



Procedures Implementing the College's Policy Prohibiting Discrimination and Harassment (Board Policy 11.04)

Board Policy 11.04 - *Discrimination and Harassment* affirms the College's commitment to maintaining a safe and respectful educational and employment environment that is free from harassment and other forms of discrimination. The College expects that the use of these procedures will facilitate a prompt resolution of such complaints.

Reports or complaints of alleged sex-based misconduct, including, but not limited to, complaints alleging sex discrimination sexual harassment, sexual violence, domestic violence, dating violence, and stalking, shall be addressed in accordance with Board Policy 11.04.01 - *Prohibiting Sex-Based Misconduct* and its implementing Procedures. All other reports of alleged discrimination and harassment that are not sex or gender-based shall be addressed according to the following procedures.

Reporting Allegations of Discrimination and/or Harassment

Employees and students are strongly encouraged to report all incidents of unlawful harassment, discrimination and retaliation. Anyone who believes that they are being harassed by a student, employee or third party, or believes that their employment or academic career is being adversely affected by such conduct should immediately report such concerns.

Employees should report concerns of discrimination or harassment to their supervisor, next level administrator, another administrator, or the Director of Human Resources.

Students should report such concerns to the Director of Human Resources/Title IX Coordinator or the Vice President for Student Services.

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Retaliation Prohibited

No individual making a complaint in good faith, whether formal or informal, will be retaliated against. Witnesses involved in any complaint of harassment, as well as any individual who engages in any other activity protected by Board Policy 11.04 will also be protected from retaliation. Whistleblower protections are also available under the State Officials and Employees Ethics Act, the Whistleblower Act, and/or the Illinois Human Rights Act.

Retaliation Charge

A student or employee who believes they have been subjected to any form of retaliation after filing a complaint or being a witness under Board Policy 11.04 may file a complaint of retaliation.

False or Malicious Complaints

Board Policy 11.04 strongly prohibits knowingly filing a false or malicious complaint of harassment or knowingly providing false information in the course of an investigation of such complaint. Such conduct is considered a violation of Board Policy 11.04 and will subject an employee or student to disciplinary action.

Sanctions and Disciplinary Actions

Individuals found to have violated Board Policy 11.04 shall be subject to corrective and disciplinary action up to and including termination from employment, dismissal from enrollment, and or/exclusion from the College and its property. Additionally, an individual who engages in retaliation under the Ethics and Whistleblower Acts may also be subject to fines and/or penalties.

Complaints Against Elected Officials

Complaints made against members of the College's Board of Trustees and other elected officials shall be submitted to the Board Chair or College President. If the report is made to the College President, the President shall promptly notify the Board Chair, or if the Board Chair is the subject of the complaint, the Board Vice Chair. The Board Chair, or Board Vice Chair as appropriate, shall, in consultation with legal counsel for the College, ensure that an independent review is conducted with respect to such allegations. If the allegations concern both the Board Chair and the Board Vice Chair, and/or they are witnesses or otherwise conflicted, the Board Secretary shall so consult with legal counsel.

The College's Response and Investigation Procedures

Substantiated complaints of unlawful discrimination and harassment are serious violations of College policy. Once a complaint of unlawful harassment has been made, the College will take all reasonable action to promptly and thoroughly investigate the complaint. All investigations into complaints filed under Board Policy 11.04 will be conducted respectfully and impartially. Every reasonable effort will be made to preserve confidentiality throughout the pendency of any complaint, to the extent practicable. The College will take prompt and reasonable remedial action to address any substantiated complaint of unlawful discrimination and/or harassment.

Informal Complaint Resolution

Informal complaint resolution may be achieved by any of the steps outlined below.

1. Employee complainants may meet with their supervisor or the Director of Human Resources to clarify whether harassing behavior is occurring and to discuss appropriate responses and plans as to how the issue might be resolved. Student complainants may meet with the Director of Human Resources/Title IX Coordinator or the Vice President for Student Services.
2. Employee complainants may request that their supervisor or the Director of Human Resources meet with the alleged harasser ("respondent") to discuss the alleged conduct

and to remind them of College policies against harassment and to obtain agreement by the respondent to comply with these policies. A complainant may request that, when possible, such a conversation be held without the identity of the complainant being revealed to the respondent. Student complainant requests will be handled in a similar manner by the Director of Human Resources/Title IX Coordinator or the Vice President for Student Services.

3. Employee complainants may request that their supervisor or the Director of Human Resources meet with the complainant and the respondent in the role of a mediator to reach resolution of the issue. Student complainants may make a similar request of the Director of Human Resources/Title IX Coordinator or the Vice President for Student Services. Any resolution reached by mediation will include an agreement by the respondent to comply with and be bound by such policies.

After the informal complaint resolution has concluded, the employee complainant's supervisor or, for student complainants, the Vice President for Student Services, if involved, will forward all documentation concerning the complaint to the Director of Human Resources/Title IX Coordinator. The Director of Human Resources/Title IX Coordinator will maintain a record of the complaint in order to document that the claim of harassment was made and to document the outcome of the informal resolution.

Initiating a Formal Complaint

Individuals may file a formal complaint of harassment if the informal attempt(s) to resolve the complaint was not satisfactory. Individuals may also file a formal complaint of harassment if they choose to bypass the informal process. All formal complaints of harassment should be submitted in writing directly to the Director of Human Resources/Title IX Coordinator as soon after the offending conduct as possible.

The process for resolution of formal harassment complaints consists of three stages: 1) Investigation; 2) Report and Recommendations; and 3) Determinations. Prior to investigation, a formal complaint, signed by the complainant, must be submitted in writing to the Director of Human Resources/Title IX Coordinator. The written complaint shall include the name(s) of the complainant and the respondent(s) and the details of the conduct alleged to be harassment. The Director of Human Resources/Title IX Coordinator will promptly designate a team to investigate the complaint.

Investigation

The Director of Human Resources/Title IX Coordinator, or designee, will convene an investigative team consisting of two individuals who are not immediate supervisors of the complainant(s) or respondent(s) and who do not have a conflict of interest with the complainant(s) or respondent(s). The investigative team may consist of the Director of Human Resources/Title IX Coordinator as long as the above criteria are met.

The investigative team shall interview the individual(s) filing a complaint(s), the respondent(s), and other individuals named by the complainant(s) and the respondent(s) who are identified as having information relevant to the allegations. The investigative team may interview other individuals it identifies as having information potentially relevant to the complaint. All interviews should be completed as soon as practicable.

Report and Recommendations

Using the information gathered by the investigative team and in consultation with the investigative team, the Director of Human Resources/Title IX Coordinator, or designee, will prepare a formal report consisting of the complaint, the response of the respondent, the investigative team's findings, and a recommendation of the appropriate action(s) to be taken. The report will be retained by the Director of Human Resources/Title IX Coordinator.

Determinations

The President will designate the appropriate cabinet-level member to review the report. The cabinet-level designee may: 1) accept the report and recommendations as presented; or 2) request additional information/clarification from the investigative team and consider a modified report as appropriate.

After consideration of the final report, the cabinet-level designee will make a determination regarding the report. In consultation with the cabinet-level designee, the Director of Human Resources/Title IX Coordinator, or designee, will prepare formal responses to the complainant and respondent, which shall include a summary of the investigation findings and communication of any corrective and disciplinary action to be taken. Such action will depend on the nature of the offense and may include, but is not limited to, oral or written reprimand, suspension, reassignment, or termination. For students, any disciplinary action will be in accordance with Board Policy 07.28.01 Student Code of Conduct and Disciplinary Procedures.

Procedure for Processing Appeals

The complainant(s) and/or the respondent(s) may submit a written appeal statement to the Director of Human Resources/Title IX Coordinator within seven (7) College business days of having received the College's formal response. The Director of Human Resources/Title IX Coordinator will forward the appeal statement to the President, or designee, and will notify the other party in writing that an appeal has been filed. Within seven (7) College business days after the President, or designee, has concluded their review of the appeal, the President, or designee, will issue a written decision simultaneously to both parties, describing the outcome of the appeal and the rationale for the outcome. The President's, or designee's, decision is final.

These procedures shall be published in the Discrimination and Harassment section of the online Student Handbook and Right to Know and in the Policy and Procedures Section of the Human Resources website.

Developed in accordance with revisions to Board Policy 11.04
September 14, 2020
Revised August 12, 2024
Revised March 10, 2025