

Anti-Harassment, Including Sexual Harassment Policy

Statement of Policy

A working and learning environment that is free from any form of unlawful discrimination, including harassment on the basis of any legally protected status is essential and shall be maintained. It will be a violation of College policy for anyone, including any College employee, elected official, vendor, volunteer, student, contractor or any visitors or third party to discriminate against or harass another individual in the work place, educational environment, or at college-sponsored activities or elsewhere if there is a connection to the workplace or learning environment on the basis of any legally protected group status and the College will not tolerate any form of discrimination or harassment, including sexual harassment, sexual misconduct or sexual violence. Violation of this policy shall be considered grounds for corrective action including disciplinary action up to and including expulsion from the College or termination of employment.

Prohibited Conduct

The conduct prohibited by this policy includes unwelcome conduct, whether verbal, physical or visual, that is based upon the individual's protected status, such as sex, color, race, ancestry, religion, national origin, age, disability, marital status, veteran's status, citizenship status, sexual orientation, including gender-related identity or other protected group status as defined by law. The College will not tolerate harassing conduct that affects tangible job benefits or educational development, that interferes unreasonably with an individual's work or educational performance, or that creates an intimidating, hostile or offensive working or learning environment. Such harassment may include, for example, jokes or epithets about another person's protected status, or teasing or practical jokes directed at a person based upon his or her protected status.

Definition of Sexual Harassment

"Sexual harassment" consists of unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature when made by any individual to another, including persons of the opposite or same sex, where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development;
2. Decisions affecting an individual's employment or education are made on the basis of whether the person submits to or rejects sexual demands; or
3. Such conduct has the purpose or effect of reasonably interfering with an individual's work or educational performance or creates an intimidating, hostile or offensive working or learning environment.

Sexual harassment also includes sexual misconduct and violence including but not limited to sexual assault, domestic violence, dating violence and stalking, extreme forms of sexual harassment. The College has a separate policy that applies to sexual misconduct and violence. Please see the College's Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy. If a report involves allegations of sexual misconduct or violence, then the policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking will be followed in the assessment, investigation and resolution of the complaint. In no event shall a complaint proceed through more than one procedure simultaneously.

Sexual harassment may also occur between students. Any conduct by another student which is physically threatening or humiliating or which unreasonably interferes with a student's educational performance should be brought to the attention of the College for investigation and appropriate action.

Some conduct commonly defined as sexual harassment includes (but is not limited to):

1. **Verbal:** Sexual innuendos; suggestive comments, humor and jokes about sex, anatomy or gender specific traits; sexual propositions or statements of a sexual nature about other employees or students, even outside of their presence.
2. **Non-verbal:** Suggesting or insulting sounds (whistling, "catcalls," "smacking" or "kissing" noises); leering; obscene gestures or sexually suggestive bodily gestures.
3. **Visual:** Posters, signs, pin-ups, cartoons or slogans of a sexual nature.
4. **Physical:** Unwelcome touching; hugging or kissing; pinching or brushing against the body; physical or emotional coercion of sexual intercourse; or actual assault, including sexual assault, domestic or dating violence or stalking;

Investigation and Grievance Procedure

Every elected official, employee, volunteer, contractor or visitor is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment under this policy; and likewise, every individual who believes that he/she has been subjected to discrimination or harassment in violation of this policy, has been informed of conduct constituting discrimination or harassment or who witnesses discrimination or harassment should promptly submit a complaint to the Vice President of Administration or the President in accordance with the following procedures. It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy against harassment in the workplace are not furthered where a complaint is found to be false and frivolous and made to accomplish some other end than stopping harassment. A complaint that is determined to be false and frivolous can result in a severe level of discipline or discharge. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven.

Students should submit their complaints to the Vice President of Academic Affairs or Vice President of Student Engagement.

Individuals are expected to come forward promptly and report any violations before the alleged offending behavior becomes severe or pervasive. Supervisors are required to immediately report any and all complaints of discrimination or harassment reported to or observed by them.

Employees designated as responsible employees by the College are also required to promptly report discrimination, harassment and sexual misconduct against or involving students. The failure to report constitutes a separate violation of this policy. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination. No employees, not even the highest-ranking people in the College are exempt from the requirements of this policy.

The Vice President of Administration and/or the Vice President of Academic Affairs shall be responsible for the investigation procedures contained herein. If an employee receives a complaint of harassment directly from another employee, the complaint shall be immediately reported to the Vice President of Administration.

1. Any individual wishing to submit a complaint (i.e., the "complainant") , whether the victim or a bystander, may submit a statement to the appropriate Vice President or President (Employees, volunteers, elected officials, contractors and/or visitors - Vice President of Administration or President; Students - Vice President of Academic Affairs or Student Engagement). Employees, students and other individual third parties in the workplace may make their complaint verbally or in writing as the individual sees fit. Alternatively, the complaint may be made electronically. To the extent possible, individuals should include as many specific facts and as much information as possible (e.g., location, names, dates, times) to facilitate investigation. All such complaints should be submitted promptly. For information on how to report electronically, please see Appendix A –Notice of Rights and Options.
2. The Vice President of Administration and/or the Vice President of Academic Affairs or his/her designee shall promptly and thoroughly investigate the complaint describing conduct inconsistent with the policy. All complaints asserting sexual discrimination, harassment, misconduct or violence shall be reported to the Title IX Coordinator by the applicable Vice President and investigated in accordance with the procedures related to such complaints.
3. If an investigation confirms a violation of this policy has occurred, the College will take corrective action, including discipline, up to and including expulsion or discharge, as is appropriate under the circumstances. In the event of harassment by an individual who does not work for the College, the College will take corrective action as is reasonable and appropriate under the circumstances.

Resolution

A complaint of discrimination, harassment or retaliation may be resolved either informally or formally. Informal resolution is voluntary and either party or the applicable Vice President may determine that the informal resolution is inappropriate and then the formal resolution process will be initiated. Note: Informal resolution is not appropriate if there are allegations of sexual assault and the policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking will be followed.

Retaliation

Reporting discrimination or harassment will not reflect adversely upon an individual's employment or educational status. Retaliation is prohibited and persons found to have retaliated or discriminated against an employee, student or other individual for complaining about harassment will be subject to appropriate disciplinary action up to and including expulsion or discharge. Among the acts protected under this section are making a good-faith complaint of harassment; assisting or cooperating in an investigation of a complaint by someone else, whether internally or with an external agency; filing a charge of discrimination or harassment; or otherwise providing information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws. Examples of the types of retaliation that are prohibited by this policy include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. Anyone

experiencing or witnessing any conduct he or she believes to be retaliation should immediately report it pursuant to the reporting procedures above.

Confidentiality

The rights to confidentiality, both of the complainant and of the accused, will be respected consistent with the management of the College, including the College's legal obligations to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Title IX

Title IX of the Education Amendments of 1972, as amended, is a comprehensive federal law that prohibits discrimination on the basis of sex as well as retaliation for making a Title IX complaint in any federally funded education program or activity. Other state and federal laws prohibit sexual discrimination as well as sexual harassment, including more extreme forms of harassment like sexual misconduct and sexual violence. The Title IX Coordinator is responsible for coordinating the College's efforts to comply with its obligations under Title IX and the Title IX regulations and these other state and federal laws. For the College's policy on sexual misconduct as well as available resources, please see the Sexual Assault, Domestic Violence, Dating Violence, and Stalking Policy.

Lewis and Clark's Title IX Coordinator and Deputy Coordinators are listed below:

Title IX Coordinator

Lori Artis, Vice President Administration
5800 Godfrey Road Erickson Room 103 Godfrey IL 62035
(618)468-3000
llartis@lc.edu

Duties and Responsibilities: Monitoring and oversight of overall implementation of Title IX at Lewis and Clark, including coordination of training, education, communications, and administration of complaint procedures for faculty, staff, students and visitors. The Title IX Coordinator is available to meet with any party to discuss the College's policies or any Title IX related matters.

More detailed duties and responsibilities are set forth in the College's policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking.

If you are an employee, contractor or visitor and have a complaint regarding sexual harassment, sex Discrimination or sexual assault, please contact the above.

Title IX Deputy Coordinators

(For Students):

Linda Chapman, Vice President Academic Affairs
5800 Godfrey Road Godfrey, IL 62305
618-468-4000
lchapman@lc.edu

Sean Hill, Vice President Student Engagement

5800 Godfrey Road Godfrey, IL62305
618-468-6000
shill@lc.edu

Duties and Responsibilities: Title IX compliance for matters involving students, including coordination of training, education, communications, and administration of complaint procedures for complaints against students. The Title IX Deputy Coordinators are available to meet with any party to discuss the College's policy or any Title IX related concerns.

More detailed duties and responsibilities are set forth in the College's policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking.

If you are a student and have a complaint regarding sexual harassment, sex discrimination or sexual assault, please contact one of the above.

Other Options

Those who feel they have been subject to harassment, discrimination or retaliation may seek assistance from other resources, including but not limited to the Illinois Department of Human Rights, the Office for Civil Rights or the Equal Opportunity Employment Commission. The Department of Human rights is a state agency which will investigate the charge without cost to the individual. The agencies may be contacted at the following addresses:

Illinois Department of Human Rights
State of Illinois Center
100 W. Randolph Street, Suite 5-100
Chicago, IL 60601
Telephone (312) 814-6245

Illinois Human Rights Commission
State of Illinois
222 S. College Room 101
Springfield, IL 62704
Telephone (217)785-5100

The Office of the Civil Rights/Chicago
U.S. Department of Education
Citigroup Center
500 West Madison Street Suite 1475
Chicago, IL 60661
Telephone: (312)730-1560

The United States Equal Employment Opportunity Commission
1222 Spruce Street Room 8.100
St. Louis, MO 63103
Telephone: (800)669-4000