

# Lake Land College Board of Trustees



RESOLUTION NUMBER: 0118-007

DATE: January 8, 2018

## ***RESOLUTION TO ADOPT CHANGES TO BOARD POLICY 11.04.01 – SEXUAL HARASSMENT AND SEX DISCRIMINATION.***

**WHEREAS**, the Board of Trustees of Lake Land College, Community College District No. 517 (the "College") maintains the College's official Board Policy Manual; and

**WHEREAS**, Public Act 100-0554, signed into law by Illinois Governor Bruce Rauner in November 2017, requires local governmental entities to adopt a sexual harassment policy by ordinance or resolution on or before January 15, 2018; and

**WHEREAS**, the College's Board Policy 11.04.01 - *Prohibition of Sexual Discrimination, Harassment, and Misconduct* was initially adopted by the Board of Trustees on August 8, 2016; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Community College District No. 517, Counties of Christian, Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Jasper, Macon, Montgomery, Moultrie and Shelby, State of Illinois (the "Board") as follows:

**Section 1.** The Board shall approve the College administration's recommended revisions to Board Policy 11.04.01 – Sexual Harassment and Sex Discrimination in accordance with Public Act 100-0554 and as detailed on Attachment A to this Resolution.

**ADOPTED** this 8<sup>TH</sup> day of January, 2018 by the following vote:

AYES:

NAYS:

ABSENT:

BOARD OF TRUSTEES  
LAKE LAND COLLEGE  
COMMUNITY COLLEGE DISTRICT NO. 517  
COUNTIES OF CHRISTIAN, CLARK, CLAY,  
COLES, CRAWFORD, CUMBERLAND,  
DOUGLAS, EDGAR, EFFINGHAM, FAYETTE,  
JASPER, MACON, MONTGOMERY,  
MOULTRIE, AND SHELBY  
STATE OF ILLINOIS

By: \_\_\_\_\_

Chair

Attest: \_\_\_\_\_

Secretary

## SECRETARY'S CERTIFICATE

I, \_\_\_\_\_, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Trustees of Lake Land College, Community College District No. 517, Counties of Christian, Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Jasper, Macon, Montgomery, Moultrie, and Shelby, State of Illinois, (the "College District") and as such official, I am the keeper of the records and files of the Board of Trustees of said College District.

I do further certify that the foregoing Resolution No. 0118-007, for adoption of changes to Board Policy 11.04.01 – Sexual Harassment and Sex Discrimination, is a true, correct and complete copy of that Resolution as adopted by the Board of Trustees of the College District at a meeting held on the 8<sup>th</sup> day of January, 2018.

I do further certify that the deliberations of the members of the Board of Trustees on the adoption of the Resolution were taken openly; that the vote on the adoption of the Resolution was taken openly; that the meeting was held at a specified time and place convenient to the public; that notice of the meeting was duly given to all newspapers, radio or television stations, and other news media requesting notice; and that the meeting was called and held in strict compliance with the provisions of the Illinois Open Meetings Act, as amended, and the applicable provisions of the Public Community College Act of the State of Illinois, and that this Board of Trustees has complied with all of the applicable provisions of said Acts and with all the procedural rules of the Board of Trustees.

**IN WITNESS WHEREOF**, I hereunto affix my official signature, this 8th day of February, 2016.

\_\_\_\_\_  
Secretary, Board of Trustees

~~Prohibition of Sexual Discrimination, Harassment and Misconduct~~  
Sex Discrimination

Lake Land College is committed to maintaining a safe and healthy educational and employment environment that is free from sex discrimination, and sexual harassment ~~and misconduct on the basis of sex~~, which includes discrimination based on sexual orientation or gender-related identity.

Sex discrimination, ~~includes~~ sexual harassment, sexual misconduct and sexual violence are prohibited. It is the policy of the College that no staff member, student or other members of the College community shall be subject to sexual ~~discrimination, harassment or misconduct~~ sex discrimination in any form.

~~Individuals found to have violated this policy will be subject to disciplinary action up to and including termination and/or expulsion from the College as determined by such administrative or Board action as is required by law, Board policy and procedure, and/or collective bargaining agreement~~

Sexual Harassment Defined

Sexual harassment means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment or academic advancement, evaluation or grades;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working and academic environment.

Hostile environment sexual harassment is unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of employment and/or academic environment and creates an environment

that a reasonable person would find intimidating, hostile, uncomfortable, or inappropriate.

**Examples of Sexual Harassment**

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

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1. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, or promotion;
2. Suggesting sexual involvement to or demanding sexual involvement of a another employee where such person has made it clear that such a suggestion or demand is unwelcome;
3. Any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendos about an individual's clothing, appearance, or activities; jokes about sex or gender-specific traits; public conversations about sexual activities or exploits; suggestive sounds such as howling, catcalls, and whistles;
4. Unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
5. Unwelcome leers, stares, gestures or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions;
6. Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, following, stalking, kissing, hugging, pinching, etc.;
7. Any coerced sexual act or physical assault;
8. Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
- 4.9. Any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning or that is based on sexual stereotypes and attitudes.

### **Jurisdiction**

This policy applies to students, faculty, staff, employees, appointees, ~~or and third parties~~ visitors, regardless of sexual orientation or gender-identity, whenever the misconduct occurs:

- A. On-on College property; or
- B. Off-off College property if:

1. The conduct was in connection with a College or College-recognized program or activity; or
2. The conduct may have the effect of creating a hostile environment for a member of the College community.

### **Title IX Coordinator**

The College has designated the Director of Human Resources as the Title IX Coordinator and the Senior Human Resources Generalist and College Compliance Coordinator as the Deputy Title IX Coordinator.

### **Reporting**

Any employee or visitor to the College who believes he/she has been subjected to sexual harassment or discrimination in violation of this Policy should report this to the Director of Human Resources. Any student who believes she/he has been subjected to sexual harassment or discrimination should report this to the Title IX or Deputy Title IX Coordinators. Students may also contact one of the College's confidential advisors for guidance regarding reporting options. Employees are encouraged to resolve any complaints internally but have the option of contacting the Illinois Department of Human Rights or Equal Employment Opportunity Commission (within 180 or 300 days, respectively) to file a complaint. Students may pursue claims of sexual harassment with the United States Office for Civil Rights.

### **Retaliation Prohibited**

Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited. Individuals may also pursue retaliation claims under the State Officials and Employee Ethics Act, the Whistleblower Act and Illinois Human Rights Act. Anyone found to have engaged in unlawful retaliation will

be subject to discipline up to and including termination, criminal penalties and fines may also be assessed for engaging in retaliation in violation of the Ethics and Whistleblower Acts.

### **False Complaints**

Allegations of sexual harassment are extremely serious. Therefore, all claims of harassment must be made in good faith. Any claims that are brought while knowingly false, with malicious intent, or out of retaliation are a violation of this Policy. Individuals who violate this Policy by filing a knowingly false complaint shall be subject to discipline, up to and including termination. Additionally, a false complaint brought under the Ethics Act could result in criminal penalties and/or fines.

### **Consequences**

Individuals found to have violated this Policy shall be subject to disciplinary action up to and including termination from employment, expulsion and banned from the College. Additionally, an individual who engages in retaliation under the Ethics and Whistleblower Acts may also be subject to fines and/or penalties.

### **Implementing Procedures**

The College will maintain and publish procedures implementing this policy which set forth:

1. Definitions of prohibited conduct;
2. Responsibilities of and contact information for the College's Title IX Coordinator and Director of Human Resources;
3. Options for assistance following an incident of sexual discrimination, harassment and/or misconduct/retaliation;
4. Procedures for reporting and confidentially disclosing sexual discrimination, harassment and/or misconduct or retaliation;
5. Complaint investigation and appeal procedures;
- ~~5-6.~~ Consequences of a violation of the prohibition on sexual harassment, retaliation for knowingly making a false report;
- ~~6-7.~~ Prevention and education programming provided to College students and employees; and
- ~~7-8.~~ Training and education provided to College employees involved in



responding to, investigating or adjudicating sexual discrimination, harassment, ~~and misconduct incidents~~ incidents of retaliation, or in the referral or provision of services to survivors.

~~The procedures~~ This Policy will also be published in the Student Guide to Addressing Sexual Harassment and Sexual Misconduct section of the online Student Handbook available on the College's website. Printed copies will be available from the offices of Counseling Services, Health Services, Human Resources and Vice President for Student Services.

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Adopted August 8, 2016

Revised May 8, 2017

Revised