy

The College shall provide its employees and students an educational and employment environment free from unwelcome sexual advances by employees of the College, free from requests for sexual favors by employees of the College and free from other verbal or physical conduct by employees constituting sexual harassment as herein defined and as is otherwise prohibited by state or federal law.

1. Definitions -

A. "Sexual harassment" or "sexually harass" shall mean that term as defined by federal and state law, and, to the extent not inconsistent with federal or state law, shall mean:

1. Unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when one or more of the following is present:
  - Submission to or participation in such conduct is made, whether explicitly or implicitly, a term or condition of the individual's employment at the College;
  - Submission to or rejection of such advances is used as a basis for employment decisions affecting such individual's employment at the College;
  - Submission to or rejection of such advances is used as a basis for grades to be given a student for course work or for the extent or nature of work necessary to successfully complete course work;
  - Submission to or rejection of such advances is used as a basis for a student's selection or participation in any College extracurricular activity.
2. Where unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidation, hostile, or offensive working environment.

B. "Aggrieved Party" shall mean any employee or student who believes he or she has been the victim of sexual harassment by an employee or at an employee's behest.

2. Sexual Harassment Officers (SHO) - The College shall designate two Sexual Harassment Officers (SHO). The Affirmative Action Officer shall be designated as one and the President shall appoint the other. There shall be equal gender representation. SHO shall have the responsibility to observe compliance with this policy, shall have such further responsibilities as are provided herein, and shall have such other related duties as may be assigned from time to time.

3. Sexual Harassment Committee (SHC) - The SHC shall include the members of the members of the Affirmative Action Committee, both Sexual Harassment Officers and the Director of Human Resources.

A. Function -

1. The SHC shall monitor procedures and policies pertaining to sexual harassment.
2. The SHC shall monitor/provide an educational awareness program pertaining to sexual harassment.

B. Frequency of Meetings - the SHC shall meet at least once a year.

4. Violations of Policy - It shall be a violation of this policy for any person employed by the College who is authorized to recommend or to take personnel actions affecting an employee, or who is otherwise authorized to transact business or to perform acts or services on behalf of the College to do any of the following:

- A. To sexually harass any student or employee of the College;
- B. To make sexual advances or to request sexual favors when submission to or rejection of such conduct is, either explicitly or implicitly, the basis for recommending, imposing, granting, withholding, or refusing terms and conditions that either favor or adversely affect an employee's condition of employment or a student's status;

C. To recommend, impose, grant, withhold or refuse to take any personnel action consistent with his or her duties and responsibilities either because of sexual favors, or as a reprisal against an employee or student who has rejected or reported sexual advances or sexual harassment;

D. To fail to take immediate corrective action in the event sexual harassment has occurred; and/or

E. To create an intimidating, hostile, or offensive working environment by continuing to make unwelcome sexual remarks, unwelcome advances, unwelcome requests for sexual favors, or exposure of sexual organs, regardless of whether the person committing such conduct is in a position to adversely affect an employee's position of employment with the College.

5. Effect of Violation - Violation of this policy may result in the discipline of the employee or employees who have committed the act or acts of sexual harassment. Discipline may include discharge.

6. Responsibility of the College and of the Person Allegedly Affected by Sexual Harassment - An employee, student, or other individual who is an aggrieved person shall take the following steps:

A. An aggrieved person who feels comfortable in doing so should immediately inform the person engaging in sexual harassment that such conduct or communication is offensive unless stopped.

B. If an aggrieved individual does not wish to communicate directly with the person whose conduct is offensive, or if an aggrieved individual has had direct communication with the offending party but that communication has been unavailing, then such aggrieved party should contact a SHO. In the absence of both SHO's, the aggrieved individual shall contact a member of the SHC. An aggrieved person alleging sexual harassment by the SHO or a failure of the SHO to take immediate action on the aggrieved person's complaint, shall contact the President of the College. In the event that the aggrieved person alleges that the President of the

College is the person committing acts of sexual harassment, the aggrieved party shall contact the Chairperson of the Board of Trustees.

C. It is important that any complaint about sexual harassment be made promptly. To enable the College to respond appropriately, the aggrieved person shall make her or his report as provided in Section 6A or 6B above as soon as is practicable for the aggrieved person, and in no event, later than 180 days of the event(s) which the aggrieved party alleges constituted sexual harassment.

#### The College Responsibility

D. Timely complaints of sexual harassment made to the SHO or a member of the SHC, or to the President of the College, or to the chairperson of the Board of Trustees shall be handled as follows:

1. Investigation - The person receiving the report shall cause an investigation to be initiated within 24 hours. The investigation shall be conducted diligently and shall include at least the following:
  - a. Interview of the person making the complaint to determine facts, circumstances, and identity of witness.
  - b. Interview of the person who allegedly committed the harassment and, as necessary and appropriate, interview of any witness to the events alleged.
2. Confidentiality - The matters learned in the investigation shall be kept confidential only to the extent consistent with needs to make disclosure to effect remediation or to protect the interests of the College.
3. Remedy
  - a. If in the judgment of the SHO, (or other person responsible for the investigation) it is more probably true than not true that the claimed sexual harassment occurred, the SHO or other responsible person shall, individually or with the SHC, as appropriate, promptly formulate and effect a proposed plan to remedy the harassment.



- A statement detailing the scope of the investigation that has been undertaken and the result there of;

- A statement of the corrective measures pursued including discipline imposed, the date such measures were undertaken and the results achieved; and

- Where possible, a written statement signed by the complainant detailing the conduct about which complaint is made.

F. Quarterly a report will be communicated by the SHOs to the President concerning the status of any complaints made of a sexual harassment nature.

7. Implementation - All levels of administration are responsible to implement practices for persons under their supervision which shall avoid sexual harassment. All members of administration shall correct and notify one of the SHO of any sexual harassment which occurs under their supervision. In addition, all members of the administration shall report any sexual harassment which they observe in other areas of the College to either SHO or to a member of the SHC. In the absence of both SHO and all members of SHC, the report shall be made to the President.

8. Non-Retaliation

A. Initiation of a complaint of sexual harassment will not adversely affect the aggrieved person's employment, compensation, or work assignments, or position as a student.

B. The College will not retaliate against any employee for utilizing the charge provisions of the Illinois Department of Human Rights, Illinois Human Rights Commission or Equal Employment Opportunity Commission.

9. Consensual Relationships

A. Perceived sexual harassment frequently occurs in a situation where there is a superior/subordinate relationship between the parties to the relationship. Such relationships exist between administrator and faculty or staff, between faculty member and staff member, between staff and students, or between faculty and students.

B. In evaluating whether sexual harassment has occurred, the superior employee's perception of consent shall not be given greater weight than the student's or subordinate's assertion that the relationship was not one of mutual or voluntary consent simply because of the superior employee's position or status.

C. College employees who enter into a sexual or amorous relationship with a student or subordinate where a professional relationship exists shall recognize that, if a charge of sexual harassment is subsequently made, the student or subordinate will assert the relationship was not one of mutual or voluntary consent.

D. If an employee enters or seeks to enter into a sexual relationship with a student or subordinate when a professional relationship exists, and the student or subordinate brings any complaint or action against the College claiming sexual harassment, the College shall utilize all appropriate legal recourse against the employee to recover all costs, expenses, settlements, judgments, awards and attorneys fees incurred by the College in any way arising out of such claim or action.

10. A charge of discrimination may be filed with the Illinois Department of Human Rights. The Illinois Department of Human Rights investigates complaints of discrimination. If charges are found to have merit, a complaint of discrimination may be issued, leading to a hearing before an administrative law judge of the Illinois Human Rights Commission. A charge of discrimination, to be timely under Illinois law, must be filed within 180 days of the event complained of.

The Department of Human Rights can be contacted at the following addresses and phone numbers:

Illinois Department of Human Rights  
222 South College, Room 101-A  
Springfield, IL 62704  
(217) 785-5100

Illinois Department of Human Rights  
100 West Randolph Street, Suite 5-100  
State of Illinois Building  
Chicago, IL 60601  
(312) 814-6200

The Illinois Human Rights Commission can be contacted at the following addresses and phone numbers:

Illinois Human Rights Commission  
William G. Stratton Office Building  
Room 404-A  
Springfield, IL 62706  
(217) 785-4350

Illinois Human Rights Commission  
32 West Randolph Street, Suite 5-100  
State of Illinois Building  
Chicago, IL 60601  
(312) 814-6269

08/26/91  
11/22/93  
11/28/94  
6/25/98  
5/22/00  
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