

Policy on Sexual Harassment

General Policy Statement.

Southern Illinois University is committed to creating and maintaining a community in which students, faculty, and staff can work together in an atmosphere free of all forms of harassment, exploitation or intimidation. Such actions violate the dignity of the individual and the integrity of the university as an institution of learning. The university will take whatever action is needed to prevent, stop, correct, or discipline behavior that violates this policy. Disciplinary action may include, but is not limited to, oral or written warnings, demotion, transfer, suspension, or dismissal for cause. It is the policy of this university that sexual harassment in any form will not be tolerated; management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment. All members of the university community are encouraged to report promptly any conduct that could be in violation of this policy. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 and a violation of the Illinois Human Rights Act (IHRA).

Procedures

Each Chancellor is authorized to develop procedures for his or her respective campuses dealing with sexual harassment.

Prevention

The University will take measures to educate and train employees periodically regarding conduct that could constitute a violation of this policy. All management and supervisory personnel are expected to participate in such education and training and to be knowledgeable concerning the University's policy.

Definition and Examples

Sexual harassment may involve the behavior of a person of either sex toward a person of the opposite or the same sex. Sexual harassment can occur on or off campus. The harasser may be a member of the university community, or an outside individual involved in university business. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, verbal or other expressive behaviors, or physical conduct commonly understood to be of a sexual nature, when:

- 1) submission to or toleration of such conduct is made, either explicitly or implicitly, a term or condition of instruction, employment, or participation in other university activities;
- 2) submission to or rejection of such conduct is used as a basis for employment or for academic decisions or assessments affecting the individual's status as an employee or student; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's status as a student or employee or creates an intimidating, hostile, or offensive work or educational environment.

b. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge any individual's rights under the first amendment, academic freedom, or the university's educational mission (3/13/03).

c. The fact that someone did not intend to sexually harass an individual is generally not considered a defense to a complaint of sexual harassment. In most cases it is the characteristics of the behavior and how that behavior is perceived that determine whether sexual harassment occurred.

d. Examples of behavior that may be considered sexual harassment include, but are not limited to, the following:

1) physical/sexual assault;

2) direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;

3) a pattern of conduct, annoying or humiliating in a sexual way, that includes comments of a sexual nature and/or sexually explicit statements, questions, jokes, or anecdotes; a pattern of conduct that would annoy or humiliate a reasonable person at whom the conduct was obviously directed. Such conduct includes, but is not limited to gestures, facial expressions, speech, or physical contact understood to be sexual in nature or which is repeated after the individual signifies that the conduct is perceived to be sexually offensive. However, the determination of whether sexual harassment occurred will not depend solely on whether the individual being harassed told the harasser to stop the behavior;

e) For conduct to be considered sexual harassment, it need not be direct or explicit. Sexual harassment can be implied from the conduct, circumstances, and the relationship of the individuals involved.

f) The policy will be made available to all employees and students. Periodic notices sent to students and employees about the university's policy against sexual harassment will include information about the complaint procedure and will refer individuals to designated offices/officials for additional information.

Prohibitions

The following are strictly prohibited by this policy:

1. Sexual harassment in any form.
2. Retaliation for seeking information on sexual harassment, making a charge, filing a sexual harassment complaint, or testifying, assisting, or participating in an investigation, proceeding, or hearing involving a complaint of sexual harassment.
3. Malicious and/or false accusations.

Confidentiality

All parties in the complaint process are obligated to protect the privacy of all persons involved. The university will take reasonable steps to ensure confidentiality; however, confidentiality cannot be guaranteed.

Complaint Procedures

Individuals may report acts of sexual harassment through procedures developed by each campus and/or may file a complaint with an external agency. A complaint filed with an external agency does not initiate the university's internal complaint procedures