



1.2 Anti-Harassment and Non-Discrimination Policy

I. Policy

Illinois State University fosters a campus environment that recognizes individual and cultural differences and is strongly committed to the ethical and legal principle that each member of the University community enjoys the constitutional right to free speech. The right of free expression and the open exchange of ideas stimulates debate, promotes creativity, and is essential to a rich learning environment.

As members of the University community, students, faculty, administrators, and staff have a responsibility to respect others and show tolerance for opinions that differ from their own. The value of free expression, however, may be undermined by certain acts of harassment and discrimination that may result in the deterioration of a quality learning, work, or campus community environment and therefore will not be tolerated.

Any act of harassment and/or discrimination based on race, color, ancestry, national origin, religion, pregnancy, sexual orientation, order of protection, gender identity and expression, age, marital status, disability, genetic information, unfavorable military discharge, status as a veteran, or sex (including sexual harassment, sexual assault, domestic violence, dating violence, and stalking) is a violation of this policy and the law and will not be tolerated.

Retaliation against any person making an allegation of harassment, discrimination, or exercising his or her legal right to have the allegation investigated is also prohibited. Allegations of retaliation initiated by an individual participating in the complaint investigation process will be investigated as a separate and distinct violation of this policy.

Please note nothing in this policy prohibits an instructor, in the context of conducting his/her professional responsibility, from engaging in the appropriate admonition or correction of a student in the interest of maintaining order, upholding standards, stimulating thought or promoting competence. Except as otherwise prohibited by law, such action is, by definition, not a violation of this policy. Likewise, nothing in this policy precludes the University's inherent authority to plan, direct, and evaluate the activities of University personnel in accordance with sound management principles and directives, including communicating to, training of, and disciplining employees.

A violation of the Anti-Harassment and Non-Discrimination Policy can result in disciplinary action up to and including expulsion for students and termination of employment for employees.

II. Prevention and Training

The University is committed to:

1. Providing educational programs which promote awareness of anti-harassment and non-discrimination, sexual assault, dating/domestic violence, and/or stalking and target prevention of such acts.
2. Informing students and employees of available services both within the University and surrounding community and facilitating their decision-making in regards to recovery needs.
3. Encouraging and assisting in the reporting of discrimination, harassment, sexual assault, dating/domestic violence, and/or stalking to the appropriate law enforcement authority and filing a complaint with the Office of Equal Opportunity and Access (EOA) for employee complaints or Student Affairs Title IX for student complaints.
4. Timely investigations of allegations of policy violations and misconduct including violations of the Code of Student Conduct and/or the Equal Opportunity / Anti-Harassment and Non-Discrimination Policy.
5. Reviewing, upon request, available options for interim actions designed to protect students (e.g. no contact order, modifying academic and/or living environments and implementing modifications if such modifications are reasonably available)
6. Ensuring that individuals conducting investigations or making any decisions regarding violations of this policy shall receive annual training on related issues including but not limited to sexual harassment, domestic violence, dating violence, sexual assault, and stalking.
7. Annual training for employees regarding mandated reporting, crime reporting, and complaint procedures. For more information, please go to the website at <http://equalopportunity.illinoisstate.edu/crime/>.
8. Annual training and education for students regarding anti-harassment and non-discrimination, sexual assault, dating/domestic violence, and/or stalking and the relevant policies, procedure, support and resources. For more information, please go to the website at <http://titleix.illinoisstate.edu/>

III. Reporting and Complaint Procedures

A. FILING A CODE COMPLAINT AGAINST A STUDENT FOR SEXUAL ASSAULT/MISCONDUCT, DATING/DOMESTIC VIOLENCE, OR STALKING

Students can report instances of harassment based sexual assault/misconduct, domestic violence, dating violence, and stalking in the following ways:

1. To the Title IX Deputy Coordinator, (309) 438-0746
2. To Campus or Local law enforcement (911). For more information please go to <http://policy.illinoisstate.edu/health-safety/5-2-1.shtml>.
3. Electronically For more information please go to https://ilstu-advocate.symplicity.com/public_report
4. Anonymously (309) 438-0268

5. Confidentially to a Confidential Advisor 24 hours a day at (309)438-3655. Please note the Confidential Advisors are required to the extent provided by law to keep the report confidential. For more information, please go to titleix.illinoisstate.edu/report/

Complaint procedures can be found at: <http://deanofstudents.illinoisstate.edu/conflict/conduct/code/>.

Information and resources about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to survivors both on-campus and in the community can be found at: <http://titleix.illinoisstate.edu/>

B. FILING AN OEOA COMPLAINT AGAINST AN EMPLOYEE BASED ON ANY PROTECTED CLASS OR AGAINST A STUDENT THAT IS NOT SEXUAL ASSAULT/MISCONDUCT, DATING/DOMESTIC VIOLENCE, OR STALKING

Any violations of the Anti-Harassment and Non-Discrimination policy by an employee on any protected class basis or student on any protected class basis other than sexual assault/misconduct, domestic violence, dating violence, and stalking should be reported in the following manner:

1. By phone: OEOA Director at 309-438-3383
2. In Person: Office of Equal Opportunity and Access, 208 Hovey Hall, Normal, IL 61790
3. Using the Complaint Form: <http://equalopportunity.illinoisstate.edu>

Complaint procedures for these alleged violations can be found at: <http://policy.illinoisstate.edu/conduct/1-2-1.shtml>.

For more information about resources and support, please go to <http://equalopportunity.illinoisstate.edu/>.

IV. DEFINITIONS

A. Race, Color, Ancestry, and National Origin Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of their race, color, ancestry, or national origin. Illinois State University will not tolerate harassing behavior related to one's race, color, ancestry, and national origin that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

B. Religious Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of religion. Persons who do not have sincerely held religious beliefs are also protected from religious discrimination. Illinois State University will not tolerate harassing behavior related to religion that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

C. Pregnancy Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of pregnancy and childbirth. Illinois State University will not tolerate harassing behavior related to pregnancy and childbirth that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

D. Sexual Orientation Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of their sexual orientation. Illinois State University will not tolerate harassing behavior related to one's sexual orientation that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

E. Order of Protection Status Harassment and/or Discrimination

Illinois State University shall make best efforts to comply with the terms of any lawfully issued Order of Protection. Any student or employee with an Order of Protection should notify the Illinois State University Chief of Police. No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis their order of protection status. Illinois State University will not tolerate harassing behavior related to one's order of protection status that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

Order of protection status refers to 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.

F. Gender Identity & Expression Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of their gender identity or gender expression. Illinois State University will not tolerate harassing behavior related to one's gender identity or gender expression that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably

interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

"Gender identity" refers to a person's knowledge of his or her gender. A person may identify as a gender that does or does not appear to correspond to the sex assigned to that person at birth, or the person may not identify as either female or male.

A person's self-presentation of themselves as female, male, androgynous, or as another gender evidenced by their physical appearance, dress, speech, or other expression is referred to as "gender expression."

G. Age Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of age. Illinois State University will not tolerate harassing behavior related to age that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

H. Marital Status Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of their marital status. Illinois State University will not tolerate harassing behavior related to one's marital status that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

I. Disability Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of his or her disability. Illinois State University will not tolerate harassing behavior related to one's disability that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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. Under applicable state and federal law, an individual with a disability is a person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

The determination of whether an employee qualifies as an individual with a disability under applicable state and federal law, is made on a case-by-case basis by the Office of Equal Opportunity and Access. The determination of whether a student qualifies as an individual with a disability under applicable state and federal law is made on a case-by-case basis by [Student Access and Accommodations](#).

J. Genetic Information Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of their genetic information. Illinois State University will not tolerate harassing behavior related to one's genetic information that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

K. Military Status Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of his or her military status or unfavorable military discharge. Illinois State University will not tolerate harassing behavior related to one's military status or unfavorable military discharge that is sufficiently severe or pervasive such that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment. 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.

"Military status" means a person's status on any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

The term "unfavorable military discharge" refers to discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

L. Veteran Status Harassment and/or Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of their veteran status. Illinois State University will not tolerate harassing behavior related to one's veteran status that is sufficiently severe or pervasive that it interferes with an individual's participation in a University program or activity or unreasonably interferes with an individual's work or academic performance by creating an intimidating, hostile, or offensive work or learning environment.

M. Sex Discrimination

No Illinois State University student, employee, or faculty member shall be excluded from participating in or denied the benefits of any University program or activity on the basis of their sex. Illinois State University will not tolerate discrimination related to one's sex.

N. Sexual Harassment

It is the policy of the University to maintain an academic and work environment free of sexual harassment for students, faculty, and staff. Sexual harassment is contrary to the standards of the University community and a barrier to fulfilling the University's scholarly, research, educational, and service missions. Sexual harassment is defined by law and generally is any unwelcome conduct of a sexual nature that is sufficiently severe or pervasive as to create an intimidating, hostile, environment. Some examples of conduct of a sexual nature that may constitute sexual harassment include, but are not limited to:

- Unwanted sexual statements – sexual or "dirty" jokes, comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one's sexual activity in front of others, and displaying or distributing sexually explicit drawings, pictures and/or written material. Unwanted sexual statements are precluded in all forms including but not limited to verbally, in writing, electronically (email, instant messaging, blogs, web pages, etc.).
- Unwanted personal attention – letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction, pressure for dates where a sexual/romantic intent appears evident but remains unwanted, and stalking.
- Unwanted physical or sexual advances – touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, sexual misconduct/violence, domestic violence, dating violence, stalking, intercourse, or other sexual activity.

The University considers such behavior, whether physical or verbal, to be a breach of its standards of conduct. It will seek to prevent and remedy such incidents and will investigate and take corrective actions for violations of this policy.

1. Quid Pro Quo Sexual Harassment

Quid Pro Quo sexual harassment occurs when it is stated or implied that an academic or employment decision about a student or employee depends upon whether the student or employee submits to the conduct of a sexual nature. Quid pro quo sexual harassment also occurs when it is stated or implied that a student or employee must submit to conduct of a sexual nature in order to participate in a University program or activity.

2. Hostile Environment Sexual Harassment

A sexually harassing hostile environment occurs when uninvited or unwelcome conduct of a sexual nature creates an intimidating, threatening, or abusive working, learning, or living environment that is so severe or pervasive that it negatively affects the employee's or student's ability to participate in or benefit from a University program or activity

3. Sexual Misconduct/Violence, Domestic Violence, Dating Violence, and Stalking

a. Consent

For purposes of this section informed consent must be freely and actively given through mutually understandable terms or actions. A person is deemed incapable of giving consent when that person is not of an age to legally give consent (i.e. juvenile, minor), mentally disabled, mentally incapacitated, physically helpless, incapacitated through the use of alcohol and/or drugs to the point of being unable to make an informed and rational decision, unconscious, or asleep. Informed consent cannot be obtained through physical force, compelling threats, intimidating behavior, or coercion. Consent cannot be derived based on: a lack of verbal or physical resistance, previous sexual relations between the same parties, consent provided to another party, previous or current sexual relations with other parties, or through the manner in which someone chooses to dress. A person always retains the right to revoke consent at any time during a sexual act. Attending an artistic or educational event or a class in which nudity occurs and for which advanced notice of nudity has been provided qualifies as informed consent.

b. Sexual Misconduct/Violence

Engaging in any act that is sexual in nature and which is committed without the full and informed consent of all persons involved. Examples of sexual assault/misconduct include, but are not limited to: any penetration of the mouth, vagina, or anus with any body part or other object; contact with a person's breasts, buttocks, groin, or genitals; touching another person with one's own breasts, buttocks, groin, or genitals; any other intentional bodily contact of a sexual nature, or; exposing one's intimate body parts to another person or persons.

c. Sexual Exploitation

Engaging in any action that results in one or more persons taking nonconsensual or abusive sexual advantage of another person or persons. Examples of such behavior include, but are not limited to: invasion of sexual privacy; recording or broadcasting sexual activity, including redistribution of pictures, video, or audio; engaging in voyeurism; facilitating or allowing voyeurism without the consent of all parties; knowingly exposing another to a sexually transmitted disease; inducing another person or persons to commit an inappropriate sexual act, or; inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

d. Dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship.

e. Domestic violence

Violence committed by:

- i. a current or former spouse or intimate partner of the alleged victim;
- ii. a person with whom the alleged victim shares a child in common;
- iii. a person who is cohabitating with, or has cohabitated with, the alleged victim as a spouse or intimate partner;
- iv. a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of the State of Illinois; or
- v. any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.

f. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

For the purposes of this definition (i) course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. (ii) Substantial emotional distress means significant mental suffering or anguish that may, but may not necessarily, require medical or other professional treatment or counseling.

O. Retaliation

The University will not tolerate retaliation against students, employees, or faculty members who exercise their rights by filing a complaint with or participating in a protected investigation. Any action, or attempted action, directly or indirectly, against any person(s), who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates under this policy. Retaliation includes, but is not limited to harassment, discrimination, threats, or negative impact on employment and/or academic progress. Actions are considered retaliatory if they have a materially adverse effect on the working, academic, or living environment of a person; or if they hinder or prevent the person from effectively engaging in University activities and programs. Any person or group within the scope of this policy who engages in retaliation is subject to a separate charge of retaliation.

Initiating body: Office of Equal Opportunity and Access

Contact: Director of Equal Opportunity and Access (309-438-3383)

Revised on: 7/2016

Illinois State University
Campus Box 1000
Normal, IL 61790-1000
(309) 438-5677
[Contact Us](#)

© 2018 [Illinois State University](#).
[Privacy Statement](#) • [Identity Standards](#) • [Appropriate Use Policy](#)