

Internal Governing Policies

#175 - Sexual Harassment

Approved: July 15, 2013

Monitor: President

Sexual harassment is a form of illegal sex discrimination which is prohibited by federal and state law. It is the policy of Eastern Illinois University that sexual harassment of one member of the campus community by another will not be tolerated.

Eastern Illinois University adheres to relevant legal definitions as well as to those applicable standards of professional behavior which have been arrived at through consensus by the academic community. Controlling current legal definitions of sexual harassment follow at the end of this policy. Students and employees are encouraged to file complaints of sexual harassment with the Office of Civil Rights and Diversity/Title IX Coordinator.

Sexual harassment is unwelcome conduct of a sexual nature, which encompasses a wide range of conduct including sexual violence. Such conduct becomes a form of illegal sex discrimination when the unwelcome conduct of a sexual nature is so severe or pervasive that it affects an individual's employment or student's academic status; unreasonably interferes with an individual's work performance or student's academic experience; or creates an intimidating, hostile, or offensive work or educational environment. However, complaints can and should be filed before harassment reaches an intolerable level. The university can and will address inappropriate behaviors even if those behaviors are not yet severe or pervasive.

Sexual harassment may consist of a variety of behaviors including, but not limited to, subtle pressures for sexual activity, inappropriate touching or gestures, offensive or inappropriate language or jokes (including electronic content), demands for sexual favors, cyber-bullying, stalking, or sexual violence. A single incident may constitute harassment or it may be a series of unwelcome behaviors. Illegal sexual harassment may be directed at someone of the same sex or opposite sex.

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](#).

Even if you are unsure that what you are experiencing is sexual harassment, seek assistance from the Office of Civil Rights and Diversity/Title IX Coordinator, 1011 Old Main. 217-581-5020, civil@eiu.edu.

It is the responsibility of faculty chairpersons, other administrators, and supervisors to inform the Office of Civil Rights and Diversity/Title IX Coordinator about any potential instances of sexual harassment. Failure to report could itself be a violation of this policy and/or university expectations.

Although the Office of Civil Rights and Diversity/Title IX Coordinator is the sole investigatory unit for sexual harassment, you may also seek assistance from other appropriate university personnel such as deans, chairpersons, directors or supervisors. They are responsible for notifying Office of Civil Rights and Diversity/Title IX Coordinator. Other resources include the Counseling Center and the Women's Resource Center.

Students who are victims of sexual assault and/or other forms of sexual violence are strongly encouraged to report these serious crimes to the University Police Department or to the Charleston Police Department. See [Sexual Assault, Abuse and Misconduct \(IGP #185\)](#) and also [Sexual Assault Information and Protocol](#). Students may also opt to report sexual misconduct by another student to the Office of Student Standards. See [Student Conduct Code](#).

All individuals who are employed full-time and any other employee identified by the Office of Civil Rights and Diversity/Title IX Coordinator must complete training on preventing sexual harassment.

PROCEDURES FOR PURSUING COMPLAINTS

If you feel that you have been sexually harassed, contact the Office of Civil Rights and Diversity/Title IX Coordinator, 1011 Old Main. 217-581-5020, civil@eiu.edu. The university's Title IX Coordinator is Cynthia Nichols. Even if you are unsure that what you are experiencing is sexual harassment, seek assistance. 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.

The Office of Civil Rights and Diversity/Title IX Coordinator will receive complaints according to the guidelines prescribed by the University's [Discrimination Complaint Procedures \(IGP #173\)](#). You may seek informal assistance or file a formal complaint. 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 by the Office of Civil Rights/Title IX Coordinator.

The Office of Civil Rights and Diversity/Title IX Coordinator will carry out a preliminary review of all reports of sexual harassment whether or not there is an identified complainant or whether the complainant wishes to file a formal complaint.

A student or an employee should come forward as soon as possible after she or he believes that she or he has experienced sexual harassment. Eastern will make every effort to provide assistance and will implement interim remedies to address the safety and well-being of both the complainant and the respondent prior to the outcome of an investigation and will investigate complaints in a timely manner. Eastern will take immediate and corrective actions to eliminate the harassment, prevent its recurrence, and address its effects.

Once a complaint is received, witnesses will be interviewed as appropriate and evidence will be examined. The university applies the preponderance of the evidence standard. Complainants and respondents are notified concurrently of the outcome of an investigation. The complainant or the respondent may appeal the findings to the university president.

When warranted, disciplinary actions for employees who engaged in sexual harassment or retaliation may include, but are not limited to, oral or written warnings or reprimands, demotion, suspension, or termination of employment. When warranted, disciplinary actions for students who engaged in sexual harassment or retaliation may include, but are not limited to, oral or written reprimands, suspensions, and expulsions. The appropriate vice president is responsible for enforcing disciplinary actions. Even if the conduct is not actionable, Eastern will take appropriate steps to ensure that potential issues affecting the climate within the workplace or academic setting are appropriately addressed.

CONTROLLING FEDERAL AND STATE DEFINITIONS

TITLE VII -- Title VII of the Civil Rights Act of 1964 (Title VII) prohibits harassment on the basis of sex. 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.

TITLE IX – Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities. All public and private education institutions that receive any federal funds must comply with Title IX. Sexual harassment can take two forms: quid pro quo and hostile environment. Quid pro quo harassment occurs when a university employee causes a student to believe that he/she must submit to unwelcome sexual conduct in order to participate in a university program or activity. It can also occur when a university employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

Hostile environment harassment occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A hostile environment can be created by a university employee, another student, or

even someone visiting Eastern. Eastern's Title IX Coordinator is Cynthia Nichols, 1011 Old Main, civil@eiu.edu, 217-581-5020.

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.

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