

Operations
Harassment, Discrimination and Sexual Misconduct

3.170.01 Harassment, Discrimination and Sexual Misconduct

Waubonsee Community College is committed to a learning and working environment in which all individuals are treated with respect and dignity. Therefore, discrimination, harassment and sexual misconduct in any form will not be tolerated and the college requires that all relationships among board members, employees and/or students be free of discrimination and harassment.

It is the policy of the board that no student, employee, visitor or board member be subjected to harassment, discrimination or sexual misconduct based on race, color, creed, religion, gender, sexual orientation, age, national origin, veteran's status, marital status, disability or any other characteristic protected by law while on college premises or in connection with an individual's education or employment at the college. Violations of this policy will result in appropriate discipline, including dismissal or expulsion.

Harassment and discrimination include, but are not limited to, conduct that has the effect of substantially interfering with an individual's educational or job performance, creates an intimidating, hostile or offensive educational or employment environment, or that otherwise adversely affects an individual's educational or employment opportunities.

Hostile environment harassment or discrimination consists of unwelcome verbal or physical behavior that is sufficiently severe or persistent or pervasive and objectively offensive that alters the conditions of education or employment. A hostile environment may be determined to have been created based on the frequency of the conduct and/or its severity.

Sexual harassment includes unwelcome conduct of a sexual nature and includes sexual advances, requests for sexual favors or other verbal, non-verbal or physical conduct of a sexual nature. The behavior becomes harassing and actionable when submission to such conduct is made either explicitly or implicitly a term or condition of a person's educational progress or employment, or when submission to or rejection of such conduct by an individual is used as the basis for an educational or employment decision affecting that person.

Sexual misconduct is a broader term that encompasses all forms of unwelcome, non-consensual sexual behavior including, but not limited to, rape, sexual assault, sexual abuse, dating violence, domestic violence, stalking and gender-based harassment or discrimination. Examples may include actions that are sexually exploitative or degrading, retaliatory and/or abusive acts directed toward former relationship partners, or retaliatory/abusive actions directed toward someone who has rejected the efforts of another to establish a relationship.

Consent is defined as a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission resulting from the use of force or threat of force shall not constitute consent. Consent to past sexual activity does not constitute consent to future sexual activity and consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person's manner of

dress does not constitute consent. Consent can be revoked or withdrawn at any time. Consent to sexual activity cannot be made or assumed if the person is unable to understand the nature of the activity or give knowing consent due to circumstances including, but not limited to, the following:

- The person is incapacitated due to the use or influence of alcohol or drugs;
- The person is asleep or unconscious;
- The person is under age; or
- The person is incapacitated due to a mental disability.

Consensual sexual relationships in situations where one individual has power or authority over another are unethical, strongly discouraged and may result in claims of sexual harassment when the relationship ends and/or may give rise to complaints by others of favoritism while the relationship continues. Examples of such relationships may include: a faculty member and his/her student, a supervisor and a subordinate, or a coach and team player. If such a sexual consensual relationship occurs, the individual with the direct supervisory or evaluative responsibilities must bring the relationship to the timely attention of his or her supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or transfer the student from under the supervision or evaluation of the individual with whom they have established the consensual relationship. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Harassment, discrimination and sexual misconduct on the basis of any other protected characteristic are also strictly prohibited and include verbal or physical conduct that is severe or persistent or pervasive and objectively offensive and directed toward an individual based on race, color, creed, religion, gender, sexual orientation, age, national origin, veteran's status, marital status, disability or any other characteristic protected by federal or state of Illinois law and has the effect of substantially interfering with an individual's educational or job performance, creating an intimidating, hostile or offensive educational or employment environment, or otherwise creates limits or denies an individual's educational or employment opportunities.

Harassment, discrimination and sexual misconduct apply to the conduct of a board member towards an employee, student or other board member; an employee towards a student; a student towards an employee; a student towards another student; a supervisor towards a subordinate; an employee towards another employee; a volunteer, independent contractor, or authorized campus visitor towards an employee or student; or an employee towards an applicant for employment. Harassment, discrimination and sexual misconduct are prohibited regardless of the fact that the complainant and alleged offender are the same employee group and/or position level. If directly related to college activities, this policy may be applied to conduct outside the college as well as on college premises.

Retaliation against a reporting party for filing a complaint of harassment, discrimination or sexual misconduct or against anyone participating in or thought to have reported or participated in a report or investigation of harassment, discrimination or sexual misconduct is considered a form of discrimination and is strictly prohibited by this policy and by federal and state law.

Claims of retaliation will be treated in the same manner as other claims of harassment, discrimination or sexual misconduct.

This policy may be revised by action of the Board of Trustees or by the enactment of a new or amended federal or state of Illinois law. If the policy is revised due to a new or amended federal or state law, the board will be informed of this type of change at the next regularly scheduled board meeting. Appropriate procedures to implement this policy will be established in accordance with federal and state of Illinois law and will be distributed to the board on an annual basis or as revisions are made. Policy in effect at the time of the offense will apply even if the Policy is changed subsequently, unless the parties consent to be bound by the current Policy. Any revisions will be noted in the online version of the Policy and procedures will include the date of revision and will highlight the specific revisions for three months following the date of the revision.

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Formerly Policy STU 40.43 (Adopted: 04/19/2000) and Policy PER 40.40 (Adopted: 04/19/2000)