

Sexual Harassment Complaint Procedures

Approved by Chancellor effective 7/1/05

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Each member of the University community shares a common responsibility to maintain an environment free from sexual harassment. Individuals who have concerns about sexual harassment should seek assistance or advice. Individuals are not required to reveal their identity in seeking advice. It may be necessary to reveal your identity for investigation. Members of the University community who have knowledge of such incidents should encourage victims of sexual harassment to consult with sexual harassment information advisors.

Southern Illinois University Edwardsville has adopted the following procedures to ensure compliance with the [University Policy on Sexual Harassment](#).

I. Definition of Sexual Harassment

Definitions and examples of prohibited sexually harassing behaviors are found at G., D. 1-5 of the Policies of the Board, the [University Policy on Sexual Harassment](#)

II. Consensual Relationships

Consensual amorous or sexual relationships between faculty and students or between a supervisor and an employee may result in claims of sexual harassment, even when both parties appear to have consented to the relationship. The power differential inherent in such relationships may compromise the subordinate's free choice. When those in authority abuse or appear to abuse their power in a relationship, trust and respect in the University community are diminished. Moreover, others who believe they are treated/evaluated unfairly because of such a relationship may make claims of harassment.

Therefore, it is a violation of this policy if faculty members become involved in amorous or sexual relationships with students who are enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship. No faculty, staff, or graduate assistant shall become involved in an amorous relationship, consensual or otherwise, with a student for whom that person currently has any teaching responsibility, including counseling and advising, coaching, supervision of independent studies, research, theses, and dissertations. In all cases in which an amorous or sexual relationship exists or

develops, it is the obligation of the faculty member, staff member, or graduate assistant whose University position carries the presumption of greater power to disclose the relationship immediately to the appropriate supervisor who will contact the Office of the Provost for assistance in avoiding an appearance of impropriety and a potential conflict of interest.

Additionally, it is a violation of this policy for a supervisor and a directly reporting employee to have a consensual amorous or sexual relationship with each other. In cases in which a consensual sexual or amorous relationship exists or develops between a supervisor and a directly reporting employee, it is the obligation of the supervisor to disclose the relationship immediately to his or her supervisor, who will contact the Office of the Provost or the Office of Institutional Compliance for assistance in how to avoid an appearance of impropriety and a potential conflict of interest.

III. Sexually Explicit Materials

Sexually explicit materials in the workplace or learning environment that have no relationship to the curriculum can contribute to a sexually harassing environment for employees and students. Such materials can be in the form of music, documents, photographs, film or computer generated materials. A complaint of sexual harassment may include allegations of sexually explicit materials.

IV. Informal Complaint Procedures

Any student, employee, participant in a University sponsored activity or member of the public having contact with the University may utilize the following informal procedures, or may proceed directly to the formal procedures. A complaint may be filed against a student, employee, participant in a University sponsored activity or member of the public having contact with the University.

A. Complaints Received by Supervisors

1. Complainants are encouraged to seek assistance at the level of the lowest ranking supervisor or University official not related to the harassment. If a complaint, whether written or oral, is brought to the attention of a respondent's [Respondent is the person against whom a charge is brought] supervisor, department head, director, or dean, or to any of the vice chancellors or the chancellor, that officer has the responsibility to take necessary action to attempt to resolve the complaint promptly. The officer should consult with the Office of Institutional Compliance for employee complaints or the Office of the Assistant Provost for Cultural and Social Diversity for student complaints to determine the appropriate course of action.
2. Whenever a complaint is made, a written report of the incident, including the name of the respondent and the action(s) taken to

resolve the complaint, must be submitted to the Office of Institutional Compliance for employee complaints or to the Office of the Assistant Provost for Cultural and Social Diversity for student complaints. The supervisor or other University official who receives a complaint is responsible for taking reasonable action to prevent retaliation against complainants and/or other individuals involved in the investigation process.

B. Sexual Harassment Information Advisors

The University has designated a number of individuals to serve as information advisors on the subject of sexual harassment. Sexual harassment information advisors are individuals familiar with the University Policy on Sexual Harassment who can assist those who have concerns regarding sexual harassment. Complainants, respondents, witnesses, or supervisors of parties to a complaint may consult sexual harassment information advisors. Such consultation, which is treated in the strictest possible confidence, does not constitute a formal complaint or grievance. Sexual harassment information advisors can provide information about

1. informal actions that might remedy the situation;
2. university policy on sexual harassment and procedures for resolving complaints;
3. applicable state and federal laws including procedures to file charges with state and federal agencies; and
4. completion of necessary forms for filing a formal complaint.

Functional area heads will recommend individuals to serve as sexual harassment advisors. Advisors will be selected by the Office of Institutional Compliance and the Office of the Assistant Provost for Cultural and Social Diversity on the basis of ability to maintain objectivity, to maintain confidentiality and to attend training. Sexual harassment advisors will include members from all employee groups, faculty, staff and civil service and will be representative of gender and racial diversity. Each building on the Edwardsville campus shall have one advisor; the East St. Louis Center and the Alton campus shall have at least one advisor. Advisors and building locations are listed at [Appendix A](#).

Individuals may also go directly to the Office of Institutional Compliance or the Office of the Assistant Provost for Cultural and Social Diversity if they choose.

V. Formal Complaint Procedures

Formal complaints shall be made to the Office of Institutional Compliance for employee or other complaints or to the Office of the Assistant Provost for

Cultural and Social Diversity for student complaints ("Investigating Office"). Formal complaints shall be in writing. (See [Appendix B](#) for complaint form.) Complaints shall be made no later than 60 calendar days following the last alleged incident of harassment. The Investigating Office may waive the deadline where circumstances warrant. Upon receipt of a formal complaint, the Investigating Office will proceed as follows:

- A. Within three (3) working days of receiving a complaint:
 1. Meet with the complainant to obtain details of the allegations and make a written record of the complaint. The written record should include the name of the complainant, the name of the respondent, a factual description of the incident(s) (including dates, times, places, and the names of any witnesses), and the remedy sought by the complainant.
 2. Advise the complainant of the necessity of maintaining confidentiality to the extent possible throughout the investigation process.
 3. Advise the complainant of his or her right to not have past sexual history discussed during the proceedings.
 4. Inform the complainant of his or her right to have a person of their choice, including an attorney, accompany them throughout the proceedings. However, the complainant is responsible for participating in the investigation process; any person chosen by the complainant to accompany him or her through the process may not speak or directly participate in the investigation, except to the extent that the person may be a witness.
 5. Advise the complainant that retaliation for having made a complaint of sexual harassment is strictly forbidden by University policy.
 6. Inform the complainant that interim measures may be available until the complaint is resolved. Interim measures may include but are not limited to alternate work assignments, changing sections of a class, completing class assignments with another instructor, alternate living arrangements in the case of students residing on campus.
 7. Advise the complainant of his or her right to present witnesses who have direct knowledge of the complaint.
- B. Within five (5) working days of receipt of a complaint:
 1. Meet with the respondent to notify him or her of the specific allegations.
 2. Advise the respondent of due process options available.
 3. Advise the respondent of the necessity of maintaining confidentiality to the extent possible throughout the investigation process.
 4. Inform the respondent of his or her right to have a person of their choice, including an attorney, accompany them throughout the

proceedings. However, the respondent is responsible for participating in the investigation process; any person chosen by the respondent to accompany him or her through the process may not speak or directly participate in the investigation, except to the extent that the person may be a witness.

5. Advise the respondent that retaliation against a complainant for having made a complaint of sexual harassment is strictly forbidden by University policy.
 6. Allow the respondent five (5) working days to respond to the allegations.
 7. Advise the respondent of his or her right to present witnesses who have direct knowledge of the complaint.
 8. Notify the respondent's supervisor of the complaint. In the case of faculty, the chairperson and the dean will be notified. In the case of other employees, the supervisor and the unit head will be notified. In order to protect the privacy and confidentiality of the parties, no other person will receive notice of a complaint from the Office of Institutional Compliance or the Office of the Provost.
 9. In the event the respondent is a student, the Dean of Students will be notified and if the student is a student worker at the University, the appropriate supervisor will receive notification. If the student is a graduate assistant, the appropriate supervisor, the Dean of Graduate Studies and Research and the Dean of the School/College in which the graduate assistant is enrolled will receive notification.
 10. Inform the appropriate Vice Chancellor.
- C. The Investigating Office will interview witnesses and any other appropriate individuals to fully investigate the allegations of the complaint.
- D. At all stages of this process, the Investigating Office will assess whether a resolution is possible and attempt to resolve the complaint in the least disruptive, prompt and confidential manner. This ongoing assessment will include a consideration of whether mediation [Mediation is a process where the parties in disagreement resolve their differences by agreement with the assistance of an impartial mediator who facilitates a resolution in a private and confidential setting.] could be beneficial and, if the Investigating Office believes that mediation could successfully resolve the complaint, the complainant and respondent will be offered the opportunity to mediate.
- E. The Investigating Office will assess whether interim measures are appropriate and make a recommendation for implementation of such measures to the appropriate University personnel.
- F. The complainant and the respondent will have opportunities to present information, rebut evidence and present witnesses to the Investigating Office.
- G. Within thirty (30) working days of receipt of a complaint, the Investigating Office will determine whether the Sexual Harassment Policy

has been violated, make a written report of the findings and conclusions of the Investigating Office and notify the complainant and respondent of the results of the investigation.

- H. In cases where the respondent is an employee, the Investigating Office will notify the respondent's supervisor that the investigation is complete, and if a violation has occurred, will make recommendations for appropriate discipline according to Section X of this policy. Those who were originally notified of the complaint will receive a copy of the written report.
- I. In cases where the respondent is a student and where the Investigating Office finds that the Sexual Harassment Policy was violated, within thirty (30) working days of receipt of a complaint, the Investigating Office will notify the Dean of Students that a violation has occurred and will make a recommendation for appropriate discipline according to Section X of this policy. If the student is a graduate assistant or student worker, the appropriate supervisor and the deans will receive notification. Those who were originally notified of the complaint will receive a copy of the written report.
- J. Between the time the written report is given to the appropriate supervisor/Dean and when discipline is imposed, there shall be no ex parte communications between the supervisor/Dean and any of the parties or witnesses to the complaint. After discipline is imposed, the complainant and the respondent shall receive a copy of the written report.

Within five (5) working days of notification of the results of the investigation, either the complainant or respondent shall notify the Investigating Office of his or her wish to appeal the determination as to whether the Sexual Harassment Policy was violated. Where the appealing party is the respondent, he or she shall indicate whether he or she will appeal to the Sexual Harassment Panel, or through any applicable civil service procedures, collective bargaining or student conduct codes. This choice by the respondent will constitute respondent's exclusive avenue of appeal. Where the respondent elects civil service, collective bargaining or student conduct code procedures, the Investigating Office shall forward the report to appropriate University personnel pursuant to the applicable procedure. Where the complainant appeals or the respondent elects to appeal to the Sexual Harassment Panel, within three (3) working days of receipt of the notice of appeal, the Investigating Office shall initiate the appeal process.

VI. Appeal Process
A. Sexual Harassment Panel

Upon Appeal by either respondent or complainant, the Sexual Harassment Panel shall review the investigations of alleged sexual harassment which

was conducted by the Investigating Office to determine whether or not the Sexual Harassment Policy was violated.

The Sexual Harassment Panel shall be drawn from a Pool composed of three representatives from each of the four functional areas governed by the Vice Chancellors. Functional area heads will recommend candidates for the Pool to the Investigating Office, which will forward the recommendations to the Chancellor. The twelve members of the Pool will be approved by the Chancellor on the basis of ability to maintain objectivity, to maintain confidentiality and to attend training. The Sexual Harassment Panel Pool shall include representatives from faculty, staff, and civil service and shall include both males and females and represent diversity.

A Sexual Harassment Panel shall be composed of three members of the Sexual Harassment Panel Pool. None of the three panel members shall be drawn from the same school, college, or other reporting area as either the complainant or the respondent. Within three (3) working days of receipt of the notice of appeal, the Investigating Office shall select the three members of the Sexual Harassment Panel, taking into account such factors as the nature of the complaint, the prior experience and availability of the eligible members of the Pool, and equitable gender representation on the Panel, and provide each member of the Panel with a copy of the Investigating Office report.

B. Procedures for Appeal

The Sexual Harassment Panel will proceed as follows:

1. Within five (5) working days of receipt of the report from the Investigating Office, convene to review and discuss the Investigating Office report and schedule a date for a hearing.
2. Within five (5) working days of receipt of the report, advise the complainant and respondent of the date of the hearing and their right to have an advisor of their choice, including an attorney, present throughout the hearings. However, complainant and respondent are responsible for presenting their own cases; an advisor may not speak or participate directly in any hearing.
3. Within ten (10) working days of receipt of the report, schedule a hearing to allow the complainant and respondent the opportunity to present information, rebut evidence, and present witnesses.
4. Allow the complainant and the respondent to remain present during the entire hearing.
5. Within ten (10) working days of the conclusion of the hearing, determine whether the Sexual Harassment Policy has been violated

and prepare a written report of the Panel's findings, conclusions and any recommendations for sanctions.

6. Within ten (10) working days of the conclusion of the hearing, forward a copy of the Panel's report to the complainant and respondent with a copy to the Investigating Office.
7. If the Panel makes a finding that the Sexual Harassment Policy was violated, the Investigating Office will forward a copy of the Panel's report, including recommendations for sanctions, to the appropriate University personnel for action.
8. Within ten (10) days of receipt of the Panel's report and recommendations, the appropriate University personnel will impose sanctions as deemed appropriate.

C. Appeal from Sexual Harassment Panel Findings

Within five (5) working days of receipt of the Sexual Harassment Panel's report, either the respondent or complainant shall provide written notice of appeal to the Office of the Chancellor. The Chancellor will review the record and either uphold or reverse the decision being appealed within ten (10) working days of receipt of the appeal. A complainant may also seek relief through the Equal Employment Opportunity Commission, (1222 Spruce, Room 8.100, St. Louis, MO 63103), the Office of Civil Rights of the U.S. Department of Education, (111 No. Canal Street, Suite 1053, Chicago, IL 60606), the State of Illinois Department of Human Rights (222 South College, Floor 1, Springfield, IL 62704) and the courts.

VII. Confidentiality

All parties involved in the complaint, investigation and appeal processes are obligated to protect the privacy of all persons involved. The University will take reasonable steps to ensure confidentiality, however, confidentiality cannot be guaranteed.

A confidential record of the complaint and any reports shall be maintained by the Investigating Office. The record will contain all documentation on the sexual harassment complaint, actions taken, and the nature of the resolution. The file may be reviewed by legal counsel or Offices of Human Resources to ensure full compliance with legal requirements and observance of the rights of all parties involved.

VIII. Exclusive Remedy

The procedures set forth in this Policy shall be the exclusive remedy at the University level available to any person complaining of sexual harassment. This policy and related procedures do not apply to complaints of discrimination with respect to protected categories. Complaints alleging discrimination are covered in the University's Non-Discrimination Policy and Procedures. The right of a

person to prompt resolution of a complaint filed under this procedure shall not be impaired by the person's pursuit of remedies outside the University. Use of this procedure is not a prerequisite to the pursuit of other remedies. Individuals should be aware that the deadlines for filing a charge with the Illinois Department of Human Rights and with the federal Equal Employment Opportunity Commission are no later than 180 and 300 days, respectively, following the alleged act of sexual harassment.

IX. Substantial Compliance

Substantial compliance with all of the procedures set forth in these Procedures shall be deemed full compliance if the party challenging the procedures has suffered no substantial harm caused by the actual procedure used.

X. Sanctions

A. Employees and Other Individuals

If there is a finding of sexual harassment against a University employee or another individual, the university may impose sanctions including, but not limited to:

1. Apology to the victim
2. Advice and counseling
3. Required attendance at sexual harassment training
4. Written warning
5. Letter of reprimand
6. Removal of sexually explicit material
7. Required attendance at substance abuse training, if substance abuse was involved
8. Loss of travel dollars
9. Loss of choice assignments
10. Change of job or class assignment
11. Suspension, probation, termination
12. Loss of access to the University

B. Students

If there is a finding of sexual harassment against a student or student group, the University may impose sanctions including, but not limited to:

1. Apology to the victim
2. Written warning
3. Letter of reprimand
4. Removal of sexually explicit material
5. Prohibiting students from holding office or participating in activities such as sports events for a specified time
6. Transferring the student to another class or job

7. Disbanding or suspending a social organization or other student group involved in sexual harassment
8. Transferring students to different housing or prohibiting them from living in institutional housing facilities
9. Requiring attendance on substance abuse training, if substance abuse was involved
10. Requiring relevant community service
11. Requiring perpetrators to attend workshops on peer harassment
12. Loss of student worker position or graduate assistantship
13. Suspension, probation, dismissal or expulsion

XI. Retaliation

Retaliation against a student or an employee who complains of sexual harassment, or who participates in an investigation of a complaint, is prohibited. Retaliation is prohibited by University regulation, state and federal law and can lead to disciplinary action independent of the sexual harassment allegations.

XII. Frivolous or Malicious Charges

These procedures shall not be used to bring frivolous or malicious charges against fellow students, faculty or staff members. Disciplinary action under the appropriate University policies or procedures for students, faculty, and staff shall be taken against any employee or student bringing a frivolous or malicious charge of sexual harassment.

XIII. Education and Training

Education and training for employees of the University is necessary to ensure individual personal safety and to protect the integrity of the University. All administrators and supervisors must complete training on sexual harassment. The Sexual Harassment Panel Pool and Sexual Harassment Advisors shall also complete the training.

Annual sexual harassment education and training will occur to update and review sexual harassment issues.

Appendix A

Building

Alton Campus

Alumni Hall

Art and Design Building

Advisor

[Barbara Zika](#)

[Radcliffe Edmonds](#)

[Dianne Lynch](#)

Birger Hall	Kevin Martin
Cougar Village	Jackie Bolin
Counseling Center	Sarah Bradbury
Dunham Hall, Kathryn	Renee Eaton Baptiste
Early Childhood Center	Trisha McCulloch
East Saint Louis Center	Louella Hawkins
Engineering Building	Tonja Smith
Environmental Resources Training Center	Nancy Harris
Founders Hall	Bill Searcy
Lovejoy Library	Regina McBride
Morris University Center, Delyte W.	Tim Engelman
Peck Hall	Carl Springer
Rendleman Hall	Richard Walker
Science Building	Marian Smith
Student Fitness Center	Larry Bennett
Supporting Services	Gina Hays
University Housing Facilities Management	Winnie Kyro
University Park	Connie Stamper-Carr
Vadalabene Center	Kay Covington
Woodland Hall	Kara Shustrin

[\[Return back to referring text within the policy\]](#)

APPENDIX B

SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

Confidential File Form Sexual Harassment Complaint

Name _____

ID# _____

Date _____

Address

Email address _____

Phone: Home: _____ Work: _____ Cell: _____

Sex: M: _____ F: _____

Race: _____

Context of Harassment (Please check)

Employee/employee _____

Student/student _____

Student/faculty/staff _____

Other (please describe) _____

Please provide a detailed description of your allegations or complaint and attach to this form. If there are witnesses who can support your allegations, please provide their names and other contact information. Please attach any documents to support your claim of harassment.

Signature

Date