

Sexual Harassment Policy Statement

Southern Illinois University is committed to a policy of providing equal employment and educational opportunities. In particular, Southern Illinois University is committed to maintaining a community in which students, faculty, and staff can work and learn together in an atmosphere free of all forms of discrimination, including sexual harassment. Sexual harassment violates the dignity of the individual and the integrity of the University as an institution of higher learning, and thus, sexual harassment in any form will not be tolerated at Southern Illinois University. This policy applies to all employees, students, contractors, and visitors of Southern Illinois University.

This policy prohibits sexual harassment, retaliation related to sexual harassment claims, knowingly reporting false sexual harassment complaints and knowingly providing false information during the investigation of a sexual harassment complaint. All University employees are responsible for taking reasonable and necessary action to prevent sexual harassment, and all members of the University community are expected to contribute to an environment free of sexual harassment, and are encouraged to report promptly (pursuant to campus procedures) any conduct that could be in violation of this policy. Each SIU campus shall adopt specific procedures for reporting, investigating and resolving harassment claims.

This policy shall not abridge any individual's speech and due process rights under the First and Fourteenth Amendments; nor shall it abridge principles or rights of academic freedom or the University's educational mission. Prohibited sexual harassment and discrimination are not expression protected as a matter of academic freedom.

Definition of Sexual Harassment

Sexual Harassment in employment means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature, when:

- Submissions to or toleration of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment (this is a type of *quid pro quo* – meaning “this for that” – sexual harassment); or
- Submission to or rejection of such conduct by an individual is used as a basis (or threatened to be used as a basis) for employment decisions or assessments affecting such individual (this is a type of *quid pro quo* – meaning “this for that” – sexual harassment); or
- Such conduct has the purpose or effect of substantially interfere with an individual's work performance or creating an intimidating, hostile, or offensive working environment (this is a type of hostile environment sexual harassment).

Sexual Harassment in higher education means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature, when:

- Submissions to or toleration of such conduct is made, either explicitly or implicitly, a term or condition affecting the student's participation in or benefit from any of the academic educational, extra-curricular, athletic, or other programs of the University (this is a type of *quid pro quo* – meaning “this for that” – sexual harassment); or
- Such conduct has the purpose or effect of substantially interfering with a student's academic performance or creating an intimidating, hostile, or offensive academic environment (this is a type of hostile environment sexual harassment).

Hostile environment sexual harassment occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects an employee's work performance, limits a student's ability to participate in or benefit from a University program or activity, or creates an intimidating, threatening or abusive working or academic environment. Sexual harassment generally includes something beyond the mere expression or display of views, words, symbols, images, or thoughts that some persons find offensive.

Totality of the Circumstances: In determining whether alleged conduct constitutes sexual harassment, the record as a whole and the totality of the circumstances will be considered. Circumstances may include the frequency

of the conduct; its severity; whether it was physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interfered with the alleged victim's work performance or ability to participate in or benefit from the University's programs. The objective severity of the conduct will be judged from the perspective of a reasonable person in the position of the alleged victim and not on the intent of the person engaging in the conduct.

Examples of behavior that may be considered sexual harassment include, but are not limited to:

- Physical sexual assault or coerced sexual intercourse;
- Unwelcome physical contact, such as touching of a person's body, hair or clothing, or hugging, patting or pinching;
- Direct or implied threats that submission to sexual advances will or could be a condition of employment, work status, promotion, performance evaluation, grades, letters of recommendation, or other work or educational benefits (*quid pro quo*)
- Severe or persistent unwelcome verbal, physical or other expressive conduct that is offensive or humiliating in a sexual way. Such conduct may include comments of a sexual nature and/or sexually explicit statements, questions, jokes, anecdotes, gestures, or facial expressions that would offend or humiliate a reasonable person in the circumstances of the individual experiencing this conduct. Conduct need not be in person but can be any form of communication including but not limited to written, telephone, or electronic communication such as electronic mail and/or comments sent via the internet.
- Exhibition or use of sexually explicit materials in the workplace or learning environment that have no relationship to the curriculum or research or the mission of the University and substantially interfere with an employee's work performance or a student's ability to benefit from University programs. Such materials may be in the form of music, documents, objects, photographs, film or electronically generated materials.
- Any unwanted, inappropriate behavior that is targeted to a person or person(s) because of their gender or sexual orientation, for example

repeatedly telling women (or men) that they are not capable of doing a certain kind of work.

- Amorous or sexual relationships between a faculty member and a student under his or her academic supervision or between a supervisor and an employee under his or her supervision, where the direct power differential compromises the subordinate's free choice. (Even consenting relationships may lead to an actual or perceived conflict of interest or other unethical conduct. See policies on consenting relationships.)

Retaliation is defined as any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of sexual harassment. Retaliation may include, but is not limited to:

- Taking negative tangible employment actions against a person;
- Taking actions that substantially interfere with or have a chilling effect on the employee's or student's ability to participate fully in and benefit from the work or educational environment;
- Failing to provide assistance or instruction that would otherwise be provided;
- Failing to fairly and/or objectively evaluate an employee's or student's performance;
- Failing to record an appropriately earned grade for a student; or
- Otherwise sabotaging an employee's or student's performance or evaluation.

It is a violation of this policy to engage in any retaliatory acts against an employee or student who reports an alleged incident of sexual harassment, or any employee or student who testifies, assists, or participates in a proceeding, investigation, or hearing relating to an allegation or complaint of sexual harassment.

Duty to File in Good Faith/False Reports

Any person who reports alleged sexual harassment or provides information during the investigation of a complaint is presumed to have participated in the investigatory process in good faith. It is a violation of this policy for persons to

knowingly make a false sexual harassment complaint or knowingly provide false information during the investigation of a complaint.

Implementing Procedures

This Sexual Harassment Policy is to be implemented throughout the University, and procedures consistent with this policy for such implementation are to be established on each campus. The President is authorized to delegate to each Chancellor, the authority to develop procedures for the implementation of this Sexual Harassment Policy.

Discrimination (including sexual harassment) Complaint and Investigation Procedures

Policy on Non-Discrimination and Non-Harassment

It is the policy of Southern Illinois University that all students, faculty, staff, and guests should be able to enjoy and work in an educational environment free from discrimination, and harassment. Discrimination against any person or group of persons based on race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental disability, military status, unfavorable discharge from military service, or veteran's status is specifically prohibited in the Southern Illinois University community. This policy on non-discrimination and non-harassment reaffirms Southern Illinois University's commitment to maintain an environment in which ideas are pursued free of intimidation or fear, and the Policy applies to admissions, employment, access to and treatment in all University programs and activities.

Discriminatory harassment includes, but is not limited to, conduct (oral, written, graphics or physical) directed against any person or group of persons because of race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental disability, military status, unfavorable discharge from military service, or veteran's status that has the purpose of or reasonably foreseeable effect of creating an offensive, demeaning, intimidating or hostile environment for that person or group of persons. Such conduct includes but is not limited to

objectionable epithets demeaning depictions or treatment and threatened or actual abuse or harm.

Harassment of any kind is strictly prohibited and may also be a violation of federal and or state laws. Each Chancellor is authorized to develop or use existing procedures for his or her respective campuses to address discrimination and harassment.

(3/13/03, 5/7/09, 04/14/11)

I. DELEGATION AND ROLES

The President has delegated to the Chancellors of SIUC and SIUE the authority and responsibilities to establish campus procedures for the implementation of the *Non-Discrimination and Non-Harassment Policy (SIU Board of Trustees 7 Policies E)* and *Sexual Harassment Policy (SIU Board of Trustees 7 Policies D)* (hereinafter "Policies").

The following procedures shall be used at Southern Illinois University Carbondale to implement and enforce the University's Policies prohibiting discrimination, including sexual harassment, and related retaliation, and to ensure that the University's employees, students, and agents comply with the Policies prohibiting all types of discrimination, including sexual harassment.

A. Role of the Director of the Office of Equity and Compliance

The Chancellor delegates the responsibility for the administration of these Policies and Procedures to the Director of the Office of Equity and Compliance (hereinafter "Director") or appropriate designee. In instances where one of the involved parties reports directly to the Chancellor, the Chancellor shall appoint an outside individual to act in place of the Director. The Director shall be responsible for the investigation of all complaints alleging a violation of one of the Policies, dissemination of the Policies and these Procedures to the University community, coordination of associated education and

training programs, maintenance of centralized records of complaints, and coordination of the resolution of such complaints.

B. Role of Investigators

The Director shall designate individuals to serve as investigators for complaints alleging a violation of one of the Policies. The individuals appointed as investigators shall be trained on the Policies and these Procedures. The investigators shall be appropriately qualified and knowledgeable with respect to discrimination, including sexual harassment, and retaliation laws and guidelines, and the conduct of thorough and appropriate investigations related to these types of claims.

The investigator(s) shall conduct investigations pursuant to Section III(C) of this Procedure, and under the direction of the Director, shall be solely responsible for the investigation of complaints.

II. DEFINITIONS

For purposes of these Procedures, the following terms shall have the ascribed meanings:

Appellant – the individual appealing the disposition of a complaint (either the complainant or respondent).

Complainant – the individual who is the subject of alleged discriminatory, harassing, or related retaliatory action.

Discrimination - Discrimination shall have the meaning ascribed to it in the Non-Discrimination and Non-Harassment Policy, *SIU Board of Trustees 7 Policies E*.

Harassment – means sexual or discriminatory harassment as defined in the Policies.

Respondent – the individual whose conduct is alleged to be a discriminatory, harassing, or related retaliatory action.

Retaliation – Retaliation is defined as any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of a violation of one of the Policies.

Retaliation may include, but is not limited to:

1. Taking negative tangible employment actions against a person;
2. Taking actions that substantially interfere with or have a chilling effect on the employee's or student's ability to participate fully in and benefit from the work or educational environment;
3. Failing to provide assistance or instruction that would otherwise be provided;
4. Failing to fairly and/or objectively evaluate an employee's or student's performance;
5. Failing to record an appropriately earned grade for a student; or
6. Otherwise sabotaging an employee's or student's performance or evaluation.

Sexual Harassment - Sexual Harassment shall have the meaning ascribed to it in the Sexual Harassment Policy, *SIU Board of Trustees 7 Policies D*. Sexual violence such as criminal sexual assault^[1], criminal sexual abuse^[2], and/or sexual coercion are forms of sexual harassment.

Third Party Reporter – An individual who reports alleged discrimination, harassment, or related retaliation, but is not the subject of such discriminatory, harassing, or related retaliatory action.

Witness – An individual who provides information to the University regarding alleged discriminatory, harassing, or related retaliatory action.

III. INVESTIGATION PROCEDURES:

. Reporting Violations of the Policies

Anyone who believes that he or she has been the victim of or witness to discrimination, including sexual harassment or been retaliated against for reporting or acting as a witness to a discrimination complaint or of any other violation of the Policies should promptly report this belief and the basis thereof. These

reports may be made to the Director or any employee of the University including but not limited to his or her supervisor, the supervisor of the individual alleged to have violated the Policies. In order to facilitate the efficient and effective investigation of complaints, the Complainant or Third Party Reporter should include as much relevant information as possible, such as the name of the Complainant, the name of the Respondent, and a factual description of the incident(s) (including dates, times, places, and the names of any witnesses). Complaints should be made as soon as possible, but shall be made no later than one hundred twenty (120) calendar days following the last alleged incident. The Director may waive the deadline for up to one year if in his or her sole discretion the facts and circumstances warrant such waiver.

All complaints not initially filed with the Office of the Equity and Compliance shall be forwarded by the recipient of the complaint to the Office of Equity and Compliance immediately upon receipt. If the complaint is initially made verbally, the recipient of the complaint shall provide a written report to the Office of Equity and Compliance containing as much information and detail as possible. If possible, reports should be made via the SIU Campus Incident or Crime Report form found here: <https://safe.siu.edu/file-a-report/crime-reporting-form.php>.

Written complaints are not required to make a complaint. However, individuals are encouraged to make formal complaints utilizing documents and resources provided by the Office of Equity and Compliance. All complaints, no matter the format received, will be accepted and processed consistent with the University's obligation to investigate complaints, and to the extent permitted by law, these records will be kept confidential.

Consistent with the University's Policies, and its applicability to outside contractors, vendors, program participants, and other visitors to University property and buildings, complaints made against such individuals should be reported in the same manner as

described above, and will be investigated pursuant to the process detailed below, to the extent possible, depending on the particular circumstance.

If complaints appear to include allegations of criminal misconduct, including but not limited to an alleged hate crime or physical sexual assault, the Office of Equity and Compliance shall also advise or assist the Complainant in making a report to the SIUC Police Department for its investigation.

A. Initial Review of Complaint

Within ten (10) business days of receiving a complaint, the Director (or designee) shall review the complaint to determine whether or not it provides sufficient information to warrant a formal investigation, and shall provide notification of this determination to the Complainant. The Director (or designee) may, as part of the review, gather additional information and/or talk to witnesses if necessary to make the determination. The Director (or designee) may extend this time limit for a reasonable period to pursue an informal resolution as described in subsection C of this Section.

B. Informal Resolution

Upon receipt of a complaint, the Director (or designee) shall consider whether the matter may be resolved by utilizing an informal resolution process in lieu of a formal investigation. The informal resolution process may be used only if both parties consent to this process and the Director (or designee) determines that it is appropriate. This process shall permit the Complainant and the Respondent to reach a mutually agreeable resolution prior to a formal investigatory finding.

In determining whether an informal resolution process is appropriate for a particular complaint, the Director (or designee) shall consider the following factors:

- i. the severity of the allegation(s);
- ii. whether any prior complaints have been filed against the Respondent;
- iii. the number of alleged Complainants;
- iv. whether the alleged harm is easily reparable; and
- v. any other relevant factors consistent with the SIU Policies.

Matters under criminal investigation and cases involving sexual violence are not eligible for the informal resolution process.

If both parties agree to attempt to utilize the informal resolution process, and if the Director (or designee) determines that this process is appropriate for the complaint, either the Director or other appropriate individual shall meet with the parties and determine whether an appropriate resolution can be reached. Any such resolution can include, if applicable, an appropriate remedy, a plan for ensuring compliance with its terms, and a requirement of confidentiality by the parties involved.

If a resolution is reached that both parties agree is appropriate, the resolution shall be reduced to writing and signed by both parties. A record of the resolution shall be kept by the Office of the Director . If the parties are unable to reach a resolution of the complaint, then the formal investigation process shall be used to determine the appropriate resolution of the complaint.

C. Formal Investigation Process

If the Director (or designee) determines that the complaint warrants an investigation, the Director shall notify the Complainant and the Respondent of the name of the investigator(s) assigned to the complaint. Further, the Director may recommend to the Chancellor that the Respondent be placed on temporary administrative leave, and/or otherwise temporarily restrict access to campus pending the investigation if, in the Director's judgment, it is necessary to ensure compliance with applicable laws and/or these Policies. The Chancellor may place the Respondent on administrative leave for

no more than thirty (30) business days, with the ability to extend such time for good cause, if necessary, unless otherwise prohibited by a collective bargaining agreement.

The investigator(s) shall begin the investigation as soon as practicable, and shall complete the investigation within thirty (30) business days of receiving the complaint from the Director. The Director may extend this period for good cause based upon the particular circumstances of the investigation.

Upon completion of the investigation, the investigator(s) shall prepare a confidential report of the findings to the Director (or designee). The report shall include a statement as to whether the investigator(s) believe that a violation of the University's *Non-Discrimination and Non-Harassment Policy or Sexual Harassment Policy* occurred, a summary record of the information gathered, and any mitigating or aggravating factors to be considered. This report shall be completed as soon as practicable following the completion of the investigation but in no event later than five (5) business days after the conclusion of the investigation. The Director (or designee) may extend this period for an additional five (5) business days upon request of the investigator(s) and for good cause. Prior to submitting the report to the Director, the Complainant and Respondent shall be provided the opportunity to review the investigative report and provide a written response.

D. Findings

Upon receipt of the report by the assigned investigator(s), the Director (or designee) shall review the report and make a determination as to whether there is sufficient or insufficient evidence to support a finding of a violation based on a preponderance of the evidence standard. The Director (or designee) shall notify the Respondent and Complainant of his/her finding(s). The notice shall specify that retaliation against the Complainant, the Third Party Reporter (if applicable), or any

witnesses are strictly prohibited, and that any such retaliation may result in disciplinary action.

If the Director (or designee), determines that the evidence is sufficient to support a finding that the *Non-Discrimination and Non-Harassment Policy* or *Sexual Harassment Policy* was violated, the Director (or designee) shall submit to the Chancellor a written summary of the investigative process and the finding(s) and a recommendation for disciplinary proceedings, if applicable.

IV. PROCESS FOR APPEALS OF INVESTIGATORY FINDINGS

The Complainant or the Respondent may initiate an appeal of the decision of the Director (or designee) to the Chancellor, within five (5) working days of receipt of the notification of findings by providing a written notice of appeal to the Chancellor. The appellant shall receive a summary of the findings of the Director (or designee). The summary shall be sufficiently detailed so that the appellant can ascertain the reasons and underlying facts that formed the basis of the decision. The appellant shall file any rebuttal of the finding(s) within fifteen (15) days of receipt of this information. Within fifteen (15) working days of receipt of the appeal, the Chancellor shall review the record and either uphold, modify, or reverse the decision being appealed. The decision of the Chancellor is final, and there will be no additional University appeals of the decision. Nothing herein prevents the complainant or respondent from pursuing an appeal of an investigatory finding to an external agency or through the grievance procedure of an applicable collective bargaining agreement.

V. DISCIPLINE FOR VIOLATIONS OF POLICIES

Upon issuance of a recommendation by the Director, and upon expiration of the appeal period, disciplinary proceedings shall be conducted for violations of the University's Policies on Non-Discrimination or Sexual Harassment, including but not limited to findings that an individual filed a false report of sexual harassment in violation of Board Policies Section 7.D.3.

Disciplinary procedures shall be implemented according to the applicable collective bargaining agreement, and/or the applicable University policies and procedures. The appropriate Vice Chancellor, or his/her designee, shall be responsible for the disciplinary process and determination for all administrative/professional employees and faculty. The disciplinary process for Civil Service Employees shall be in accordance with the State University Civil Service Act, 110 ILCS 70/et seq., and any applicable collective bargaining agreement. The Student Conduct Code shall govern the disciplinary process for students.

The additional guidelines provided in this paragraph may be applied to the extent that they do not conflict with the applicable collective bargaining agreement or University disciplinary policies and procedures. Remedies such as letters of apology, mandatory sexual harassment training, counseling or monitoring, in addition to other types of disciplinary sanctions, up to and including termination or expulsion, may be imposed on those individuals who have been found to have violated one of the Policies. The Director may be consulted prior to a final determination and implementation of any disciplinary action for a violation of the Policies. If the recommended sanction is discharge, the Respondent may be suspended with or without pay while applicable appeal procedures are conducted.

Disciplinary or punitive action may also be taken against contractors, their sub-contractors doing business on University property or in University facilities, program participants, and visitors to the University. The action taken shall be dependent on the nature and severity of the offense, and the relationship of the Respondent to the University, and may include loss of access to University-related facilities, property, or equipment, or other appropriate sanctions.

VI. RIGHTS OF PARTIES

. Rights of the Complainant

A Complainant shall have the following rights:

1. To present relevant information to the investigators;

2. To have an advisor, advocate, or union representative present with him or her at all proceedings;
3. To be informed of the process of the investigation and the conclusion(s) reached as a result of the complaint;
4. To be free from retaliation for filing a complaint; and
5. To appeal any adverse determination pursuant to the relevant policies or collective bargaining agreement.

Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of the Complainant will be maintained to the extent possible.

A. Rights of the Respondent

Respondents shall have the following rights:

1. To present relevant information to the investigators;
2. To have an advisor, advocate, or union representative present with him or her at all proceedings;
3. To be informed of the allegations against him or her in a manner that will provide the Respondent an opportunity to respond;
4. To be informed of the process of the investigation and the conclusions reached; and
5. To appeal any adverse determination or discipline pursuant to the relevant policies or collective bargaining agreement.

Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of the Respondent will be maintained to the extent possible.

B. Rights of Witnesses and Third Party Reporters

Witnesses and Third Party Reporters shall have the following rights:

1. To present relevant information to investigators;
2. To have an advisor, advocate, or union representative present with him or her at all proceedings;
3. To be free from retaliation for providing information in the processing of a complaint.

Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of Witnesses and Third Party Reporters will be maintained to the extent possible.

C. Disclosure of Documents

The Director (or designee) shall take reasonable steps to inform the Respondent of the nature of the charges against him or her, the basis of the allegations, and provide all of the parties with the opportunity to respond.

To the extent required in litigation or formal disciplinary procedures, the University shall provide any and all documents regarding the investigation, policies and procedures, or other documents germane to the action.

The Director may provide, prior to formal litigation or formal disciplinary procedures, and subject to protecting the identity of the Complainant or potential witnesses, redacted reports, documents, and other materials germane to the investigation. The Director's decision regarding disclosure shall be final and non-appealable.

Any documents disclosed either to the Respondent, the Complainant, or to those representing either party, shall be used for the sole purpose of investigating or defending against the allegations of the complaint, and shall not be disclosed to any third parties, unless required by law. Information contained in any such documents shall remain confidential for all parties, to the extent allowable under applicable laws, and subject to the University's duty to investigate claims of discrimination, including sexual

harassment. Under no circumstances shall any such documents or information contained therein be used to retaliate against the Complainant, the Respondent, the Third Party Reporter, or any Witnesses.

VII. EXCLUSIVE REMEDY

The procedures as provided herein shall be the exclusive remedy at the University level available to any person complaining of a violation of the Policies. The right of a person to prompt resolution of a complaint filed under this procedure shall not be impaired by the person's pursuit of remedies outside the University. Use of this procedure is not a prerequisite to the pursuit of other remedies. Individuals should be aware that the deadlines for filing a charge with the Illinois Department of Human Rights and with the federal Equal Employment Opportunity Commission are no later than 180 and 300 days, respectively, following the alleged act of discrimination, including sexual harassment.

VIII. SUBSTANTIAL COMPLIANCE

Substantial compliance with all of the procedures set forth in these procedures shall be deemed full compliance if the party challenging the procedures has suffered no substantial harm caused by the actual procedure used.

IX. REPORTING REQUIREMENTS OF THE OFFICE OF EQUITY AND COMPLIANCE

1. The Director shall report at the end of each semester to the Chancellor the number of cases in which a finding of racial, ethnic, or religious intimidation or sexual harassment has been made. In addition, the Office of Equity and Compliance shall report annually to the Illinois Department of Human Rights and the Illinois Attorney General with all information required by law.
2. The Director shall provide an annual report to the Chancellor that includes the number of complaints filed by category of claimed discrimination, the number of founded and unfounded complaints, and

a report of the campus training provided during the prior year. The Affirmative Action Advisory Committee may submit recommendations to the Director to promote the purposes of the Policies and these Procedures.

X. EDUCATION OF CAMPUS COMMUNITY

A. Goals

Educational efforts are essential to establishing a campus environment free from discrimination and sexual harassment. The Office of Equity and Compliance, in conjunction with the Office of General Counsel, shall develop educational and training programs to ensure compliance with University Policy, campus Procedures, and applicable laws. The Office of Equity and Compliance shall work to achieve the following goals through education:

1. Educating University personnel and students about prohibited conduct and acts that constitute discrimination and sexual harassment;
2. Educating administrators about the proper way to address complaints of violations of the Policies or instances of discrimination, including sexual harassment, that come to their attention through other channels;
3. Educating the campus community on their rights and obligations under the Policies;
4. Educating students, faculty, and staff about the potential legal, financial, and overall adverse impact on the University, for failure to abide by the Policies.
5. Training the Affirmative Action Committee annually regarding the Policies, including but not limited to the rights and obligations under the Policies, these Procedures, and the potential legal, financial, and

overall adverse impact on the University for failure to abide by the Policies.

6. Compliance with the requirements of all laws, including but not limited to the State Officials and Employee Ethics Act (5 ILCS 430/et seq.).

B. Professional Development and Training

1. The Office of Equity and Compliance shall coordinate, in conjunction with the appropriate departments and offices, a series of training sessions for persons who are likely to receive complaints that these Policies have been violated. The intended audience for training will include, but will not be limited to, such persons as residence hall advisors, academic advisors, supervisors, faculty, graduate assistants, and other instructional personnel. Further, the Office of Equity and Compliance shall provide annual training to students and staff to comply in compliance with the relevant legal requirements and campus needs.
2. In an effort to help the campus community recognize what constitutes discrimination and sexual harassment and how to prevent it, a campus-wide educational program will be offered to students, faculty, and staff, and feedback shall be encouraged.

C. Information

The Director is responsible for distributing copies of the Policies and these Procedures to members of the University community. The Policies and Procedures and *Complaint Intake Sheet* shall be available on the internet and other locations as determined by the Director.

D. Procurement and External Relations

To the extent practicable, the University shall take reasonable steps to ensure that agreements entered into by the University with State and

outside contractors performing work on University property will incorporate the University's policy prohibiting discrimination and sexual harassment. Academic units that initiate internship or co-operative programs for students with various employers will also be responsible for providing those employers with a copy of the University's Discrimination and Sexual Harassment Policies.

XI. EVALUATION

The Chancellor is responsible for the ongoing evaluation of the effectiveness of the Discrimination and Sexual Harassment Policies and Procedures, and shall report the findings on a regular basis to the President.

XII. EXTERNAL AGENCY COMPLAINT INFORMATION

The Illinois Human Rights Act prohibits discrimination, including sexual harassment, and retaliation, and establishes the Department of Human Rights and the Human Rights Commission to handle charges of discrimination, including sexual harassment. The Federal Government's Civil Rights Act prohibits discrimination, including sexual harassment, and retaliation by an employer, and assigns the complaint process to the Equal Employment Opportunity Commission (EEOC).

The United States Department of Education Office for Civil Rights enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education, including Title IX of the Education Amendments of 1972, which prohibits discrimination, including sexual harassment, and retaliation.

For sexual harassment, an individual may make a confidential report to the SIU Ethics Officer (ethics.siu.edu/contacts.html) or the Office of the Executive Inspector General for the Agencies of the Illinois Governor.

In addition to the retaliation protections in this Procedure and the Sexual Harassment Policy, individuals who believe that they have been subjected

to retaliation for reporting sexual harassment allegations may seek whistleblower protections under the Illinois State Officials and Employees Ethics Act (5 ILCS 430/et seq.), the Illinois Human Rights Act, (775 ILCS 5/et seq.), or the Whistleblower Act (740 ILCS 174/et seq.).

While the University encourages use of its internal policy and procedures, the University's policy does not preclude a person who feels she/he has been the victim of discrimination, including sexual harassment, from seeking redress through these external agencies. Filing with the external agencies can be done in lieu of or simultaneously with the University's complaint process. Filing a complaint with the University does not result in the waiver or extension of any time limits required by an external agency.

The Illinois Department of Human Rights can be contacted at:

Website: www.state.il.us/dhr

In Chicago:

James R. Thompson Center
100 West Randolph Street, 10th Floor
Intake Unit
Chicago, IL 60601
Telephone: (312) 814-6200
TTY: (866) 740-3953
Facsimile: (312) 814-6251

In Springfield:

222 South College St., Room 101
Intake Unit
Springfield, IL 62704
Telephone: (217) 785-5100
TTY: (866) 740-3953
Facsimile: (217) 785-5106

In Marion:

2309 W. Main St., Suite 112
Intake Unit

Marion, IL 62959
Telephone: (618) 993-7463
TTY: (866) 740-3953
Facsimile: (618) 993-7464

The Equal Employment Opportunity Commission (EEOC) can be contacted at:

Website: www.eeoc.gov

St. Louis District Office
Robert A. Young Federal Building
1222 Spruce St., Rm 8.100
St. Louis, MO 63103
Telephone: (800) 669-4000
TTY: (800) 669-6820 TTY
Facsimile: (314) 539-7894

The United States Department of Education, Office for Civil Rights can be contacted at:

Website: <https://www2.ed.gov/about/offices/list/ocr/index.html>

Chicago Office
Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661
Telephone: (312)730-1560
TDD: (877) 521-2172
Facsimile: (312) 730-1576
Email: OCR.Chicago@ed.gov

The Office of the Executive Inspector General for Agencies of the Illinois Governor can be contacted at:

Website: <https://www.illinois.gov/oeig/about/Pages/writeus.aspx>

In Chicago

Office of Executive Inspector General for the Agencies of the Illinois
Governor
69 West Washington Street
Suite 3400
Chicago, Illinois 60602
Phone: (312) 814-5600 or (888) 261-2734 (TTY)
Fax: (312) 814-5479

In Springfield

Office of Executive Inspector General for the Agencies of the Illinois
Governor
Illinois Building - 607 East Adams Street
14th Floor
Springfield, Illinois 62701
Phone: (217) 558-5600
Fax: (217) 782-1605

XIII. WHERE TO OBTAIN ADDITIONAL INFORMATION REGARDING THE
UNIVERSITY'S SEXUAL HARASSMENT POLICY AND COMPLAINT
PROCEDURES:

Office of Equity and Compliance
1075 S. Normal Ave., MC 4316
Davies Hall, Rm. 150
618/453-4807

In an emergency situation that involves possible criminal sexual misconduct, or in the event of criminal sexual assault or criminal sexual abuse, please notify the Department of Public Safety at 618-453-3771 or dial 911.

[1] See 720 ILCS 5/11-1.20 or 720 ILCS 5/11-1.30

[2] See 720 ILCS 5/11-1.50 or 720 ILCS 5/11.160

APPENDIX A

Illinois State Statutory Definitions

Section 5/2-101(E) of the Illinois Human Rights Act (775 ILCS 5/2-101.E) defines sexual harassment as follows:

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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.

Section 5/5A-101(E) of the Illinois Human Rights Act (775 ILCS 5/5A-101.E) defines sexual harassment in higher education as follows:

“Sexual harassment in higher education” means any unwelcome sexual advances or requests for sexual favors made by a higher education representative to a student, or 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; or when the higher education representative either explicitly or implicitly makes the student’s submission to such conduct a term or condition of, or uses the student’s submission to or rejection of such conduct as a basis for determining:

1. Whether the student will be admitted to an institution of higher education;
2. The educational performance required or expected of the student;
3. The attendance or assignment requirements applicable to the student;
4. To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;

5. What placement or course proficiency requirements are applicable to the student;
6. The quality of instruction the student will receive;
7. What tuition or fee requirements are applicable to the student;
8. What scholarship opportunities are available to the student;
9. What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;
10. Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;
11. The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; or
12. What degree, if any, the student will receive.