

TRITON COLLEGE BOARD POLICY

BOARD OF TRUSTEES, DISTRICT 504

HUMAN RESOURCES

SEXUAL HARASSMENT

POLICY 4145

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ADOPTED: 03/16/93

AMENDED: 06/20/00

AMENDED: 12/20/16

Illegality

Sexual harassment is illegal under both state and federal law. In some cases, it may be subject to prosecution under the criminal sexual conduct law.

Definition & Description

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature 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.

Sexual misconduct is any sexual activity that does not involve the knowing consent of each individual, expressed verbally or otherwise. This behavior includes but is not limited to the following:

- A. any form of sexual penetration when the victim does not give or is unable to give knowing consent;
- B. any intentional or knowing touching or fondling by either person, directly or through clothing, of the sex organs, buttocks, or breasts of either person for the purpose of sexual gratification or arousal of either person in which the victim does not give or is unable to give consent;
- C. any force, restraint, illegal trespass, actual or threatened, with sexual intent; indecent exposure; or use of mail, telephone, or other message systems to send obscene or intimidating materials that are unwelcome to the recipient.

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Internal Complaint Procedures

Bringing a Complaint:

1. Any person within the College or College Community who believes that he or she has been the victim of sexual harassment as defined above and wishes further information or assistance (hereinafter "Complainant") should promptly contact the Director of Affirmative Action.
2. The Complainant should present the complaint as promptly as possible after the alleged harassment occurs. One consequence of the failure to present a complaint promptly it that is may preclude recourse to legal procedures should the Complainant decide to pursue them at a later date.
3. The initial discussion between the Complainant and the Director of Affirmative Action will be kept confidential, with no written record.
4. If the Complainant, after an initial meeting with the Director of Affirmative Action decides to proceed, the Complainant should submit a written statement to the Director of Affirmative Action. Cases involving sexual harassment are particularly sensitive and demand special attention to issues of confidentiality. Dissemination of information relating to the case should be limited in order to safeguard the privacy of all individuals as much as possible.
5. The Director of Affirmative Action will inform the alleged offender of the allegation and the identity of the complainant. A written statement of the complaint will be given to both parties. Every effort will be made to protect the Complainant from retaliatory action by those named in the complaint.
6. Penalties resulting from sexual harassment complaints filed with the Director of Affirmative Action include but are not limited to disciplinary measures such as probation, suspension, expulsion, or discharge. Such penalties are at the discretion of the Director of Affirmative Action.

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Applicable Legal Recourse:

An aggrieved party may also, by law, file a complaint and/or civil action with the Equal Employment Opportunity Commission; Illinois Department of Human Rights; or an appropriate Circuit court.

Contact Information

The Equal Employment Opportunity Commission may be contacted as follows:

- 1) Equal Employment Opportunity Commission
Chicago District Office
500 W. Madison Suite 2000
Chicago, IL 60661
(800) 669-4000
- 2) Illinois Department of Human Rights
100 West Randolph, Suite 6-400
Chicago, IL 60601
(312) 814-8756

General External Investigative and Complaint Process

Illinois Department of Human Rights:

- Charge is filed by Complainant
- Notice is given to Respondent by Department
- Department conducts a full investigation including but not limited to discovery and a fact finding conference
- Complainant files a Reply to Respondent's Response
- Department Director prepares a report regarding each charge
- Department notifies Complainant and Respondent of Decision
- Complainant may seek Review of a Dismissal Order before the Department's Chief Legal Counsel

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Equal Employment Opportunity Commission:

- Complaint is filed by Complainant
- Commission conducts a hearing or Alternative Hearing on the Complaint
- Discovery is conducted
- Respondent files a Response to the Complaint
- Hearing Officer makes a Decision on the Complaint
- Both Parties have an option to file for a Review of the Decision by the Commission, unless the parties opted for an Alternative Hearing

Prohibition of Retaliatory Action

Retaliatory action of any kind taken against any individual as a result of a person's attempt to seek redress under the applicable procedures dealing with sexual harassment is prohibited. Such action shall be regarded as a separate and distinct cause for complaint.