

HARASSMENT POLICY, PROCEDURES, AND RELATED CONSIDERATIONS

1.0 Purpose. Heartland Community College (the “College”) is committed to maintaining a working and learning environment that is free from all forms of harassment, including but not limited to sexual harassment and harassment based on gender, sexual orientation, religion, race, ethnicity, national origin, age, or disability. The College prohibits any form of harassment in the classroom, in the workplace, in any academic setting at the College, and at all College-sponsored events.

2.0 Scope. This policy applies to all employees and all students at the College as well as any individual representing the College in an official manner, whether paid or unpaid by the College. Under certain circumstances, this harassment policy also applies to third parties such as subcontractors, sales representatives, repair persons, or vendors of the College.

3.0 Rights and responsibilities. Every student, employee, and official College representative has the responsibility to refrain from any type of harassment in the College environment and every student, employee, and official College representative has the right to work and learn in an environment free from harassment. Any student, employee, or official representative who harasses a College student, employee, or official representative will be held liable for his or her individual conduct and will be subject to disciplinary action up to and including expulsion or discharge. The disciplinary action taken will depend upon the magnitude or severity of the harassing conduct.

4.0 Definition of sexual harassment. Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education, employment, or extra-curricular participation; or
- b. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual’s education, employment, or extra-curricular participation; or
- c. such conduct has the purpose or effect of substantially interfering with an individual’s education, employment, or extra-curricular participation, or of creating an intimidating, hostile or offensive educational, employment, or extra-curricular environment.

5.0 Examples of sexual harassment.

- a. Educational, employment, or extra-curricular opportunities and benefits are awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors or are denied to an individual who does not submit;
- b. An individual’s sexuality is emphasized in a manner that impairs or prevents that person’s full enjoyment or advantage of educational, employment, or extra-curricular opportunities;

Conduct commonly considered to be sexual harassment includes:

Verbal: Sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy, or gender-specific traits, sexual propositions, threats, repeated requests for dates,

or statements about students or employees, even outside of their presence, of a sexual nature.

Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls,” “smacking,” or “kissing” noises.

Visual: Posters, signs, pin-ups, or slogans of a sexual nature.

Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment can involve a man harassing a woman, a woman harassing a man, or harassment between members of the same gender.

Sexual harassment does not include literary, musical, or artistic expressions or materials that are relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the College’s educational mission.

6.0 Definition of other harassment. Harassment based on gender, sexual orientation, religion, race, ethnicity, national origin, age, or disability consists of verbal or physical conduct relating to an individual’s gender, sexual orientation, religion, race, ethnicity, national origin, age, or disability when:

- a. the harassing conduct is sufficiently severe, persistent, or pervasive that it affects an individual’s ability to participate or benefit from an educational, employment, or extra-curricular program or activity or creates an intimidating, threatening, or abusive educational, employment, or extra-curricular environment; or
- b. the harassing conduct has the purpose or the effect of substantially or unreasonably interfering with an individual’s full enjoyment or advantage of educational, employment, or extra-curricular opportunities; or
- c. the harassing conduct otherwise adversely affects an individual’s educational, employment, or extra-curricular opportunities.

7.0 Examples of other harassment.

- a. Intimidation and implied or overt threats of physical violence motivated by gender, sexual orientation, religion, race, ethnicity, national origin, age, or disability;
- b. Physical acts of aggression or assault upon another or damage to another’s property that is motivated by the individual’s own gender, sexual orientation, religion, race, ethnicity, national origin, age, or disability;
- c. Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos, or other negative or derogatory remarks relating to an individual’s gender, sexual orientation, religion, race, ethnicity, national origin, age, or disability;
- d. Depending upon the circumstances and context, graffiti and/or slogans or visual displays such as cartoons, posters, or bumper stickers depicting slurs or derogatory sentiments directed at gender, sexual orientation, religion, race, ethnicity, national origin, age, or disability;
- e. Criminal offenses directed at persons because of their gender, sexual orientation, religion, race, ethnicity, national origin, age, or disability.

Other harassment does not include literary, musical, or artistic expressions or materials that are relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the College's educational mission.

8.0 False or malicious complaints. It is also a form of harassment to file a knowingly false or malicious complaint of harassment or of retaliation, and such knowingly false or malicious complaint is considered a violation of the College's harassment policy. Such conduct may be pursued using the steps followed for a complaint of harassment. A complaint pursued or filed in good faith under this policy shall not constitute prohibited retaliation.

9.0 Responsibility to report an offense. The College has an obligation to investigate any apparent or alleged offense of the College's harassment policy. Employees, trustees, and other agents of the College who are notified or otherwise become aware of any apparent or alleged offense of the College's harassment policy must report such offense to the Executive Director of Human Resources or Dean of Student Success.

10.0 Supervisory responsibility. Student and employee supervisors will strive to maintain a harassment-free College environment by promoting professionalism and by dealing with harassment promptly (a student supervisor is any faculty member or other College representative overseeing students in a class or learning environment).

Student and employee supervisors will address any observed or reported incident or complaint of harassment with seriousness and will take prompt action while observing strict confidentiality, whether or not a formal written complaint has been filed. Student and employee supervisors must also ensure that no retaliation will result against a student or employee making a harassment complaint. Student and employee supervisors should consult the Executive Director of Human Resources or Dean of Student Success regarding any harassment complaint reported to them. Harassment complaints involving employees will generally be handled by the Executive Director of Human Resources while harassment complaints involving students will generally be handled by the Dean of Student Success.

11.0 Confidentiality. All participants in the College's harassment complaint resolution process, including the complainant, respondent, witnesses, supervisors, Executive Director of Human Resources, Dean of Student Success, other investigative team members, and College administrators shall respect the confidentiality of the proceedings, including any filing of a complaint, investigation, and hearing of the same. Breaches of confidentiality serve only to jeopardize the conditions necessary to the success of internal procedures for resolution of claims of harassment. Participants are authorized to discuss the case only with those individuals who have a genuine need to know.

A complaint alleging an intentional breach of confidentiality may be pursued using the steps followed for a complaint of harassment. Such a breach may constitute an act of retaliation. Further, a breach of confidentiality may void the outcome of any previously agreed upon resolution to a complaint.

12.0 Procedures for resolution of claims of harassment. The College harassment policy reflects a commitment to maintaining an environment that is free from harassment of any kind. The College has designed procedures for prompt internal resolution of harassment complaints and expects that the use of these procedures will facilitate a prompt resolution of such complaints. Under these procedures, harassment complaints involving employees will generally be handled by

the Executive Director of Human Resources while harassment complaints involving students will generally be handled by the Dean of Student Success. A member of the college community who believes that he or she has been harassed in violation of this policy should take action in any of the following ways:

- a. Inform the individual whose behavior is disturbing that the behavior is unwelcome and that the behavior should stop immediately. The initial message may be verbal or in writing. If the unwelcome behavior does not stop, the harassed individual must report such behavior to his or her supervisor, and/or the Executive Director of Human Resources or Dean of Student Success immediately.
- b. Report the disturbing or unwelcome behavior to the supervisor and request assistance to stop the behavior. If the student's or employee's supervisor is the individual involved in the disturbing or unwelcome behavior, report the unwelcome or disturbing behavior to the Executive Director of Human Resources or Dean of Student Success;
- c. Report the disturbing or unwelcome behavior to the Executive Director of Human Resources or Dean of Student Success.

13.0 Initial attempt to resolve complaint. The initial attempt to resolve a complaint of harassment may be achieved by any of the steps outlined below.

- a. The complainant may meet with his or her supervisor, the Executive Director of Human Resources, or the Dean of Student Success to clarify whether harassing behavior is occurring and to discuss appropriate responses and plans as to how the issue might be resolved.
- b. The complainant may request that his or her supervisor, the Executive Director of Human Resources, or the Dean of Student Success meet with the respondent to discuss the alleged conduct and to remind him or her of College policies against harassment and to seek a commitment by the respondent to comply with these policies. A complainant may request that, when possible, such a conversation be held without the identity of the complainant being revealed to the respondent.
- c. The complainant may request that his or her supervisor, the Executive Director of Human Resources, and/or the Dean of Student Success meet with the complainant and the respondent in the role of a mediator to reach resolution of the issue. During such mediation, both the complainant and the respondent will be reminded of College policies against harassment, and successful mediation will include a commitment by the respondent to comply with such policies.

After the initial attempt to resolve the complaint has concluded, the complainant's supervisor, if involved, will forward all documentation concerning the complaint to the Executive Director of Human Resources or Dean of Student Success. The Executive Director of Human Resources or Dean of Student Success will maintain a record of the complaint in order to document that the claim of harassment was made and to document the outcome of the initial attempt to resolve the complaint.

14.0 Initiating a formal complaint. An individual may file a formal complaint of harassment if the initial attempt(s) to resolve the complaint was not satisfactory. An individual may also file a formal complaint of harassment if he or she chooses to bypass the initial attempt(s) of complaint resolution for any reason. All formal complaints of harassment should be submitted in writing directly to the Executive Director of Human Resources or Dean of Student Success as soon after the

offending conduct as possible but in no event more than three months after the most recent conduct alleged to constitute harassment. The three month limitation on the filing of claims of harassment is intended to encourage complainants to come forward as soon as possible after the offending conduct and to protect respondents against complaints that are too old to be effectively investigated.

If a complainant demonstrates sound reasons for failing to come forward within the three-month period, the Executive Director of Human Resources and/or Dean of Student Success may decide, in their sole discretion, to process a formal complaint pursuant to this provision. If the Executive Director of Human Resources and/or Dean of Student Success decides a complaint will not be pursued under the formal complaint procedures, there may still be options for responding to such a complaint through counseling or informal resolution. If sufficient evidence is still available, an investigation may be undertaken by appropriate authorities.

The process for resolution of formal harassment complaints consists of two stages: 1) investigation; and 2) report and recommendation. Prior to investigation, a formal complaint, signed by the complainant, must be submitted in writing to the Executive Director of Human Resources or the Dean of Student Success. The written complaint shall include the name(s) of the complainant and the respondent(s) and the details of the conduct alleged to be harassment. Within seven calendar days of receiving the written complaint, the Executive Director of Human Resources and/or the Dean of Student Success will designate a team to investigate the complaint.

15.0 Creation of investigative team. The Executive Director of Human Resources and/or Dean of Student Success will convene an investigative team consisting of two individuals, one male and one female, who are not immediate supervisors of the complainant(s) or respondent(s) and who do not have a conflict of interest with the complainant(s) or respondent(s). The investigative team may consist of the Executive Director of Human Resources and/or Dean of Student Success so long as the above named criteria are met. All individuals appointed to serve as investigators shall have participated in harassment training at the College.

The investigative team shall interview the individual(s) filing a complaint, the respondent(s), and other individuals named by the complainant(s) and the respondent(s) who are identified as having information relevant to the allegations. The investigative team may interview other individuals it identifies as having information potentially relevant to the complaint. All interviews should be completed within ten business days, if possible.

16.0 Report and recommendation. Using the information gathered by the investigative team and in consultation with the investigative team, the Executive Director of Human Resources and/or Dean of Student Success will prepare a formal report consisting of the complaint, the response of the respondent, the investigative team's findings, and a recommendation of the appropriate action(s) to be taken. The report will be submitted to the President.

17.0 Determinations. The President will designate the appropriate Cabinet-level member to review the report. The Cabinet-level designee may: 1) accept the report and recommendations as presented; or 2) request additional information/clarification from the investigative team and consider a modified report as appropriate;

After consideration of the final report, the Cabinet-level designee will make a determination regarding the report. In consultation with the Cabinet-level designee, the Executive Director of Human Resources or the Dean of Student Success will prepare formal responses to the complainant and respondent, which shall include a summary of the investigation findings and communication of

any action to be taken. Such action will depend on the nature of the offense and may include but is not limited to oral or written reprimand, suspension, reassignment, or termination.

The complainant(s) and/or the respondent(s) may submit a written statement to the President concerning the findings and resulting actions within ten (10) business days of having received the College's formal response. The President may uphold the prior findings and recommendation or may determine a different response.

18.0 Special Circumstances. A student or employee who wishes to bring a claim of harassment against the Executive Director of Human Resources or the Dean of Student Success must file the complaint with the President, who will appoint the members of the investigative team. A student or employee who wishes to bring a claim of harassment against the President must file the complaint with the Executive Director of Human Resources or Dean of Student Success, who will refer the complaint to the Chair of the Board of Trustees for investigation.

19.0 Retaliation. No individual making a complaint, whether formal or informal will be retaliated against even if a complaint made in good faith is not substantiated. Witnesses involved in any complaint of harassment will also be protected from retaliation.

20.0 Retaliation charge. A student or employee who believes they have been subjected to any form of retaliation after filing a complaint under this policy may file an additional complaint regarding the perceived retaliation.

21.0 External complaints. Individuals who believe they have been subjected to harassment are encouraged to take advantage of the College's complaint procedure. However, external complaints may be filed with the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC). An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. An EEOC complaint must be filed within 300 days of the alleged incident(s).

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