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ADOPTED – BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 508
JUNE 4, 2015

BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT NO. 508
COUNTY OF COOK AND STATE OF ILLINOIS

RESOLUTION
TO ADOPT REVISIONS TO
THE EQUAL OPPORTUNITY POLICY AND COMPLAINT PROCEDURES
OFFICE OF HUMAN RESOURCES AND STAFF DEVELOPMENT

WHEREAS, the Board of Trustees of Community College District No. 508 is empowered under Section 805/3-30 of the Illinois Public Community College Act, 110 ILCS 805 (“the Act”) to exercise all powers not inconsistent with the Act, “that may be requisite or proper for the maintenance, operation and development of any college or colleges under the jurisdiction of the board”;

WHEREAS, Section 4.3 of the Board Bylaws of City Colleges of Chicago provides for the adoption of policies and states that:

“The Board may adopt, from time to time, policy statements, guidelines, procedures, regulations, collective bargaining agreements, codes of conduct or similar documents issued for the governance of the Board, the District and the Colleges.”

WHEREAS, the District desires to amend the Equal Opportunity Policy and Complaint Procedures to ensure City Colleges of Chicago’s learning and working environments are free of discrimination and harassment;

WHEREAS, the Policy revision outlines the complaint resolution process, how to report complaints of sexual harassment, the duty to report sexual harassment, interim measures, investigation procedures, and includes an appendix of definitions; and

WHEREAS, the Officers of the District support the revisions to the Equal Opportunity Policy and Complaint Procedures that are being recommended by the Office of Human Resources and Staff Development.

NOW, THEREFORE, BE IT RESOLVED, that the Equal Opportunity Policy and Complaint Procedure revisions be adopted by the Board of Trustees of Community College District No. 508, County of Cook, State of Illinois, effective June 4, 2015 and posted to the City Colleges of Chicago website.

June 4, 2015 - Office of Human Resources and Staff Development

**EXECUTIVE SUMMARY
REVISIONS TO THE
EQUAL OPPORTUNITY POLICY AND COMPLAINT PROCEDURES
JUNE 4, 2015**

- City Colleges will be proactive to stop discrimination or harassment, remedy discrimination or harassment and prevent recurrence of discrimination or harassment.
- The Policy now covers CCC activities that may not occur on CCC property.
- The Policy defines and provides examples of sexual harassment.
- The Policy defines criminal sexual assault.
- Expanded the “Complaint Resolution Process” Section to include “Who May File a Complaint,” “How to File a Complaint,” “Duty to Report,” “Reporting a Complaint of Sexual Harassment,” “Interim Measures,” and “Investigation Procedures.”
- The “Duty to Report” section requires all CCC employees to report any incidents of discrimination, harassment, or hostile work or learning environment. Further, students are encouraged to report the same.
- “Reporting a Complaint of Sexual Harassment” includes information on who to report to, how to preserve evidence, the ability to file a police report and resources available at the wellness center.
- “Interim Measures” allows the EEO Office in conjunction with college authority or personnel, to modify academic or working situations while the EEO investigation is pending.
- The “Investigation Procedures” are now outlined in a step-by-step process and state the standard of evidence used in the investigations. The EEO Office will utilize the preponderance of the evidence standard.
- Appendix provides comprehensive definitions and examples of terms used throughout the policy.



CITY COLLEGES OF CHICAGO EQUAL OPPORTUNITY POLICY AND COMPLAINT PROCEDURES

Revised June 2015

POLICY STATEMENT

The City Colleges of Chicago is strongly committed to ensuring that its learning and working environments are free of discrimination and harassment, including sexual harassment. City Colleges of Chicago will take action to stop discrimination or harassment, remedy discrimination or harassment and prevent recurrence of discrimination or harassment. The Board of Trustees of the City Colleges of Chicago (“CCC”) prohibits unlawful discrimination or harassment with respect to hire, terms and conditions of employment, continued employment, admissions, or participation in Board programs, services, or activities (regardless of whether such programs, services or activities occur on CCC property) on the basis of race, color, national origin, ethnicity, sex, age, religion, citizenship status, sexual orientation including gender identity, marital status, pregnancy, order of protection status, disability, genetic information, military status, or status as a member of any other protected class under federal, state, or city law.¹

Prohibited harassment under this policy includes: using racial or ethnic slurs, making religious, ethnic, or gender specific jokes, distributing offensive cartoons or figures, spreading sexual rumors, and other conduct which interferes with the individual's work or academic performance or creates an intimidating, hostile, or offensive working or learning environment.²

Sexual harassment is a form of sex discrimination and is prohibited by this policy, Title VII of the Civil Rights Act of 1964 (“Title VII”), and Title IX of the Education Amendments of 1972 (“Title IX”). Sexual harassment occurs when an individual is subjected to unwelcome sexual advances, requests for sexual favors, and other expressive or physical conduct of a sexual nature where:

- (1) submission to such conduct is made a condition of employment or education;
- (2) submission to or rejection of such conduct is the basis for an academic or a personnel decision affecting the individual; or
- (3) such conduct interferes with the individual’s academic or work performance or creates an intimidating, hostile or offensive learning or work environment.

Examples of sexual harassment include, but are not limited to, sexual advances, repeated date requests, sexual gestures, sexual cartoons or images, discussions about sexual activity, domestic violence, dating

¹ As a public community college district, CCC adheres to federal, state and city laws and regulations regarding non-discrimination. Should any federal, state or city law or regulations be adopted that prohibits discrimination based on characteristics not included in this policy, discrimination on those additional bases will also be prohibited by this policy.

² See Appendix for definitions and additional examples.

violence, stalking, sexual misconduct, and sexual assault.³ Under Illinois law (720 ILCS 5/12-13) the crime of criminal sexual assault is committed when a person does any of the following:

- commits an act of sexual penetration by the use of force or threat of force;
- commits an act of sexual penetration and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent
- commits an act of sexual penetration with a victim who was under 18 years of age when the act was committed and the accused was a family member
- commits an act of sexual penetration with a victim who was at least 13 years of age but less than 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

EEO OFFICE AND COMPLAINT RESOLUTION PROCESS

The Equal Opportunity ("EEO") Office is responsible for investigating all equal opportunity concerns of City Colleges of Chicago employees, applicants for employment, students, applicants for admission, or any other person including complaints of discrimination, harassment, hostile work or learning environment, retaliation, intimidation, sexual misconduct, and failure to accommodate due to religion or disability. The head of the EEO Office is the Executive Director of Employee and Labor Relations. The Title IX Coordinator is located within the EEO Office. Any questions regarding Title IX may be referred to the EEO Office or to the Office of Civil Rights, U.S. Department of Education, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, Telephone: (312) 730-1560, [Email: OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov).

Who May File a Complaint

Complaints of discrimination, harassment, or sexual misconduct may be made by or against employees, students, or other participants in Board programs, activities, or services.

Filing a Complaint of Discrimination or Harassment

Complaints must be in writing on the City Colleges of Chicago Discrimination and Harassment form. Complaints must be filed within 180 days of the discriminatory or harassing act complained of on the form. All complaints must be directed to the EEO Office in the Office of Human Resources and Staff Development at the District Office. The EEO Office will also accept complaints at 226 W. Jackson Blvd., Chicago, IL 60606 or at eeofficer@ccc.edu. For more information, the EEO Office can be reached at (312) 553-2865.

Duty To Report

CCC employees are required to report any incidents of discrimination, harassment, or hostile work or learning environment to the EEO Office regardless of whether the individual being harassed is an employee, student, participant in Board programs, activities, or services, or other person. Additionally, if CCC employees observe acts of harassment, it is recommended that they intervene to stop the harassment unless circumstances would make intervention dangerous.

Students are encouraged to immediately report any incidents of discrimination, harassment, or hostile work or learning environment to the EEO Office.

³ See Appendix for definitions and additional examples.

Reporting a Complaint of Sexual Harassment

1. Any individual who believes (s)he has been a victim of sexual harassment should report the alleged sexual harassment immediately to Campus Security or the EEO Office.
2. If any other employee receives a report or information of sexual harassment, the employee must immediately report the alleged sexual harassment to the EEO Office.
3. Individuals are strongly encouraged to report incidents of, or share information about, sexual harassment as soon as possible after the incident occurred. City Colleges of Chicago may ultimately be unable to adequately investigate if too much time has passed or if an accused individual has left City Colleges of Chicago. Other factors that could negatively affect City Colleges of Chicago's ability to investigate include the loss of physical evidence and the potential loss of memory or departure of witnesses.
4. Victims of sexual harassment should make every effort to preserve evidence as may be necessary for the proof of sexual harassment or for obtaining an order of protection.
5. Complaints must be submitted in writing on the City Colleges Discrimination and Harassment Form. All complaints must be directed to the EEO Office in the Office of Human Resources & Staff Development at the District Office. The EEO Office will also accept complaints at eeofficer@ccc.edu. For more information, contact the EEO Office at (312) 553-2865.
6. Because sexual harassment is a serious offense that may threaten the community as a whole, in some instances City Colleges of Chicago may be obliged to pursue alleged sexual harassment without the cooperation of the victim. In such instances, the EEO Office will inform the victim of its obligation to address a community safety issue.
7. If applicable, individuals have the right to file a Complaint with the EEO Office and a criminal complaint simultaneously.

Prevention and Education of Sexual Misconduct

The Wellness Center at each College provides *confidential* assistance and emotional support to victims of sexual assault, sexual harassment, and interpersonal relationship violence through individual counseling, informational resources, and linkage to community-based support. Further, the Wellness Center promotes awareness and prevention of sexual assault to the entire College community through outreach programming, including workshops and informational table programs. Wellness Center staff understand the specific needs of victims and are able to provide understanding and non-judgmental support.

Interim Measures

The EEO Office, in consultation with the appropriate college authority or personnel, and the complainant, may modify academic or working situations of the complainant and/or respondent while an EEO investigation is pending if the EEO Office believes there is a threat of imminent harm.

Investigation Procedures

The Equal Opportunity ("EEO") Office is responsible for investigating complaints of discrimination, harassment, and sexual misconduct made by students, employees, program participants and visitors.

1. The complainant and the respondent shall be notified in a timely manner that an investigation is being conducted.

2. An investigation will be conducted within forty-five (45) calendar days, after receiving the complaint, if feasible. Holidays, days when the City Colleges of Chicago has scheduled a recess, or emergency or other closings shall not be counted. Every effort will be made to promptly investigate the complaint.
3. Both the complainant and the respondent will have a full and fair opportunity to present evidence to the EEO Office during the investigatory process in support of or in mitigation of their respective positions. Each party may present evidence and/or witnesses on his/her behalf.
4. The preponderance of the evidence standard will be used in reviewing evidence and information obtained during the investigation to reach a determination. Preponderance of the evidence means that there is more credible information supporting the position of one party, in comparison to the other, so that the facts in question were more likely than not to have occurred.
5. The EEO Office shall file a written report of the findings with the Vice Chancellor of Human Resources and/or the College President/Vice Chancellor, which may include disciplinary and/or corrective action to stop, remedy, and prevent recurrence of discrimination, harassment, or sexual misconduct.
6. Both the complainant and the respondent shall be notified in writing of the findings of the investigation.

When a Complaint Is Not Sustained

Where a complaint is found to be without substantive merit, or where a complaint of discrimination or harassment is found to be untimely, a determination of no violation of the EEO Policy will be issued to the complaining and responding individuals. That determination will advise the individuals that no further EEO action will be taken on the complaint. When applicable, the individuals will be referred to other processes which may address the issue which is the subject of the complaint.

When a Complaint Is Sustained

Where a violation of the EEO Policy is found to exist, the EEO Office will make a recommendation to the Chancellor, College President, or Vice Chancellor regarding a corrective action.

Corrective action recommendations for employees may include discipline up to and including termination of employment, or any other remedy deemed appropriate to address the discriminatory or harassing conduct and to prevent its recurrence. Provisions of any applicable collective bargaining agreement will be followed when implementing any corrective action determination against union employees.

In the case of a student, where a violation of the EEO Policy is found to exist, the EEO Office will make a recommendation of an appropriate corrective action to the Dean of Student Services at the applicable College. Appropriate disciplinary action may range from written reprimands, suspensions, or other action up to and including college dismissal, or expulsion, or any other remedy deemed appropriate to address the discriminatory or harassing conduct. Depending on the EEO Office's recommended disciplinary or corrective action, the student may be entitled to an informal or formal disciplinary hearing as outlined in the *Student Code of Conduct*.

CCC will offer Wellness Center counseling and/or referral services to any enrolled student or current employee (and referral services to any former student) found to have been subjected to or to have engaged in harassment, discrimination, and/or sexual harassment

Prohibition Against Retaliation and Intimidation

Retaliation against and/or intimidation of employees, students, program participants, witnesses or any other persons who make complaints or who cooperate in EEO investigations is strictly prohibited.

Anyone who believes he or she is the victim of retaliation or intimidation for reporting discrimination or harassment or cooperating in an investigation should immediately contact the EEO Office.

Any person who retaliates against a person in response to a report or cooperation in an investigation will be in violation of this Policy and will be subject to disciplinary action.

Confidentiality of the Investigation

The investigation will be conducted in such a way to maintain confidentiality, to the greatest extent possible, consistent with Board policies, and federal and state law. This confidentiality is required in order to comply with laws and regulations protecting education records of students and employment records of employees, and to provide an orderly process for the determination and consideration of relevant evidence without undue intimidation or pressure. Investigation findings may not be disclosed except as required or authorized by law or as may be authorized by the Chancellor, College President, or Vice Chancellor.

The EEO Office has a compelling interest in protecting the integrity of its investigations. In every investigation, the EEO Office has a strong desire to protect witnesses from harassment, intimidation and retaliation, and to keep evidence from being destroyed. The EEO Office may decide in some circumstances that in order to achieve these objectives, parties and witnesses must maintain the investigation in strict confidence. If the EEO Office reasonably imposes such a requirement and the parties or witnesses do not maintain such confidentiality, they may be subject to disciplinary action.

Duty to Cooperate in EEO Investigations

Any employee or student called upon to participate in an EEO investigation should provide his or her full cooperation to the EEO Office during the complaint investigation process.

False Reporting

Any person who knowingly files a false complaint will be in violation of this Policy and will be subject to disciplinary action.

APPENDIX

Definitions

Age means the chronological age of a person who is at least 40 years old.

Citizenship status means the status of being a born U.S. citizen a naturalized U.S. citizen, a U.S. national, or a person born outside the United States and not a U.S. citizen, or immigration status.

Disability means an individual with a physical or mental impairment that substantially limits one or more major life activities of the individual; has a record of impairment; or is being regarded as having such impairment

Discrimination means treating an individual less favorably because of a legally protected category or characteristic.

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, or information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history)

Harassment is the unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be verbal, written, visual, or physical. Examples of harassment prohibited by this policy include but are not limited to:

- a professor making a religious joke in class;
- a student making a joke about another student in a wheelchair;
- a professor giving a student a better grade because of his race.

Marital status means the legal status of being married, single, separated or divorced or widowed.

Military status means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

National origin means the place in which a person or one of his or her ancestors was born.

Order of protection means a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state.

Pregnancy means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

Religion means all aspects of religious observations and practices, as well as belief.

Sex means the status of being a male or female.

Sexual Harassment is a form of sex discrimination. Sexual harassment includes, but is not limited to, unwelcome sexual advances (including sexual assault), requests for sexual favors, and other verbal or physical conduct of a sexual nature, where the conduct is made a condition of employment, academic performance, or participation in a Board program, service, or activity. Sexual harassment also includes situations where submission to or rejection of such conduct is the basis for an employment or educational decision, or where such conduct interferes with the individual's work or academic performance or creates an intimidating, hostile, or offensive working or learning environment. Examples of sexual harassment include, but are not limited to, sexual advances, repeated date requests, sexual gestures, sexual cartoons or images, discussions about sexual activity, domestic violence, dating violence, stalking, sexual misconduct, and sexual assault. Whether the harassing conduct is considered severe or pervasive depends upon the context, nature, scope, frequency, duration, and location(s) in which the behavior occurred, as well as, the identity, number, and relationships of the persons involved. Examples of sexual harassment include but are not limited to:

- a professor who continually makes jokes of a sexual nature in the classroom;
- a student's unwanted consistent, flirtation with another student;
- a financial aid advisor who promises a student that she will provide him a scholarship if he goes on a date with her.

Sexual assault is defined as sexual penetration (oral, anal, or vaginal) by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent.

Sexual penetration means any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

Sexual misconduct means any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.

Rape is a form of sexual assault. Rape is any non-consensual acts involving the penetration of the sex organs, anus, or mouth.

Acquaintance rape is defined as forced, manipulated or coerced sexual contact by someone the victim knows.

Consent involves explicit communication and mutual approval for the act in which the parties are/were involved. A sexual encounter is considered consensual when individuals willingly and knowingly engage in sexual activity. The use of coercion in instances of sexual assault involves the use of pressure, manipulation, substances, and/or force. The absence of "No" is not a "Yes."

Domestic violence is defined as the use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse used by a household or family member by another. Household or family members who are protected are as follows: spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, caregivers and high-risk adult with disabilities.

Dating violence is a form of domestic violence that includes persons who have or have had a dating relationship. Dating violence occurs when one partner engages in any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound the other.

Stalking occurs when an individual knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to a fear for his or her safety or the safety of others, or suffer substantial emotional distress. A person commits stalking when he or she knowingly and without lawful justification on at least two separate occasions follows another person or places the person under surveillance or any combination thereof, and at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person.

Stalking also includes cyber stalking. Cyber stalking occurs when a person knowingly and without lawful justification on at least two separate occasions intimidates, torments, or terrorizes another person or that person's family member(s) through the use of electronic communication and transmits a threat of future bodily harm, sexual assault, confinement, or restraint; or knowingly solicits another person to commit stalking or cyber stalking; or creates and maintains an Internet website or webpage accessible to one or more third parties for a period of at least 24 hours containing harassing statements as outlined above toward another person or that person's family member(s). Repetitive, non-consensual communication of any kind including that which involves the use of electronic equipment or technology for the purposes of cyber stalking is also a violation of the City Colleges of Chicago Reasonable Computer Use Policy. Examples of cyber stalking include, but are not limited to e-mail, voicemail messages, text messages, instant messages, global positioning systems (GPS), and cell phone software applications.

Sexual orientation means the actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth.

Retaliation is adverse treatment of an individual because he or she made a discrimination or harassment complaint, or cooperated with an investigation of a discrimination or harassment complaint.