

Illinois Central College Standard Operational Procedure

Standard Name: Discrimination and Harassment	
Department: Diversity and Community Impact	Responsible Cabinet Member: Associate Vice President, Human Resources
Effective Date: 10/01/2019	Approved by: 
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Policy: Sex Discrimination, Sexual Misconduct & Title IX Procedure; Employee Handbook; Carpenter Union Contract; Faculty Form Contract; Board of Trustees Policy	

Operational Standard/Purpose

Illinois Central College (ICC) does not discriminate, and will not tolerate actual or perceived discrimination or harassment, on the basis of sex, pregnancy, gender identity or expression, race, color, creed, national or ethnic origin, religion or religious affiliation, sexual orientation or preference, age, marital or family status, disability, veteran status, or other status protected by applicable federal, state, or local law in admission, financial aid, employment, athletics, or any other aspect of its educational programs or activities. Employees also have the right to reasonable accommodations in the workplace for pregnancy or for a disability, and can request for reasonable changes to your job if needed because you are pregnant or disabled. Reasonable accommodation will be provided to persons with disabilities and for individuals needing a pregnancy-related accommodation, consistent with state and federal law.

A violation of this procedure may result in discipline, up to and including discharge (employee) or expulsion (student). Any person making a knowingly false accusation regarding discrimination or harassment will likewise be subject to disciplinary action, up to and including discharge.

NOTE: Sexual harassment is a specific form of prohibited harassment. Information regarding sexual harassment, including the reporting and investigation procedures, can be found in the College's Sex Discrimination, Sexual Misconduct & Title IX Procedure.

Scope/Applicability

This Procedure applies to students, employees, appointees, or third parties, whenever the misconduct occurs (1) on College property; or (2) off College property if the conduct was in connection with a College or College-recognized program or activity or the conduct may have the effect of creating a hostile environment for a member of the College community. In addition, visitors, vendors, contractors and all other non-employees are expected to recognize and comply with this Procedure.

Definitions

Disability: For the purpose of this procedure, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity, such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Harassment: Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or other protected class. Harassment against employees, consultants, and contractors becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating,

hostile, or abusive. Harassment against students becomes unlawful where it interferes with the access or participation in the educational process and programs at the College. A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent or pervasive so as to interfere with, limit or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment. Harassment can include verbal or non-verbal behavior that demeans or stereotypes individuals in a harmful way. While the College is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this Procedure are neither legally protected expression nor the proper exercise of academic freedom. Examples of harassment may include, but are not limited to:

- making a grading decision because of the person's protected status;
- jokes or epithets about another person's protected status;
- teasing or practical jokes directed at a person based on their protected status;
- the display or circulation of written materials or pictures that degrade a person or group based upon a protected characteristic; and
- verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group.

Title IX & Civil Rights Equity Coordinator: The College designates one Title IX & Civil Rights Equity Coordinator to ensure adherence to ICC policies on Discrimination and Harassment and Sex Discrimination, Sexual Misconduct & Title IX.

Title IX & Civil Rights Equity Investigators (Investigative Team): Employees appointed to conduct Discrimination and Harassment investigations and Sex Discrimination, Sexual Misconduct & Title IX investigations. Title IX & Civil Rights Equity Investigators who investigate and/or resolve related complaints receive at least 8-10 hours of annual training on issues related to sexual violence, domestic violence, dating violence, and stalking and how to conduct the College's complaint investigation and appeal procedures. In cases of student involvement as either a Reporting Party or Responding Party, a Title IX & Civil Rights Equity Investigator in the Student Services Department will be a member of the Investigative Team. In cases of employee involvement as either a Reporting Party or Responding Party, a Title IX & Civil Rights Equity Investigator in the Human Resources Department will be a member of the Investigative Team.

Details

1. Administration:

- a. **Title IX & Civil Rights Equity Coordinator:** The Title IX & Civil Rights Equity Coordinator has primary responsibility for policy and procedure compliance and administration. The Title IX & Civil Rights Equity Coordinator may be contacted at:

Illinois Central College
1 College Drive
Room 338C
East Peoria, Illinois 61635
Title9@icc.edu
(309) 694-8460

The Title IX & Civil Rights Equity Coordinator responsibilities include, but are not limited to:

- Overseeing the College's response to all Sex Discrimination, Sexual Misconduct & Title IX reports and complaints and identifying and addressing any patterns or systemic problems

revealed by such reports and complaints. A Sex Discrimination, Sexual Misconduct & Title IX complaint includes complaints alleging sex discrimination, sexual harassment and/or sexual misconduct (as those terms are defined in the College's Sex Discrimination, Sexual Misconduct & Title IX Policy and Procedure).

- Being informed of all reports and complaints raising Sex Discrimination, Sexual Misconduct & Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Ensuring that adequate training is provided to students, faculty and staff on Sex Discrimination, Sexual Misconduct & Title IX issues.
- Conducting Sex Discrimination, Sexual Misconduct & Title IX investigations, including investigating facts relative to a complaint and recommending appropriate sanctions against the perpetrator and remedies for the complaint. With respect to Sex Discrimination, Sexual Misconduct & Title IX complaints that relate to a College employee as the Reporting Party or as the Responding Party, the Title IX & Civil Rights Equity Coordinator will include the Human Resources Department in the investigation into the allegations as well as any recommendation of appropriate sanctions against the employee.
- Determining appropriate interim measures for a Reporting Party upon learning of a report or complaint of sexual violence.
- Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Promoting an educational and employment environment which is free of sex discrimination and gender bias.

b. **Human Resources Department:** The Human Resources Department participates as part of the Investigative Team for and in the resolution of any complaints under this procedure which involve a College employee as the Reporting Party or as the Responding Party.

2. **Harassment:** Harassment, whether verbal, physical or visual, that is based on any of the above characteristics, is a form of discrimination. This includes harassing conduct affecting tangible educational benefits, interfering unreasonably with an individual's academic performance, or creating what a reasonable person would perceive is an intimidating, hostile or offensive environment.

3. **Disability Discrimination and Accommodations:** ICC is committed to full compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities.

- a. **Students with Disabilities:** All accommodations are made on a case-by-case basis. A student may request an accommodation or disability services by first contacting the Access Services Office at (309) 694-5749 (East Peoria Campus) or (309) 690-6945 (Peoria Campus). Access Services coordinates services for students with disabilities. Access Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations and services are appropriate to the student's particular needs and academic programs. Access Services then issues an Accommodation Form for each of the student's instructors to give notice of the accommodation or service to be provided.
- b. **Employees with Disabilities:** Pursuant to the ADA and Section 504, ICC will provide reasonable accommodation(s) to all qualified employees with known disabilities to enable them to perform the essential functions of the job, unless the requested reasonable accommodation would result in undue hardship to the College. Employees requesting accommodation may be required to

provide medical certification from the employee's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and (4) suggested accommodations. Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s). Employees may contact HR@icc.edu to request accommodations.

4. **Confidentiality / Privacy:** All reports will be handled with discretion, care and sensitivity, and the College will make every effort to respect requests for confidentiality, but the College's ability to investigate and take appropriate action maybe limited if individuals request confidentiality or do not provide identifying information. In addition, there may be circumstances when the College determines that it must investigate a particular matter to help protect the learning and working environment at the College despite a request for confidentiality.
5. **Employee Education:** All employees are required to take online Discrimination and Sexual Harassment Prevention training at hire and annually.
6. **False and Malicious Accusations:** False and malicious complaints of sexual or other forms of harassment, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to appropriate disciplinary action.
7. **Employee Duty to Report Incidents of Discrimination and Harassment, including Bias:** In order to enable the College to respond effectively and to address violations of its Policy and Procedure, all College employees must, within 24 hours of receiving the information, report information they have about alleged or possible discrimination and harassment, including sex discrimination, sexual harassment, sexual misconduct, interpersonal violence or stalking, to the appropriate College official by completing the [Report of Discrimination Form](#) located at https://cm.maxient.com/reportingform.php?IllinoisCentralCollege&layout_id=12. Based on the alleged violation, the College official will evaluate the information received and determine what further actions should be taken.

College officials receiving reports alleging acts of discrimination or harassment based on sex, gender identity or expression, sexual orientation or preference, or sexual assault, will refer those reports to the Title IX & Civil Rights Equity Coordinator. Any questions or comments concerning the Procedure addressing discrimination or harassment on the basis of other categories listed above should be directed to the appropriate College official listed above. When reporting the incident:

- a. Please provide a detailed account of the incident including date, time, and location.
- b. Do not remove or tamper with physical evidence. Contact Campus Police to document and collect physical evidence.
- c. If the incident involves a verbal act, write down exactly what was said to the best of your recollection.
- d. Identify the perpetrator(s) if known or provide a detailed description of the individual(s) involved.
- e. List all witnesses including their names and contact information.
- f. Include other pertinent information that may assist the College in responding to the incident.

- g. If the incident was in the form of graffiti, vandalism, or public postings, Campus Police will document it for evidence.
 - h. If the incident was in the form of email, text, message, or communication through a social network site, do not delete the message. If at all possible, print the message so it may be used in the investigation.
 - i. If the incident was in the form of a telephone call, then record the time and date of the call and keep a record of the telephone number if you have caller ID. It is recommended that a report be completed as soon as possible after the incident and that the reporting party keep a written record of the above details.
8. **Records Maintenance:** The College will maintain documentation and records regarding alleged bias-related incidents and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible excludes personally identifiable information about victims of bias incidents. If a student, faculty, or staff member has been found responsible for a bias-related incident, this finding remains a part of that student's or employee's conduct record.
9. **Retaliation:** It is a violation of College Policy and Procedure to retaliate in any way against a person or persons because they have opposed any practices forbidden under these policies or have filed a report, assisted, or participated in any manner in an investigation or proceeding under these policies. This includes action taken against a bystander who intervened to stop or attempt to stop a bias-related incident. Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Procedure. The College will take immediate and responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate. Whistleblower protections are also available under the State Officials and Employees Ethics Act, the Whistleblower Act, and/or the Illinois Human Rights Act.
10. **Timeliness in Reporting Harassment:** The College encourages the prompt reporting of complaints or concerns so that prompt corrective action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention has proven to be the most effective method of resolving actual or perceived incidents of harassment. The complaint procedures set forth in the Discrimination and Harassment Policy and Procedure are the only internal procedures for complaints alleging discrimination and harassment defined in this procedure (*i.e.*, existing grievance procedures should not be used for harassment complaints covered by this procedure).
11. **Violation of this Procedure:** Any member of the campus community (as referenced in the Scope above), guest or visitor who acts to deny, deprive or limit the educational, employment, and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College's Discrimination and Harassment Policy and Procedure.
12. **External Resources:** In addition to the College's response to acts of discrimination, harassment and bias, the following federal, state and local organizations may be resources for reporting, investigating and responding to acts of hate, prejudice and bias:

Office for Civil Rights—Headquarters

Office for Civil Rights U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509FHHH Bldg.
Washington, DC 20201

Office for Civil Rights—Illinois

Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
(800) 368-1019

Illinois Human Rights Commission

James R Thompson Center
100 W Randolph St Suite 5-100
Chicago, IL 60601
(312) 814-6269

Department of Human Rights

James R Thompson Center
100 W Randolph St Suite 10-100
Chicago, IL 60601
(312) 814-6200

Equal Employment Opportunity Commission

500 West Madison Street Suite 2000
Chicago, IL 60661
(800) 669-4000

State of Illinois Sexual Harassment and Discrimination Helpline

(877) 236-7703

Procedure(s)**Informal Complaint Procedure**

NOTE: An individual informally reporting discrimination or harassment should be aware that the College may decide it is necessary to take action to address the harassment beyond an informal discussion. This decision will be discussed with the individual. The best course of action in any case will depend on many factors and, therefore, the informal procedure will remain flexible. Moreover, the informal procedure is not a required first step for the reporting individual.

1. **Reporting Party:** The College encourages individuals who believe they are being harassed to promptly notify the Responding Party that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem.

If for any reason an individual does not wish to confront the offender directly, or if such a confrontation does not successfully end the harassment, or if the individual wants further information or assistance, the individual should complete the [Report of Discrimination Form](https://cm.maxient.com/reportingform.php?IllinoisCentralCollege&layout_id=12) located at https://cm.maxient.com/reportingform.php?IllinoisCentralCollege&layout_id=12 indicating that

the Informal Complaint Procedure is requested or contact the Title IX & Civil Rights Equity Coordinator at (309) 690-6892 or email Title9@icc.edu.

2. **Title IX & Civil Rights Equity Coordinator:** Upon receipt of the [Report of Discrimination Form](#), the Title IX & Civil Rights Equity Coordinator will review the complaint and assign the case to the appropriate [Investigative Team](#).
3. **Investigative Team:** The [Investigative Team](#) will meet with all relevant parties and initiate whatever steps are deemed appropriate to affect an informal resolution acceptable to all parties. Every effort will be made to assure confidentiality during the informal resolution process. Discussing an informal complaint with the Investigative Team does not commit an individual to making a formal charge. Refer to Formal Complaint Procedure below.
4. **Final Report:** The Investigative Team will issue an Investigative Findings and Recommendation Report to both the Reporting Party and Responding Party with the informal resolution agreed upon by both parties.

Formal Complaint Procedure

1. **Reporting Party:** In the event a satisfactory informal resolution cannot be reached, or if the individual chooses not to use the informal resolution procedure, the Reporting Party may file a formal complaint by completing the [Report of Discrimination Form](#) located at https://cm.maxient.com/reportingform.php?IllinoisCentralCollege&layout_id=12 indicating that the Formal Complaint Procedure is requested or by contacting the Title IX & Civil Rights Equity Coordinator at (309) 690-6892 or Title9@icc.edu.

In addition, if an employee knows or has cause to know about an incident of discrimination or harassment, he or she may complete the [Report of Discrimination Form](#) located at https://cm.maxient.com/reportingform.php?IllinoisCentralCollege&layout_id=12 indicating that the Formal Complaint Procedure is requested or contact the Title IX & Civil Rights Equity Coordinator at (309) 690-6892 or Title9@icc.edu.

NOTE: For reports or complaints alleging acts of discrimination or harassment which are based on sex, gender identity or expression, sexual orientation or preference, please see the Illinois Central College Sex Discrimination, Sexual Misconduct and Title IX Procedures. College officials receiving reports alleging acts of discrimination or harassment based on these categories will refer those reports to the Title IX & Civil Rights Equity Coordinator at (309) 690-6892 or Title9@icc.edu.

2. **Title IX & Civil Rights Equity Coordinator:** The Title IX & Civil Rights Equity Coordinator is responsible for coordinating any alleged or suspected violations of the Discrimination & Harassment Procedures and the resolution of such alleged bias or suspected violations. The Title IX & Civil Rights Equity Coordinator may utilize other individuals such as College legal counsel, independent legal counsel, and non-College investigators to assist in the investigation process. Upon receipt of the [Report of Discrimination Form](#), the Title IX & Civil Rights Equity Coordinator will review the complaint and assign the case to an appropriate Investigative Team based on the parties involved.
3. The Investigative Team will inform the Responding Party of the allegations including the identity of the Reporting Party. A copy of the written complaint will be given to the Responding Party.

4. **Investigation and Response:** Depending on the nature of the alleged violation and whether the parties involved are faculty, staff, students, contractors, visitors, or guests, the Investigative Team responsible for investigating, addressing, and resolving bias incidents may vary.

In most cases, the Title IX & Civil Rights Equity Coordinator will assign an [Investigative Team](#) to investigate a formal complaint promptly and impartially. ICC may, at its discretion, assign a qualified independent third party investigator at its own expense to conduct the investigation if necessary or appropriate (*e.g.*, complaints that contain allegations involving the College President).

In all cases, the Procedures include the basic elements outlined below for resolution of allegations of discrimination and harassment, including bias incidents.

- Initial assessment by the appropriate College official.
- Interim measures and remedies, where appropriate.
- Consideration of voluntary resolution, where appropriate.
- Investigation and resolution if voluntary resolution is not appropriate.
- Sanctioning by the appropriate College official.
- Recourse to the appropriate appeal process.
- Protection from retaliation.

The Investigative Team will interview the Reporting Party and Responding Party named in the complaint, and others, if appropriate, to ascertain the facts and views of both parties. The proceedings described are not those of a court of law and the presence of legal counsel is not permitted during these proceedings.

The Investigative Team will not adhere to formal rules of evidence. The appropriate College official or the Investigative Team may at any point dismiss a written complaint if it is found to be clearly without merit.

The Investigative Team or third-party investigator will determine whether there is reasonable cause to believe this Discrimination and Harassment Procedure has been violated, and will submit an Investigative Findings and Recommendation Report to the Title IX & Civil Rights Equity Coordinator. If a complaint contains allegations involving the College President, the report shall be provided directly to the Board of Trustees, which will make a determination.

A copy of the Investigative Findings and Recommendation Report will be given to the Reporting Party and the Responding Party, subject to any limitations required under FERPA. Both the Reporting Party and the Responding Party may, within seven days of the receipt of the Investigative Findings and Recommendation Report, submit a written statement to Title IX & Civil Rights Equity Coordinator concerning the findings and recommendation.

NOTE: If applicable, bargaining unit employees are allowed union representation if such investigation may reasonably result in disciplinary action. In no event may a union representative represent both a Reporting Party and a Responding Party in a proceeding brought by one union member against another. Refer to the Discipline section of the Carpenter Union Contract or Discipline and Dismissal and Due Process sections of the Faculty Forum Contract.

5. **Recommendation:** The President shall receive a copy of the Investigative Findings and Recommendation Report with recommended disciplinary actions or sanctions, if appropriate. A copy of the report may be provided to the Associate Vice President of Human Resources or the Vice President of Student Success, if applicable. Appropriate disciplinary and/or corrective action will be

taken, if warranted by the evidence, or the Title IX & Civil Rights Equity Coordinator may be requested to consider the matter further and submit a supplementary report.

6. **Disciplinary Actions or Sanctions:** The Title IX & Civil Rights Equity Coordinator, in the Investigative Findings and Recommendation Report, may recommend employee discipline and/or student sanctions to an appropriate Administrator.

Student sanctions may be referred to the Dean of Student Services for action. Complaints against students may result in sanctions up to and including expulsion in accordance with Sanctions section of the Illinois Central College [Student Code of Conduct](#).

Employee discipline may be referred to the employee's Manager/Supervisor and the Associate Vice President of Human Resources for determination and action. Complaints against an employee may result in disciplinary action up to and including termination of employment in accordance with the Employee Correction Action – Progressive Discipline Policy referenced in the Employee Handbook or the Discipline section of the Carpenter Union Contract or Discipline and Dismissal and Due Process sections of the Faculty Forum Contract, if applicable.

In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct. Nothing in this procedure limits or delays the College's right to take appropriate disciplinary action, up to and including termination, when an employee's behavior warrants the action.

[Additional Provisions/Information](#)

Sex Discrimination, Sexual Misconduct and Title IX Policy & Procedures