

**GOVERNORS STATE UNIVERSITY
ANTI-DISCRIMINATION AND HARASSMENT POLICY
AND COMPLIANCE PROCEDURES**

Statement of Policy

Governors State University has a policy of equal educational and employment opportunities and of nondiscrimination in the classroom and workplace. Educational programs, support services and workplace behavior, including decisions regarding hiring, promotion, discipline, termination and all other terms and conditions of employment, shall be conducted and made without discrimination.

Governors State University also believes that its employees and students should be able to work in an atmosphere free from all forms of harassment. Therefore, it is the university's policy to prohibit all types of harassment, including, but not limited to, harassment based on: sex, sexual orientation, race, color, religion, national origin, age, disability, citizenship, marital status, veteran status or any other basis prohibited by law.

No supervisor, manager, officer or Higher Education Representative has the authority to require a student, employee, officer, visitor, vendor or anyone having a relationship with the GSU community to tolerate or agree to any conduct that violates this Policy in order to receive any employment-related, business related or academic benefit. Any activities in violation of this Policy will result in discipline, up to and including discharge.

Nothing in this document shall be construed to violate the guarantees of academic freedom or other rights established by the First Amendment to the United States Constitution.

Reason for Policy

Discrimination and harassment of any kind, including sexual harassment, are reprehensible and will not be tolerated by the University. It subverts the mission of the University, and threatens the careers, educational experience, and well-being of students, faculty, staff and the entire GSU community. In both obvious and subtle ways, discrimination and harassment are destructive to all. When, through fear of reprisal, a student, staff member, or faculty member submits, or is pressured to submit, to discriminating or harassing conduct, the University's ability to carry out its mission is undermined.

In an academic community discrimination and harassment are especially serious when they threaten relationships between teacher and student or supervisor and subordinates. In such situations, the discrimination and/or harassment unfairly exploits the power inherent in a faculty member or supervisor's position. A supervisor or faculty member's control of grades, compensation, recommendations, promotions, and the like can have a decisive influence on a student, staff member or faculty member's career at the University and beyond.

Although discrimination and harassment most often take place in situations where a power differential exists between the persons involved, the University also recognizes that discrimination and harassment may occur between persons of the same University status, or when the power relationship is reversed from the usual case. Also, sexual harassment may occur between individuals of opposite sex or between individuals of the same sex.

Discrimination and harassment can occur in any aspect of employment, including but not limited to:

- Hiring and firing;
- Compensation, assignment, or classification;
- Transfer, promotion, layoff, or recall;
- Job advertisements;
- Recruitment;
- Testing;
- Use of university facilities;
- Training and apprenticeship programs;
- Fringe benefits;
- Pay, retirement plans, and disability leave;
- Disciplinary actions;
- Other terms and conditions of employment.

-OR with respect to any aspect of education, including but not limited to:

- Any aspect of admission to the university;
- Program or organizational activity;
- Educational performance;
- Treatment in the classroom or course evaluation;
- Academic activities external to the classroom;
- Counseling;

- Career planning and placement services;
 - Financial assistance;
 - Access to university facilities;
 - All other student activities that have a reasonable impact upon students at the university
- OR harassment in the workplace that is based upon the employee's/student's protected characteristic and;
- Creates or is intended to create an intimidating, hostile, offensive working or academic environment;
 - Unreasonably interferes with work performance; or
 - Otherwise adversely affects an individual's academic and related activities at the university

Statutory Authorities include:

Title VII of Civil Rights Act of 1964 (Title VII), 42 USCS §§ 2000e et seq.

Age Discrimination in Employment Act (ADEA), 29 USCS §§ 621 et seq.

Americans with Disabilities Act of 1990, as amended (ADA) 42 USCS §§ 12101 et seq

Illinois Human Rights Act, 775 ILCS 5/

Victims Economic Security and Safety Act (VESSA) 820 ILCS 180/

Related GSU Documents

Civility Policy

Affirmative Action and Equal Employment Opportunity Policy

Definitions

"Governors State University Community" or "University Community" means and includes all students, faculty, staff, supervisors, managers, officers, employees, Higher Education Representatives, and all individuals receiving services from, or providing services to, Governors State University.

"Higher Education Representative" includes the trustees, the president, the provost, the vice-provosts, the associate provost, the assistant provost, the vice-presidents, deans and division or department chairs, and the associate vice presidents and directors on the administrative staff, and any

member of the faculty, including but not limited to a professor or associate or assistant professor, and a full or part time instructor or visiting professor, including a graduate assistant or other student who is employed on a temporary basis of less than full time as a teacher or instructor.

Prohibitions

Academic freedom, as stated in the Governing Policies of the GSU Board of Trustees, allows for discussion or inclusion of germane, sensitive issues such as those relating to sexual relationships or race relations within the context of teaching, research, or other academic activities. Such discussions do not constitute harassment and they do not contribute to a hostile environment. Also, speech protected by the First Amendment to the Constitution of the United States shall not be subject to sanctions under this section or any other section of this Policy.

Academic freedom, however, does not protect persons who violate this policy and/or state and federal law by discriminating against or harass others on the basis of sex, sexual orientation, race, color, religion, national origin, age, disability, citizenship, marital status, veteran status or other protected status. Such conduct, as discussed in detail immediately below, is strictly prohibited. Engaging in such prohibited conduct will lead to disciplinary action including, but not limited to, oral or written reprimands, warnings, counseling, demotion, transfer, modification of duties, suspension without pay, expulsion or termination.

Discrimination

No member of the Governors State University Community shall discriminate based upon sex, sexual orientation, race, color, religion, national origin, age, disability, citizenship, marital status, veteran status or other protected status, except to the extent that such factors may conflict with a bona fide occupational qualification.

Sexual Harassment

No member of the Governors State University Community may sexually harass another. Acts considered to constitute sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(1) submission to, or toleration of, such conduct, on or off campus, is made either explicitly or implicitly a term or condition of employment, instruction, academic achievement or participation in university academic, extra-curricular or related activities;

(2) submission to, or rejection of, such conduct is used as a basis for employment or academic decisions or assessments affecting an individual's status as an employee or student; or

(3) the purpose or the effect of such conduct is to substantially interfere with the affected individual's work performance or academic performance or to create an intimidating, hostile or offensive work or educational environment.

Harassment Based Upon Protected Status

Contributing to the creation of a hostile environment for any University student or employee based upon his/her sex, sexual orientation, race, color, religion, national origin, age, disability, citizenship, marital

status, veteran status or other protected status, is prohibited. No person shall contribute to a hostile or abusive environment at Governors State University by engaging in harassing conduct (e.g., physical, verbal, graphic or written) that is unwelcome and sufficiently severe, pervasive or persistent so as to clearly interfere with or limit the ability of: (1) a student to participate in or benefit from the services, activities or privileges provided by the University; (2) an employee to engage in his/her work duties, or (3) a member of the University Community to receive or provide services. Whether conduct constitutes a hostile environment must be determined from the totality of the circumstances.

Retaliation

No member of the Governors State University Community may be subjected to any form or retaliation for seeking information on discrimination or harassment, filing a complaint of discrimination or harassment, or testifying, assisting or participating in an investigation, proceeding or hearing involving a complaint of discrimination or harassment.

Consenting Relationships

If a faculty member or supervisor enters into a sexual relationship with a student or an employee and a professional power differential exists, the burden will be on the faculty member or supervisor to prove immunity on grounds of mutual consent should a complaint of sexual harassment be filed. Relationships between a graduate student and an undergraduate, when the graduate student has some supervisory responsibility for the undergraduate, belong in this category. Among other relationships included are those between a student or employee and an administrator adviser, or counselor who has supervisory responsibility for that student or employee.

Applications and/or Exclusions

This policy extends to each and every level of the University operations. Accordingly, harassment will not be tolerated, whether by fellow students or employees, visitors, guests, customers, Higher Education Representatives or other members of management.

Procedures

I. Responsibilities

A. President's Office

The President's Office is responsible for coordinating the dissemination and implementation of this Anti-Discrimination and Harassment Policy. It will also work closely with University administrators to assure compliance with the provisions of this Policy.

B. Supervisors

Supervisory personnel of faculty, staff or students, are responsible for ensuring this Policy is enforced in their areas. Supervisors must promptly and without prejudice accept and report all discrimination and harassment complaints as discussed in detail in Section II, below. Supervisors who knowingly condone discrimination or harassment will be subject to disciplinary action, up to and

including termination.

C. Director of Human Resources ["GSU HR Director"]

The GSU HR Director is responsible for investigating all discrimination and harassment complaints and for preparing Investigation Reports as discussed in detail in Section III below. If necessary, the GSU HR Director may designate another individual from his/her Office to conduct the investigation and prepare an Investigation Report.

II. Complaint Procedures

GSU takes allegations of discrimination and harassment very seriously. If you believe that you are the victim of discrimination or harassment by anyone, you should immediately bring the matter to the attention of one of the University units or offices listed below:

1. Deans, Division Chairpersons, Directors, Other Supervisory Personnel

All University administrators and supervisors are charged with the responsibility of ensuring that this Policy is carried out in their areas. University administrators and supervisors **must** report immediately to the GSU HR Director any incidents that they hear about or observe that may constitute a violation of this Policy. If the incident somehow involves the GSU HR Director, the matter must be reported to the Office of the President. Failure to act may be a violation of this policy.

2. GSU HR Director

The GSU HR Director is responsible for receiving and processing discrimination and harassment complaints. The GSU HR Director also offers students, faculty and staff the opportunity to discuss an individual's rights when confronted with discrimination or harassment.

Complaints will be kept as confidential as possible to protect the privacy of all individuals involved – the complaining party, the accused and all witnesses.

III. Investigatory Process

The GSU HR Director or his/her investigatory designee shall:

1. Conduct an in-depth interview with the complaining party, the accused and any witnesses within 20 working days of receipt of a complaint.

2. Where there are conflicts of information or opinion, the investigator shall conduct additional interviews and investigatory processes, and seek additional documentary evidence, as necessary. All parties to the investigation be guaranteed due process.

3. Within 6 calendar weeks, exclusive of holidays and university closures, conduct any additional interviews and gather any additional information. In conducting the investigation, the investigator shall have unrestricted access to all pertinent material, records, reports and documents in the possession of

any University personnel and shall be afforded the opportunity to interview all persons possessing relevant information.

3. Within 10 calendar weeks from the time the complaint was filed, exclusive of holidays and university closures, prepare a confidential Investigation Report. The Report shall be submitted to the appropriate vice president. The Report must include a summary of the allegations and the response of the accused party, a summary of any witness statements, a conclusion as to the witnesses' credibility, a summary of the findings of fact, conclusions about the allegations, and recommendations for further action.

This report will be submitted to the appropriate Vice President for review. The Deans, Division Chairpersons, Directors and other supervisory personnel are responsible for taking reasonable action to prevent retaliation against the complaining party and other individuals interviewed in the investigatory process.

IV. Investigation Findings

The investigation will end if the complaint is found to have no merit. When the complaint is found to have merit, appropriate administrative disciplinary action may be taken. Any such disciplinary action will be taken pursuant to applicable State Universities Civil Service Rules, collective bargaining provisions, and other applicable statutes, regulations and rules. Possible sanctions may include, but are not limited to, oral or written reprimands, warnings, counseling, demotion, transfer, modification of duties, suspension without pay, expulsion or termination of employment.

Before making a finding that any individual has engaged in discrimination or harassment, the vice president, or his/her designee, shall afford the accused the opportunity for a hearing. At this hearing:

- the burden of proof shall rest upon the accuser;
- the standard of proof shall be clear and convincing evidence;
- the accused shall have the right to respond to all allegations against him/her;
- the accused shall have the right to call witnesses in his/her own behalf,
- the accused shall have the right to examine and rebut any witness statements used by the University in any way as part of, or in the development of, the case against him/her.

The appropriate Vice President will make a decision as to whether the accused engaged in discrimination or harassment. Either party may appeal the Vice President's decision to the President. The appeal must be in writing and must be submitted within 15 working days of the date of the Vice President's decision. The President's decision is final.

V. External Complaint Procedures

While the University encourages use of its internal policy and procedures, the University's policy does not preclude an individual who feels he/she has been the victim of discrimination or harassment from seeking redress through external agencies. Filing with the external agencies can be done in lieu of, or simultaneously with, the University's complaint process. Filing a complaint with the University

does not result in the waiver or extension of any time limits required by any external agency.

While GSU hopes to be able to resolve any complaints of discrimination or harassment within the University, it acknowledges your right to contact external entities such as the Illinois Department of Human Rights or the U. S. Equal Employment Opportunity Commission

History

This policy revises and supersedes Policy 52 which was effective June 18, 1996.

Forms

Governors State University Discrimination Complaint Form -- Policy 52

**Governors State University
Discrimination Complaint Form
Policy 52**

Today's Date: _____

Fill out form and return to: Director of Human Resources/Affirmative Action Officer at

Governors State University
One University Parkway
University Park, IL 60484

CONTACT INFORMATION

Name (Please Print) _____

Address _____

Department Office _____

Telephone Number _____

E-mail Address _____

TYPE OF ALLEGED DISCRIMINATION (check all that apply)

- ☐ Age
- ☐ Race
- ☐ Color
- ☐ Religion
- ☐ Disability
- ☐ Veterans' Status
- ☐ Sex
- ☐ Sexual Harassment
- ☐ VESSA [Illinois Victim's Economic Security and Safety Act]
- ☐ Sexual Orientation
- ☐ National Origin
- ☐ Marital Status
- ☐ Retaliation

For the purposes of this process, retaliation is defined as retaliatory conduct against an individual who has opposed that which he/she believes to be unlawful discrimination, sexual harassment in employment/education or because he/she has made a charge, filed a complaint, testified, assisted or otherwise participated in an investigation, proceeding or hearing concerning an unlawful employment practice.

Date(s) the alleged complaint(s) occurred: _____

Witness (es) (if any):

Witness one _____

Witness two _____

Witness three _____

[add additional names, if any]

Who has allegedly engaged in the discriminatory activity?

Name Department _____

Name Department _____

[add additional names, if any]

DESCRIPTION OF COMPLAINT (attach additional sheet if necessary)

DETAILS OF THE COMPLAINT

WHAT ACTION HAS BEEN TAKEN?

REQUESTED ACTION TO BE TAKEN

I, the undersigned, do hereby authorize the Director of Human Resources/Affirmative Action Officer or other designated University officials to conduct inquiries or investigation procedures as needed with respect to the investigation/resolution of this complaint. I understand that information regarding my complaint may be shared with applicable University officials in order to acquire sufficient information with respect to the investigation as well as any follow-up activities that may be required in relation to the University's response to my complaint. I also authorize the University to use whatever information may be obtained with respect to this complaint in any legal or formal grievance proceedings that may involve the issues contained herein. I affirm that I have read the above complaint and that it is true to the best of my knowledge, information, and belief.

Signature _____

Print Name _____

Date _____

Affirmative Action Officer or Designee _____

Date _____