

# Internal Governing Policies

## #175 - Sexual Harassment

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**Approved:** January 25, 2006

**Monitor:** President

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It is the policy of Eastern Illinois University that sexual harassment of one member of the campus community by another will not be tolerated. All individuals who are employed full-time or part-time in a position normally requiring actual performance of duty during not less than one-half of a normal work period and any other employee identified by the University Office of Civil Rights must complete training on sexual harassment.

Broad national attention has been given over the last few years to sexual harassment as an abuse of the employer/employee and teacher/student relationship. Additionally, sexual harassment is illegal, and may include conduct from one employee toward another or from one student to another. In response to this attention, a number of legislative and judicial interpretations have emerged which define the problem as a violation of several civil rights laws. Two controlling current legal definitions follow:

### **FEDERAL LAW: [Title VII Regulations](#)**

"Harassment on the basis of sex is a violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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."

### **STATE LAW: [Illinois Human Rights Act](#)**

"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 creating an intimidating, hostile, or offensive educational environment, or when the higher education representative either explicitly or implicitly makes the student's submission to or rejection of such conduct a basis of 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, field 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 of 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.

While the exact definition of sexual harassment may vary according to the circumstances involved, for the purposes of this policy sexual harassment may be defined as unwelcome sexual behavior, on campus or off campus if either party is engaged in a school related event or activity, by any member of the campus community towards another. Sexual harassment includes: (1) sexual behavior by anyone who is in a position to control or affect another person's job or status as a student and who uses the power or authority of that position to cause students or employees to submit to sexual activity, or to fear that he/she would be punished for the refusal to submit, or (2) any conduct sexual in nature which unreasonably interferes with another's work performance or with someone's status as a student by creating an intimidating, hostile or offensive working or educational environment. Sexual harassment may consist of a variety of behaviors including, but not limited to, subtle pressures for sexual activity, inappropriate touching, offensive or inappropriate language, jokes or gestures, demands for sexual favors, and physical assault.

In its efforts to resolve sexual harassment complaints which are filed by its employees or students, the University will adhere to relevant legal definitions as they develop as well as to those applicable ethical standards of professional behavior which have been arrived at through consensus by the academic community.

Beyond vigorous campus enforcement of harassment and discrimination laws, members of the university community have established high professional and ethical standards pertaining to consensual romantic/sexual relationships that address the issues of conflict of interest, abuse of power differential, and breach of professional conduct obligations (see [IGP #11 Conflicts of Interest in Employment](#) and [IGP #11.1 Consensual Relations](#)).

## **PROCEDURES FOR PURSUING COMPLAINTS**

The Civil Rights Office will receive complaints according to the guidelines prescribed by the University's Discrimination Complaint Procedures. However, sexual harassment spans a wide diversity of circumstances and often includes personally sensitive dimensions. Consequently, to the extent permitted by law, the confidentiality of information presented by all parties will be observed except in those instances when it interferes with the ability of the University to investigate and take necessary corrective action. Furthermore, retaliation against anyone reporting sexual harassment or any witness to such behavior is prohibited and may constitute a separate claim against those who have engaged in retaliatory behavior. When warranted,

disciplinary action for sexual harassment or retaliation may include, but is not limited to, oral or written warnings or reprimands, demotion, suspension, or termination of employment.

All concerns or complaints regarding sexual harassment should be filed with the Office of Civil Rights.

It is the responsibility of faculty chairpersons and other administrators and supervisors to make known to the Office of Civil Rights information regarding potential instances of sexual harassment. Failure to act could itself be a violation of this policy. It may often be possible for those matters to be addressed informally within the unit, however, the facts and actions taken must be discussed with the Office of Civil Rights in a timely manner.

As warranted by the wishes of the complainant and the facts, informal resolutions can often be implemented that do not involve a full investigation or a final conclusion regarding this matter.

Although the Office of Civil Rights is the sole investigatory unit, the complainant may also seek assistance from supervisors, department chairpersons, the University Counseling Center, Residence Hall Counselors, the Women's Resource Center.

Complaints may also be filed with the Illinois Department of Human Rights and may be reviewed by the Illinois Human Rights Commission. Complainants are protected from retaliation as outlined in the Illinois Human Rights Act. To file a complaint, contact:

Illinois Department of Human Rights  
222 S. College, Room 101A  
Springfield, Illinois 62704  
217/785-5100  
TDD: 312/263-1670 or 217/785-5125

Illinois Human Rights Commission  
404 Stratton Building  
Springfield, Illinois 62706  
217/785-4350