

# UIS Policy Prohibiting Discrimination, Including Harassment and Sex-Based Misconduct

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### I. UIS Policy Prohibiting Discrimination, Including Harassment and Sex-Based Misconduct

#### A. **Purpose**

This Policy incorporates and implements the [University of Illinois System Non-Discrimination Statement](#):

The commitment of the University of Illinois System to the most fundamental principles of academic freedom, equality of opportunity, and human dignity requires that decisions involving students and employees be based on individual merit and be free from invidious discrimination in all its forms.

The University of Illinois System will not engage in discrimination or harassment against any person because of race, color, religion, sex, national origin, ancestry, age, marital status, order of protection status, genetic information, disability, pregnancy, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran and will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations.

This Policy also incorporates and implements the University of Illinois System Sex Discrimination statement available [here](#).

The University of Illinois Springfield (“University”) does not discriminate on the basis of sex and prohibits discrimination on the basis of sex in any education program or activity that it operates, as required by Title IX and other laws, including in admission and employment.

Discrimination on the basis of sex, which will hereafter be referred to as “Sex Discrimination,” includes:

- Discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and
- Sex-based harassment including both
  - Sexual harassment (quid pro quo harassment and hostile environment harassment), and
  - Other harassment on the basis of sex (e.g., sexual assault, sexual violence, sexual abuse, dating violence, domestic violence, and stalking).

The University prohibits and will not tolerate discrimination of any kind, of or by students, employees, or others in its educational programs and activities, including in admissions and employment, and will take action to provide appropriate remedies when such conduct is determined to have occurred. The University is committed to providing an educational and work environment free of all forms of discrimination. In furtherance of this commitment, the University will impose appropriate sanctions and take corrective and remedial action to address discriminatory conduct and/or will respond to all reports or complaints of Sex Discrimination consistent with this Policy and Procedure.

## **B. Scope**

This Policy applies to admission, employment, and access to and treatment in all University programs and activities.

In furtherance of the commitment to principles of equality and equal opportunity, this Policy may be invoked by UIS faculty, staff, employees, students, applicants, and individuals participating in or attempting to participate in a University program or activity.

## **C. Policy**

It is the Policy of UIS not to engage in [discrimination](#), including [harassment](#) and [sex-based misconduct](#) or [retaliation](#) against any person based on [race](#), [color](#), [religion](#), [sex](#), [national origin](#), [ancestry](#), [age](#), [marital status](#), [order of protection status](#), [genetic information](#), [disability](#), [pregnancy](#), [sexual orientation](#), [gender identity](#), [unfavorable discharge from the military, or status as a protected veteran](#), and to comply with all [federal](#) and [state](#) nondiscrimination, equal opportunity, and affirmative action laws, orders, and regulations.

[Appendix A](#) describes the specific forms of legally prohibited discrimination, harassment, sex-based misconduct, and retaliation that are prohibited under University Policy.

Any of the offences covered under this policy can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

## **II. Authority**

The UIS Access & Equity Office coordinates the University's efforts to comply with and carry out the University's responsibilities under this Policy, including the effective implementation of any remedies designed to restore or preserve equal access to the University's education or workplace employment or activities. The Title IX Coordinator is designated as the AEO Administrator.

### III. Procedures

Allegations of violations of this Policy are addressed using the applicable procedures below:

- A. Complaints or grievances based on Sex, follow the [Comprehensive Policy and Procedures to Address Sex Discrimination, including Harassment and Sex-Based Misconduct](#) (“Procedure A”)
- B. Complaints or grievances based on [Procedures to Address Protected Characteristic Discrimination](#) (non-sex based complaints, “Procedure B”)
- C. For access or accommodation requests related to disability and/or pregnancy or related conditions, follow the [Access & Accommodation Procedures](#) (“Procedure C”)

#### Appeals

Appeal processes are provided within each applicable procedure.

Related Policies:

- A. [Student Conduct Code](#)
- B. [Workplace-Related Intimate Personal Relationships Policy and Procedures](#)

### IV. Reporting

All alleged or suspected violations of this Policy should be reported to the UIS Access & Equity Office. Inquiries or complaints should be addressed to UIS Access and Equity, One University Plaza, Human Resources Building Room 30, Springfield, IL 62703, (217) 206-6222, [aeo@uis.edu](mailto:aeo@uis.edu).

University employees with supervisory or management responsibilities are obligated to report any and all observations and complaints of discrimination and harassment promptly to the UIS Access & Equity Office.

For additional reporting options for complaints based on sex, see the [Comprehensive Policy and Procedures on Sex Discrimination, including Harassment and Sex-Based Misconduct](#).

Any individual found to have violated this policy may be subject to sanction and/or discipline, up to and including termination or removal.

In case of an emergency or an immediate threat to health or safety please call 911.

## V. Time Limitations

There is no time limitation on providing Notice/Complaints to the Access & Equity Office. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the AEO Administrator's (or designee's) discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

### A. **Conflicts of Interest**

In order to facilitate a fair and equitable adjudication process, UIS is committed to proactively addressing potential conflicts of interest. Complaints against the following officials should be submitted as indicated below.

#### 1. **UIS-based System Office employees**

System Office employees working on the UIS campus should communicate relevant concerns or initiate complaints and grievances regarding this policy with the System Office Associate Director of Diversity, Equity, Inclusion and Belonging and System Offices Title IX Coordinator or designee. System Office policies and procedures apply.

#### 2. **Complaints against the Title IX Coordinator, EEO Officer, or ADA Coordinator**

When the accused party is the Title IX Coordinator, the Chancellor designates another appropriate individual for the purpose of implementation of this policy's procedures. The designated individual must have the requisite training and experience and have no conflict of interest or prior involvement in the case.

#### 3. **Complaints against the UIS Chancellor**

When the accused party is the UIS Chancellor, the Complainant should submit a complaint in writing to the President of the University of Illinois, 364 Henry Administration Bldg., 506 S. Wright St. Urbana, Illinois 61801 [Phone: (217) 333-3071].

## VI. Supportive Measures

UIS will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, sexual misconduct and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter discrimination, harassment, and/or retaliation.

Additional details about supportive measures, including examples of potential supportive measures and procedures for challenging a decision regarding a supportive measure, can be found in [APPENDIX C](#).

## **VII. Confidentiality/Privacy**

UIS makes every effort to preserve the Parties' privacy. UIS will not share the identity of any individual who has made a Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

### Unauthorized Disclosure of Information

Parties and Advisors are prohibited from unauthorized disclosure of information obtained by the University through the Resolution Process, to the extent that information is the work product of the University (meaning it has been produced, compiled, or written by UIS for purposes of its investigation and resolution of a Complaint). It is also a violation of UIS Policy to publicly disclose work product or a party's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions. This prohibition does not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures.

## **VIII. Awareness and Training**

### **A. Dissemination of the Policy**

UIS posts this policy and the associated procedures on the UIS Access & Equity website and the UIS Policy website to ensure it is available to the entire UIS community. A copy of this policy will be provided to anyone upon request.

**B. Education, Awareness, and Prevention Programs**

UIS provides annual harassment, discrimination, and sexual misconduct prevention and awareness training for all students and employees. The content of this training is described in more detail in [APPENDIX D](#).

## **APPENDIX A: POLICY DEFINITIONS**

### **Prohibited Conduct Definitions**

#### **I. Discrimination**

To be subject to different treatment based on actual or perceived membership in a protected classification, and to thereby experience an adverse employment or academic action or to be excluded from participation in or denied the benefits of a University program. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

#### **II. Harassment**

A form of discrimination and unwelcome conduct based on an individual's actual or perceived membership in a protected classification. The unwelcome conduct may be verbal, written, electronic or physical in nature. This policy is violated when the unwelcome conduct is based on one or more of the protected classifications, and is either:

- (1) sufficiently severe or pervasive; and (2) objectively offensive; and (3) unreasonably interferes with, denies, or limits a person's ability to participate or benefit from educational or employment opportunities, assessments, or status at the University; or
- performed by a person having power or authority over another in which submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions adversely affecting an individual's educational and/or employment opportunities, participation, assessments, or status at the University.

#### **III. Sex Based Discrimination, Including Harassment and Sex Misconduct**

##### **A. Sex-Based Discrimination**

Sex-Based Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived protected characteristic based on sex that:

1. Excludes an individual from participation in;
2. Denies the individual benefits of; or
3. Otherwise adversely affects a term or condition of an individual's participation in an educational program or activity.



Discrimination includes allegations of a failure to provide reasonable accommodations or modifications for pregnancy or related conditions.

In the limited circumstances in which Title IX law permits different treatment or separation on the basis of sex, the University must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by the exceptions and corresponding regulations in the [U.S. Code](#).

## **B. Sex-based Harassment**

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. **Quid pro quo harassment** means a University employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the university's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. **Hostile environment harassment:** unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the university's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - a. The degree to which the conduct affected the complainant's ability to access the university's education program or activity;
  - b. The type, frequency, and duration of the conduct;
  - c. The parties' ages, roles within the university's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - d. The location of the conduct and the context in which the conduct occurred; and
  - e. Other sex-based harassment in the university's education program or activity
3. **Sexual assault, domestic violence, dating violence, and stalking:** these forms of prohibited conduct are also considered forms of "sex-based harassment," but are defined under "Sex Based Misconduct" below.

**A. Sex-Based Misconduct**

Sex-based misconduct is a form of sex-based discrimination, and includes the following:

**1. Sexual Assault**

Sexual assault includes the following:

- a. Forcible Fondling.** Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim. Private body parts includes breasts, buttocks, groin, and sex organs.
- b. Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- c. Rape.** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes attempted rape and assault with intent to commit rape.
- d. Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim.
- e. Forcible Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim.
- f. Statutory Rape.** Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

The following definitions may, but do not have to be, elements of some instances of sexual assault:

- i. Coercion** - Use of force, threats, intimidation, or severe or persistent pressure that would reasonably cause an individual to fear significant consequences if they refuse to engage in sexual contact. In evaluating whether Coercion was used, the University will consider: (1) the frequency, intensity, and duration of the pressure; (2) the degree of isolation of the person being pressured; and (3) any actual or perceived power differential between the parties in the context of their respective roles within the University. For example, when a person expresses a decision not to participate in a particular sexual activity, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive.
- ii. Inducing Incapacitation for Sexual Purposes** - Using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent to sexual contact.

## **2. Sexual Exploitation**

The use of another person's nudity or sexual activity without consent for the purpose of sexual gratification, financial gain, or anyone's advantage or benefit other than the person whose nudity or sexual activity is being used.

Sexual Exploitation includes, but is not limited to:

- a. observing, recording, or photographing nudity or sexual activity of one or more persons without their consent in a location where there is a reasonable expectation of privacy;
- b. allowing another to observe, record, or photograph nudity or sexual activity of one or more persons without their consent; or
- c. otherwise distributing recordings, photographs, or other images of the nudity or sexual activity of one or more persons without their consent.

## **3. Dating violence**

Violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - i. The length of the relationship;
  - ii. The type of relationship; and
  - iii. The frequency of interaction between the persons involved in the relationship.

Dating violence does not include acts covered under the definition of domestic violence

## **4. Domestic violence**

Felony or misdemeanor crimes - including but not limited to, domestic battery, aggravated domestic battery, stalking, aggravated stalking, cyberstalking, sexual assault, and sexual abuse - committed by a person who:

- a. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the university, or a person similarly situated to a spouse of the victim;
- b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- c. Shares a child in common with the victim; or
- d. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Illinois.

## 5. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for the person's safety or the safety of others; or
- b. 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 in 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

This Policy addresses stalking on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Stalking is generally determined to be sex or gender-based when it:

- is sexual or romantic in nature;
- is committed by the victim's current or former partner of an intimate, romantic, or sexual nature; and/or
- is related to the victim's actual or perceived sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, or gender expression (including victim exhibiting or failing to conform to traditional notions of femininity and masculinity).

**Where a report of Stalking involves the alleged behavior of a Student**, the Title IX Coordinator will determine if the reported conduct meets these criteria. Alleged stalking behavior by a Student that does not fall under this Policy may be addressed under the Student Conduct Code (link to: <https://www.uis.edu/policy/student-conduct-code>) through the Dean of Students Office (link to: <https://www.uis.edu/dean-of-students>).

**Where a report of Stalking involves the alleged behavior of a university employee**, applicant for employment, other affiliated individual, or third party, the Title IX Coordinator, in consultation with the applicable Human Resources personnel, will determine if the reported conduct meets the above criteria. Alleged Stalking behavior by a university employee or applicant for employment, other affiliated individual, or a

third party that does not fall under this policy may be referred to the UIS Office of Human Resources and may be addressed using applicable policies and procedures.

#### **IV. Retaliation**

Intimidation, threats, coercion, or discrimination against any person by the university, a student, or an employee or other person authorized by the university to provide aid, benefit, or service under the university's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, including in an informal resolution process, in grievance procedures, and in any other actions taken by the university under this policy. Nothing in this definition or this policy precludes the university from requiring an employee or other person authorized by a university to provide aid, benefit, or service under the university's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.

#### **V. Protected Classifications**

##### **A. Age**

The Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive federal financial assistance. The Age Discrimination Act of 1975 does not cover employment discrimination. The Age Discrimination in Employment Act (ADEA) only forbids age discrimination against people who are age 40 or older.

The Office for Civil Rights enforces the Age Discrimination Act and the Equal Employment Opportunity Commission enforces the Age Discrimination in Employment Act.

##### **B. Citizenship or Immigration Status**

The Immigration Reform and Control Act of 1986 (IRCA) amended the Immigration and Nationality Act to prohibit discrimination based upon an individual's citizenship or immigration status. U.S. citizens, recent permanent residents, temporary residents, asylees and refugees are protected from citizenship status discrimination. IRCA prohibits employers from hiring only U.S. citizens or lawful permanent residents unless required to do so by law, regulation or government contract.

The Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) enforces the anti-discrimination provision of IRCA.

##### **C. Color**

Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color. Title VI and Title VII make it illegal to discriminate against someone on the basis of color.

The Office for Civil Rights enforces Title VI and the Equal Employment Opportunity Commission enforces Title VII.

#### **D. Disability**

There are two federal laws that protect persons with disabilities – The Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA)/Americans with Disabilities Act Amendments Act (ADAAA, formerly the Americans with Disabilities Act (ADA)).

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with a disability. Any program or activity that receives Federal financial assistance is subject to Section 504 of the Rehabilitation Act of 1973.

The ADA/ADAAA prohibits discrimination on the basis of disability in employment (Title I), State and local government (Title II), public transportation (Title II), public accommodations and commercial facilities (Title III), and telecommunications (Title IV).

To be protected by the ADA/ADAAA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA/ADAAA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Temporary, non-chronic impairments that do not last for a long time and that have little or no long-term impact usually are not considered to be “disabilities.” The determination of whether the impairment is a disability is made on a case-by-case basis.

To be considered a person with a disability, the impairment must substantially limit one or more major life activities. Examples of major life activities include walking, speaking, breathing, performing manual tasks, seeing, hearing, learning and caring for oneself.

Requirements common to these regulations include reasonable accommodation for employees and students with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations.

The Office for Civil Rights enforces Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA/ADAAA, and the Equal Employment Opportunity Commission enforces Title I of the ADA/ADAAA.

#### **E. Genetic Information**

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about family medical history. Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

The EEOC enforces Title II of GINA.

#### **F. National Origin**

Title VI and Title VII make it illegal to discriminate against someone on the basis of national origin. National origin discrimination involves treating people unfavorably because of their place of birth, country of origin, ethnicity, ancestry, native language, accent, or because they appear to be of a certain ethnic background (even if they are not).

National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin or because of their connection with an ethnic organization or group.

The Office for Civil Rights enforces Title VI and the Equal Employment Opportunity Commission enforces Title VII.

#### **G. Pregnancy and related conditions**

The Pregnancy Discrimination Act of 1978 (PDA) and Title IX of the Education Amendments of 1972 prohibit discrimination based on pregnancy. The PDA amended Title VII of the Civil Rights Act of 1964, thus making discrimination on the basis of pregnancy, childbirth, or related medical conditions unlawful sex discrimination under Title VII.

Pregnancy discrimination involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, lactation, or a medical condition related to pregnancy, childbirth or lactation.

Title IX prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy (including the end of pregnancy in any manner) or recovery from any of these conditions. Title IX also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex. Under Title IX, pregnant students must be afforded the same opportunities to participate in all aspects of an educational program.

The Equal Employment Opportunity Commission enforces Title VII and the Office for Civil Rights enforces Title IX.

#### **H. Religion**

Title VII makes it illegal to discriminate against someone on the basis of religion or lack of religious belief. Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. Employers may not treat employees more or less favorably because of their religion. Employees cannot be required to participate, or to refrain from participating, in a religious activity as a condition of employment. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.

Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group.

It is a violation of the law and university policy to harass a person because of his or her religion. Harassment can include, for example, offensive remarks about a person's religious beliefs or practices that create a hostile work environment. Title VII also prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

The Equal Employment Opportunity Commission enforces Title VII of the 1964 Civil Rights Act.

#### **I. Race**

Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color. Title VI and Title VII make it illegal to discriminate against someone on the basis of race. The Office for Civil Rights enforces Title VI and the Equal Employment Opportunity Commission enforces Title VII.



## **J. Sex**

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX obligations extend to: recruitment, admissions, counseling, financial assistance, athletics, sex-based harassment, treatment of pregnant and parenting students, discipline, single-sex education, and employment. Title IX protects any person from sex-based discrimination, regardless of their real or perceived sex, gender identity, and/or gender expression. Female, male, and gender non-conforming students, faculty, and staff are protected from any sex-based discrimination, harassment or violence. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

Title VII of the Civil Rights Act of 1964 forbids discrimination in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.

Sex Discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

It is unlawful to harass a person because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. A harasser can be an immediate supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the University, such as a client or customer.

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, the Equal Pay Act of 1963 requires equal payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

The Office for Civil Rights enforces Title IX and the Equal Employment Opportunity Commission enforces Title VII.

## **VI. Other Policy Definitions**

As used in this Policy, the following definitions and understandings apply:

### **A. Campus Security Authority**

A Campus Security Authority is (i) a campus police department or a campus security department of an institution; (ii) any individual or individuals who have responsibility for

campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property; (iii) any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and (iv) an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

## **B. Complainant**

1. A student or employee who is alleged to have been subjected to conduct that could constitute a violation of this Policy.
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute a violation of this Policy and who was participating or attempting to participate in a University education program or activity at the time of the alleged violation.

## **C. Consent**

Consent means mutually understood words or actions indicating a freely given, informed agreement to engage in a particular sexual activity with a specific person or persons. Consent must be voluntarily given and cannot be the result of coercion. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent. A person's manner of dress does not constitute consent. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. A person can withdraw consent at any time.

A person cannot consent to sexual activity if that person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances, including without limitation 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 the age of consent;
- The person is incapacitated due to mental or physical disability.

To be found responsible in a case involving a Complainant who could not consent to sexual activity, the Respondent must have known, or should have known, the Complainant was unable to understand the nature of the sexual activity or give knowing consent due to the circumstances. "Should have known" is determined using an objective, reasonable person standard. That is, would a reasonable person have recognized that the Complainant could not consent to the sexual activity.

**D. Counter-Complaint**

A Counter-Complaint is a complaint filed by a Respondent after receiving notice of a complaint filed against themselves. Counter-Complaints are allowed but are subject to the same complaint evaluation process as all other complaints. The University is obligated to ensure that the resolution process is not abused for retaliatory purposes.

Although the University permits the filing of Counter-Complaints, the AEO Administrator (or designee) will use an initial evaluation to assess whether the allegations in the Counter-Complaint are made in good faith. When Counter-Complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-Complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the AEO Administrator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

**E. Federal Nondiscrimination Laws and Regulations**

Federal nondiscrimination laws applicable to this policy include but are not limited to: Equal Pay Act of 1963, Title VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act Amendments Act, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, the Pregnancy Discrimination Act of 1978, the Uniformed Services Employment and Re-employment Act, the Vietnam-Era Veterans Readjustment Assistance Act of 1974, the Genetic Information Nondiscrimination Act of 2008, and the Pregnant Workers Fairness Act

**F. Investigator**

A person designated by UIS to investigate complaints under this policy. Before investigating a complaint, UIS Investigators receive appropriate training, including on issues of relevance, to create a Report of Investigation that fairly summarizes relevant evidence. Investigators are UIS employees or other persons retained to conduct investigations required by this and other University of Illinois System policies and U.S. laws.

**G. Notice of Investigation and Allegation (NOIA)**

A NOIA provides notice to the Parties that a complaint has been filed. The NOIA will include details such as: details of the allegation, including, where possible, the date(s) and time(s) of the alleged incident(s) and the type of conduct alleged; information about the rights and options of each Party; and the appropriate Resolution Process and next steps.

**H. Reasonable Accommodation**

A reasonable accommodation is a modification or adjustment to University environments, practices, or requirements intended to maintain an individual's access to the educational or employment environment. Reasonable accommodations cannot fundamentally alter the nature of a University service, program, or activity. When appropriate notice is provided, the University may implement Reasonable Accommodations based on a documented disability or religious belief.

**I. Remedies**

Measures designed to restore or preserve equal access to UIS's education program or activity. Remedies may include the same individualized services as Supportive Measures but need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

**J. Respondent**

An individual who has been reported to be the perpetrator of conduct that could constitute a violation of this policy.

**K. Sanction**

Disciplinary action implemented in response to a finding of a violation of this policy. Sanctions must be implemented by the appropriate Sanctioning Administrator with the intent to remedy the harm and prevent the reoccurrence of the policy violation, and may range from a warning to expulsion/termination.

**L. Supportive Measures**

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a complaint or where no complaint has been filed. Such measures are designed to restore or preserve equal access to UIS programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UIS's educational environment, or deter harassment/discrimination. Additional information about Supportive Measures can be found in [Appendix C](#).

## **APPENDIX B: REPORTING CONTACTS**

All individuals who believe that they may have witnessed or experienced any form of harassment or discrimination based on a [protected classification](#), as well as any individual who believes they may have experienced [retaliation](#) for engaging in a protected activity, are encouraged to reach out the Access & Equity Office using the contact information below. All individuals have the right to choose to report or not report incidents of protected characteristic harassment, discrimination, or misconduct to UIS officials, on-campus or local law enforcement, external agencies, and/or confidential services, separately or simultaneously. Reporting may be anonymous, confidential, or made by a third party.

### **Internal Reporting Contacts**

Office of Access & Equity  
Title IX Coordinator, EEO Officer, ADA/Section 504 Coordinator  
Human Resources Building, Suite 20

Mailing Address:

One University Plaza, MS HRB 30  
Springfield, Illinois 62703

Phone: 217-206-6222

Email Addresses:

For complaints or concerns of harassment, discrimination, or misconduct on the basis of sex, including sexual assault, domestic violence, dating violence, and stalking: [TitleIX@uis.edu](mailto:TitleIX@uis.edu)

For complaints or concerns of harassment or discrimination based on any other protected category: [AEO@uis.edu](mailto:AEO@uis.edu)

### **External Reporting Contacts**

Concerns about UIS's application of this Policy and compliance with certain federal civil rights laws may also be addressed to the appropriate external agency.

Students and employees may file complaints with the Illinois Department of Human Rights (IDHR). Students may also file Title IX Sexual Harassment complaints with the U.S. Department of Education, Office for Civil Rights (OCR). In addition, any University employee may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC). Contact information for each agency appears below.

UIS is committed to taking prompt and fair remedial action to address violations of this policy regardless of whether an internal or external complaint has been filed. In fact, the filing of a complaint of discrimination with a state or federal civil rights agency does not relieve UIS of its responsibility to respond appropriately to a complaint. Accordingly, even if an external complaint is filed, UIS may continue to take appropriate actions consistent with this policy to address the complaint.

Illinois Department of Human Rights

222 S. College St. Springfield, IL 62704  
(217)785-5100

Office for Civil Rights, U.S. Department of Education

Citigroup Center  
500 West Madison Street, Suite 1475  
Chicago, IL 60661  
(312) 730-1650

U. S. Equal Employment Opportunity Commission

500 West Madison Street, Suite 2000  
Chicago, IL 60661  
(800) 669-4000

## **APPENDIX C: SUPPORTIVE MEASURES**

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a complaint or where no complaint has been filed. Such measures are designed to restore or preserve equal access to UIS programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UIS's educational environment, or deter harassment/discrimination

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Adjusting schedules or methods of participating in activities to minimize campus contact between Complainant and Respondent
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

### Challenging a Supportive Measure Decision

The Parties are provided with a timely opportunity to seek modification or reversal of the Recipient's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the AEO Administrator or designee. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the definition of supportive measures in § 106.2 of the federal Title IX Regulations. The University will also provide the Parties with the opportunity to seek additional modification or termination of

supportive measures applicable to them if circumstances change materially. The University typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Administrator.



## **APPENDIX D: ANNUAL TRAINING**

Annual training is provided to all students and employees each year covering the topics of:

- An overview of UIS's comprehensive policy to prevent and respond to sexual misconduct, harassment, and discrimination,
- The identity and contact information of the Title IX Coordinator,
- An overview of applicable federal, state, and local laws,
- UIS definitions of consent, incapacitation, and retaliation as they related to sexual misconduct,
- Practices for identifying, preventing, and addressing Sexual Misconduct, Harassment Based on a Protected Characteristic, and Discrimination,
- Procedures for reporting alleged or suspected Sexual Misconduct to UIS, the UIS Police, and local law enforcement,
- Designation of Confidential Advisors and other confidential resources,
- Available resources for individuals who have experienced sexual misconduct,
- Procedures used to investigate and resolve complaints and reports pursuant to this policy,
- Strategies for bystander intervention and risk reduction
- The types of sanctions or corrective actions potentially available to address violations of this policy,
- All applicable education and training requirements under Campus SaVE, VAWA, Title IX, and applicable state laws.