

Appendix M

Policy on Sexual Harassment

I. Introduction

Illinois Institute of Technology is committed to ensuring an environment for all students and employees that is fair, humane, and respectful - an environment that supports and rewards student and employee performance on the basis of relevant considerations such as ability and effort. Behaviors that inappropriately assert sexuality as relevant to student or employee performance damage this environment.

Therefore, IIT will provide for its students and employees an educational and employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment as defined and otherwise prohibited by local, state, and federal law.

II. Sexual Harassment Defined in Employment

The Illinois Human Rights Act, as well as guidelines issued by the federal Equal Employment Opportunity Commission, define *sexual harassment* as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

III. In Relation to Students

The Illinois Human Rights Act specifically prohibits in higher education any unwelcome sexual advances or requests for sexual favors made by a higher education representative to a student. It also prohibits any conduct of a sexual nature exhibited by a higher education representative toward a student, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile, or offensive educational environment.

The Illinois Human Rights Act further provides that a higher education representative may not either explicitly or implicitly make the student's submission to such conduct a term or condition of, or use the student's submission to or rejection of such conduct, as a basis for determining admission to an institution of higher education, courses, fields of study, or programs, including honors and graduate programs; educational performance requirements or expectations; attendance or assignment requirements; placement or course proficiency requirements; quality of instruction; tuition or fee requirements; scholarship opportunities; membership on extracurricular teams or participation in extracurricular competitions; grades in any examination or in any course or program of instruction; progress toward successful completion of or graduation from any course or program of instruction; or what degree, if any, the student will receive. For purposes of this definition, *higher education representative* means any administrator, a member of the faculty, or anyone else providing instruction, including graduate assistants.

IV. Faculty Student Romantic Relationships

Romantic relationships that might be appropriate in other contexts may, within a university, create the appearance or fact of an abuse of power or of undue advantage. Moreover, even when both parties have consented at the outset to a romantic involvement, such consent does not preclude a subsequent charge of sexual harassment against the instructor or supervisor.

V. Recognizing Sexual Harassment

Sexual harassment is unsolicited, offensive behavior that inappropriately asserts sexuality over status vis-à-vis a student or employee. When it occurs in the classroom or in the workplace, sexual harassment can threaten a person's academic status and/or economic livelihood. Sexual harassment takes many different forms and its victims are primarily, but not exclusively, women.

Examples of verbal sexual harassment include sexual innuendo, suggestive comments, insults, humor and jokes about sex or gender-specific traits, sexual propositions, and threats. Non-verbal harassment includes suggestive or insulting sounds, leering, whistling, and obscene gestures. Physical sexual harassment includes touching, pinching, brushing the body, assault, and coerced sexual contact including, but not limited to, intercourse.

VI. Dealing with Sexual Harassment

Awareness of rights and responsibilities is the basis for establishing standards. Therefore, this policy is published in hard copy and electronic form in the faculty, staff, and student handbooks. Also, a copy of the policy is available at various offices on campus.

A. Possible Individual Actions Other Than Complaint

In circumstances where it would not jeopardize personal safety, job status, or academic status, a person subjected to unwelcome attention should communicate clearly to the offender that the behavior is not welcome and should cease immediately.

An effort should be made to determine whether other students or coworkers have been harassed. Together, complainants are in a stronger position to cope with the situation and the offender.

Advice on how to deal with harassment should be sought from the Dean of Students or the Assistant Dean for Academic Administration and Student Affairs at Chicago-Kent for Chicago-Kent), the Title IX Coordinator, the Associate Vice President of Human Resources or the Director of Equal Opportunity and Affirmative Action.

B. Making a Complaint

A complaint alleging violation of the policy prohibiting sexual harassment may be filed by any person who has been the subject of such harassment. The privacy of complainants and those accused of violating this policy shall be protected to the extent possible. Upon motion of any party, meetings and hearings shall be closed. All reasonable measures will be taken to assure that no one involved in any complaint, investigation, or remedy shall suffer retaliation as a result of the proceedings.

Except for informal complaints in which the complainant elects to take no action beyond consultation, all parties involved in the complaint shall be informed of the content and status of the complaint and shall be given the opportunity to respond. No actions with respect to the complainant shall be initiated without the consent of the complainant, unless a determination is made by the General Counsel that the best interests of the individuals or the university require action, notwithstanding the absence of such consent.

C. Informal Consultation and Resolution

Members of the university community who believe they have been subjected to sexual harassment as defined in this policy are encouraged to seek counsel, as appropriate, of faculty members, residence hall advisers, academic unit heads, deans, supervisors, department heads, or administrative officers of the university. The offices of student affairs, human resources, the Student Health and Wellness Center and the Title IX Coordinator are particularly appropriate entities/persons from which to seek counsel.

The person from whom counsel has been sought will review the options available under this policy and, at the complainant's request, may help the complainant to resolve the matter informally. However, such person should promptly contact the Dean of Students, or Assistant Dean for Academic Administration and Student Affairs at Chicago-Kent (for Chicago-Kent, the Associate Vice President of Human Resources, the Title IX Coordinator or the Director of Equal Opportunity and Affirmative Action, as appropriate, prior to an attempt at informal resolution. Should informal resolution not be possible, the person from whom counsel has been sought should assist in drafting a formal complaint or should refer the complainant promptly to one of the administrators identified above for assistance. The person alleged to have violated this policy will not be informed of the allegation without the consent of the complainant until and unless he or she is requested to assist in informal resolution of the allegation or a decision is made to submit a formal complaint.

D. Investigation Prior to Formal Action

Formal complaints should be filed with the Director of Equal Opportunity and Affirmative Action who will consult with the appropriate administrative officers to determine the method by which a preliminary investigation will be conducted. The purpose of the preliminary investigation is to establish whether there is a reasonable basis for believing that a violation of this policy occurred. The preliminary investigation will afford the accused notice of the allegations and ample opportunity to respond. The investigator shall interview the complainant, the accused, and any other persons believed to have pertinent information, taking precautions to insure confidentiality throughout.

At the close of the preliminary investigation, the investigator shall prepare a summary statement of findings. Possible outcomes include a judgment that the allegations are not founded; a negotiated settlement of the complaint; and a recommendation for formal action.

The investigator and the parties involved shall sign the statement of findings and copies will be provided to the parties and to the affirmative action officer.

E. Formal Action

Upon receipt of a recommendation for formal action, the Director of Equal Opportunity and Affirmative Action will review the report of the preliminary investigator with the appropriate administrative official defined below:

When a faculty member, graduate assistant, or other academic employee has been charged, the Provost or that person's designee; when a staff member has been charged, the Associate Vice President of Human Resources or that person's designee; when a student has been charged, the Dean of Students or Associate Dean (Chicago-Kent) or that person's designee.

Changes in the administrative structure may require revisions in the assignment of administrative officers. Cases involving faculty members will be governed by the appropriate procedures in the Faculty Handbook; those involving student violations will be governed by the student code of conduct (in the IIT Student Handbook), or the *Chicago-Kent Student Handbook*, as appropriate; those involving staff will be handled by the process outlined in the Employee Handbook.

Efforts shall be made by the appropriate hearing panel/administrator to resolve the matter before it. At the close of the hearings, the panel/administrator shall prepare a summary stating whether or not a violation has occurred and shall recommend a disposition if a violation is determined to have occurred. Recommendation for remedies may include, but are not limited to, mandatory workshop participation, therapy, reprimand, apology, suspension, and/or termination of the offender subject to established university procedures. If there are findings of frivolous or malicious allegations, they will be addressed by the panel/administrator and recommendations for remedy shall be made.

In extraordinary circumstances the Provost or President, in consultation with the Chair of the University Faculty Council, may, at any time during the proceedings, suspend a member of the university community from participation in activities where there is cause to believe that serious and immediate harm to others will ensue.

The reports of hearing panels/administrator shall be submitted to the appropriate officers of the university as follows: instances involving faculty shall be reported to the Provost; those involving students to the Dean of Students or Associate Dean (Chicago-Kent); those involving staff to the Associate Vice President of Human Resources. The final decision on remedies shall be made by the appropriate officer and shall be reported to the hearing panel and the parties involved.