

#### 4.036 Sexual Harassment and Discrimination-Related Harassment Reporting Process (Revised 4/22/25)

##### A. General Provisions:

1. All members of the College community, including volunteers and other College representatives are required to comply with this policy and the procedures outlined to address complaints. In addition to the procedures outlined herein, harassment complaints may be filed with the agencies outlined at the end of this policy. The College takes allegations of discrimination, harassment and sexual misconduct very seriously and will actively investigate all complaints. Any complaint of discrimination or harassment filed under the College's policy shall be processed even if the complainant also files a complaint with an outside agency.
2. The College will not tolerate retaliation against anyone that makes a complaint or participates in the complaint process.
3. The College will:
  - a. Respond to every complaint of harassment reported;
  - b. Implement temporary resolutions, where appropriate, through the course of the investigation;
  - c. Take action to provide remedies when harassment is discovered;
  - d. Impose appropriate sanctions on offenders in a case-by-case manner; and
  - e. Protect the privacy of all those involved in harassment complaints to the extent it is possible.
4. The above actions will apply to the extent permitted by law and where immediate personal safety is not an issue.

##### B. Confidentiality:

1. A reasonable effort will be made to keep allegations of sexual or other harassment confidential to the greatest extent possible. All parties participating in the investigation will treat all documents and conversations as confidential. Breaches of confidentiality may be subject to disciplinary action. Requests not to investigate complaints cannot be honored.

##### C. Responsibilities:

1. The College encourages prompt reporting of harassment. It is the express policy of the College to encourage targets of harassment to come forward with such claims.
2. Management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment. Supervisors shall be responsible for ensuring compliance with this policy by:
  - a. Monitoring the workplace environment for signs of sexual or other harassment;

- b. Promptly notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois. In addition, all such incidents should immediately be reported to the Title IX Coordinator at (815) 599-3531, the Director of Human Resources at (815) 599-3402, or the HR Manager at (815) 599-3602.
  - c. Promptly stopping any observed acts of discrimination or harassment and taking appropriate steps to intervene.
  - d. Promptly reporting any complaint of harassment or discrimination to one of the College investigators.
- 3. Each employee is responsible for assisting in the prevention of discrimination and harassment by:
  - a. Refraining from participation in, or encouragement of, actions that could be perceived as discrimination or harassment.
  - b. Intervening if they find themselves as a bystander to any inappropriate behaviors on campus and feel it is safe to do so.
  - c. Immediately reporting harassment or discrimination or suspected harassment or discrimination to management and supervisors before it becomes severe, persistent or pervasive.
- 4. In most cases, there is a clear line between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Individuals covered by this policy are free to form social relationships of their own choosing. However, when one person is pursuing or forcing a relationship upon another person who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. A person confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.
- 5. If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.
- 6. The College does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees or any employee with authority over another person covered under this policy.



D. Bringing a Report of Harassment or Suspected Harassment:

1. Reports may be submitted informally or formally. In order to conduct an immediate investigation, any incident of sexual or other harassment should be reported as quickly as possible, in confidence.
2. Any person who believes they have been subjected to harassment prohibited by this policy or who becomes aware of conduct that may violate this policy should immediately report the harassment as follows:
  - a. Students may report incidents to the Title IX Coordinator who will investigate the allegation. If the Title IX Coordinator is the alleged harasser, reports may be made to the Director of Human Resources (investigator) or the HR Manager (investigator) who will investigate the allegation. The investigator will meet with the complainant, the alleged offender, and all relevant witnesses in order to investigate the complaint.
  - b. Employees, volunteers, Board of Trustees and third parties, may report incidents to the Director of Human Resources who will investigate the allegation. If the Director of Human Resources is the alleged harasser, reports may be made to the Title IX Coordinator (investigator), or the HR Manager (investigator) who will investigate the allegation. The investigator will meet with the complainant, the alleged offender, and all relevant witnesses in order to investigate the complaint. The investigators may obtain investigation assistance from an outside investigator in complex situations, such as if the allegations against a member of the Board of Trustees or the President of the College.
3. Incidents can be reported in the following ways:
  - a. Leave a private voice message, send a private email, or visit the appropriate investigator (although it is best to make an appointment first to ensure availability) either the Title IX Coordinator, (815) 599-3531, [liz.gerber@highland.edu](mailto:liz.gerber@highland.edu), Marvin-Burt Liberal Arts Center room 101, Director of Human Resources, (815) 599-3402, [karen.brown@highland.edu](mailto:karen.brown@highland.edu), Student/Conference Center room 232, or the HR Manager, (815) 599-3609, [christie.lewis@highland.edu](mailto:christie.lewis@highland.edu), Student/Conference Center room 243.
  - b. Mail a letter to the Title IX Coordinator's office or the Director of Human Resources office at 2998 West Pearl City Road, Freeport, IL 61032;
  - c. Report to another trusted college official (e.g., faculty member, coach, advisor) who will then provide information as required under the Policy to the appropriate investigator.
  - d. File a report of harassment through the College's online incident reporting system at <https://publicdocs.maxient.com/incidentreport.php?HighlandCC>. Reports marked "harassment" will be sent confidentially directly to the College's Director of Human Resources and copied to the Title IX Coordinator.

A. Informal Complaint Process:

1. Individuals who feel they have been harassed may desire to resolve their complaints informally (i.e., without the formal investigatory process and without disciplinary

action being taken against the alleged harasser if allegation is found to be true). Informal complaints are not required to be made in writing. An example of an informal complaint resolution is one where the complainant requests only that an appropriate college official counsel the accused individual to cease and desist the alleged conduct, and requests no other specific action(s) be taken against the accused. The informal complaint process may not be used in the event of a complaint of sexual violence under policy 3.27 Sexual Misconduct and Violence or 4.39 Non-Violence.

2. Persons making informal complaints of harassment agree and understand that no formal disciplinary action may be taken against the alleged harasser based on the allegation. If the complainant chooses, they may at any time prior to the resolution of the informal complaint amend the informal complaint to a formal complaint. If the alleged offender elects not to participate in resolving an informal complaint, the nonparticipation will not be considered as damaging evidence and will not change or waive the College's responsibility to investigate and to make decisions based on available information.
3. The investigator may, *if circumstances warrant*, request that the alleged harasser's immediate supervisor counsel them regarding the alleged conduct and/or may recommend counseling, training, education, and/or other non-disciplinary actions be implemented or undertaken. Attempts to resolve an informal complaint will be completed within thirty (30) business days from the date of receipt of the informal complaint by the investigator. If the investigation necessitates additional time to resolve the matter, the complaining party and the alleged harasser will be notified by the investigator. The complaining party and the alleged harasser will be informed in writing of the outcome of the informal process.
4. The informal process will include:
  - a. Explanation of the rights and responsibilities of the person filing the report and the procedures for filing a formal complaint;
  - b. Review and determination of the legal basis of the issues being raised in the complaint;
  - c. Seeking resolution of the matter;
  - d. Documenting the resolution or advising the complainant of his/her right to file a formal complaint within 15 days after receipt of the informal process report;
  - e. Preparing a report on the informal process.
5. The College will attempt to balance the wishes of a complaining party who does not want to file a formal complaint with the College's responsibility to respond to serious allegations and take prompt, appropriate action. A complaining party who chooses not to proceed with a formal complaint shall be asked to state that preference in writing.



B. Formal Complaint Process:

1. Formal complaints must be filed within 45 days of the date of the alleged event or incident or within 15 days after attempts to resolve the situation informally have been unsuccessful.
2. While not required, the College encourages anyone who makes a formal complaint under this policy to provide a written statement setting forth the details below and attaching any pertinent documents, so the College can truly understand the complaint:
  - a. identify the alleged offender(s);
  - b. identify the details concerning the incident or conduct giving rise to the complaint;
  - c. describe the actions or practices deemed harassment and/or discriminatory
  - d. provide the dates, times, and locations of the conduct;
  - e. include names of any witnesses to the alleged incident(s) or conduct;
  - f. whether conduct of a similar nature and has occurred on prior occasions;
  - g. whether there are any documents which would support the allegations;
  - h. what impact the conduct had on the person filing the report; and
  - i. action requested to resolve the complaint and prevent future violations of the policy.
3. The College will investigate formal complaints when complaints are submitted orally or in writing. The College will acknowledge receipt of the formal complaint in writing. Following a decision, the College will notify the complaining party, as well as the alleged harasser, of the appeal process.
4. Process for Investigation of Formal Complaints: The investigator will interview the complaining party and the alleged offender and may review personnel and other records relevant to the complaint. The alleged harasser should have an opportunity to fully explain his or her side of the circumstances and may also submit a written statement if desired or needed. Typically, after the alleged harasser is interviewed, any witnesses identified by either the claiming party or the alleged harasser may be interviewed separately. The investigator may also interview, supervisors and/or any other persons who may have information about the alleged incident. The investigating officer will be entitled to any and all College documents, recordings, videos, emails or information requested by a Request for Information that may pertain to the investigation. If the complaint involves evidence found on the complaining party's or alleged harasser's personal electronic devices, the investigator may request access to or copies of that information. Every attempt will be made to complete the investigation within 10 business days. The investigating officer may extend the time of the investigation by up to 30 additional business days if necessary to complete the investigation.
5. If necessary, the investigator will notify the supervisor of the alleged offender (if the alleged is an employee) or the Vice President of Student Development and Support Services (if the accused is a student) and/or other appropriate College administrative

officials regarding the complaint, in order that appropriate temporary and/or remedial actions may be taken during the investigation (i.e., temporary reassignment, investigatory leave of absence, etc.).

6. Right to Dismiss: The College has the right to dismiss an informal or formal complaint in its entirety for any of the following reasons:
  - a. The complaining party fails to state a claim;
  - b. The claim is moot or under adjudication elsewhere;
  - c. The complaining party failed to file the complaint within the time frame allotted;
  - d. The complaining party provides a written request to withdraw their formal complaint;
  - e. The complaining party cannot be located or has not responded to a request for relevant information if the record does not already contain sufficient information;
  - f. The complaint is part of a clear pattern of misuse of the process.
7. The College President or designee shall be informed of every written reported incident of harassment, unless the reported incident involves the President in which case the reported incident will be reported to the Board Chair.

C. Written Report:

1. Within ten (10) school days or “a reasonable time” from the date the written complaint was received, the investigator(s) will produce a report on the investigation to the College President or designee, or the Chair of the College’s Board of Trustees if the College President is the alleged harasser, which will include at a minimum the following:
  - a. The date the complaint was received;
  - b. The complaining party’s name;
  - c. The name of each alleged offender and a description of all conduct that gave rise to the complaint (written, signed statements by complaining parties describing relevant events should be obtained whenever possible);
  - d. A statement detailing the alleged offender’s response to the allegations (written, signed statements by the alleged offender should be obtained whenever possible);
  - e. A statement detailing the scope of the investigation undertaken, including the names of all witnesses interviewed and the results of the interviews. The report may include case information, the investigation plan, case notes, information interview summaries, interview reports, exhibit list, and recommendations.
2. Within five (5) business days or “a reasonable time” after the investigator’s written report is received, the College President or designee, or the Chair of the Board of Trustees if the College President is the alleged harasser, will evaluate the report of the investigator(s) to determine the validity of the complaint. The President or designee may review any part of the investigatory records not included in or with the report.
3. The President or designee, the supervisor (if the accused is an employee), or the Vice President, Student Development and Support Services (if the accused is a student),



and/or other College administrative officials as appropriate, shall meet with the appropriate party to discuss the findings and recommendations for appropriate action. The President or designee shall provide a written notification of the decision to the investigator, the alleged harasser and the complaining party.

D. Disciplinary Action:

1. If a complaint is found to be valid, appropriate disciplinary action or other appropriate action will be taken. Any College employee who is determined, after an investigation, to have engaged in harassment in violation of this policy will be subject to disciplinary action up to and including discharge or any other appropriate remedial action, consistent with college policy or contractual rights and obligations outlined in appropriate collective bargaining agreements. Any student of the College who is determined, after an investigation, to have engaged in harassment in violation of this policy will be subject to disciplinary action, including, but not limited to, suspension and expulsion, or other appropriate remedial action, consistent with the College's Student Code of Conduct. Any third person who is determined, after an investigation to have engaged in harassment in violation of this policy may be subject to restriction from enrollment in College classes.
2. This is not a legal proceeding, so the College will not award any compensation to a victim of harassment. Referral to the appropriate law enforcement agencies may be made in appropriate cases.

E. Knowingly Filing False or Malicious Complaints Prohibited:

1. Any person who knowingly files a false or malicious complaint regarding discrimination or harassment will be subject to disciplinary action as outlined in this section of the policy.

F. Retaliation:

1. The College prohibits retaliation against a person who files a complaint about or reports any act of discrimination, harassment or misconduct in violation of this policy, or because the person testified, assisted or participated in an investigation, proceeding or hearing regarding sexual or other harassment. In addition, the College prohibits retaliation against the alleged offender by the accuser or other parties. Disciplinary action as outlined under the "Disciplinary Action" Section, paragraphs #1 and #2 of this policy will not be considered retaliation.
2. "Retaliatory action" means an adverse employment action or the threat of an adverse employment action by an employer or his or her agent to penalize or any non-employment action that would dissuade a reasonable worker from disclosing information under this Act. Retaliation is illegal under State and Federal Law and includes, but is not limited to, (1) taking, or threatening to take, any action that would intentionally interfere with an employee's ability to obtain future employment or

post-termination retaliation to intentionally interfere with a former employee's employment; (2) taking, or threatening to take, any action prohibited by subsection (G) of Section 2-102 of the Illinois Human Rights Act; or (3) taking, or threatening to take, any action that is prohibited under State or Federal Law.

3. A person engaging in retaliatory conduct shall be subject to disciplinary action as outlined under the "Disciplinary Action" section of this policy with regard to employees and students, or possible restriction from enrollment in College courses or participation in campus and/or College-related activities, with regard to third persons.
4. Any act of retaliation by a party directed against a complaining party, an accused party, witnesses, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act 740 ILCS 174/15 and the Illinois Human Rights Act, 775 ILCS 5/6-101.

K. Appeal of Formal Complaint Resolution:

1. The respondent and complainant have a right to timely appeal if either party alleges a procedural error occurred, new information exists that would substantially alter the findings, or alleges that the sanction is disproportionate to the violation.
2. An employee may appeal the decision of the President or designee by submitting a notice of appeal to the President within five (5) business days of receiving the written notification of the decision from the President or designee. The written appeal must state in detail the reason(s) for the appeal and shall address one or more of the following:
  - a. If the appeal alleges:
    1. new information or evidence exists that would substantially alter the findings, the person appealing shall specify the reasons why said information was not available or provided to the investigator during the investigation, including specific reasons why said information could not have been provided on a timely basis;
    2. either that the action(s) or inactions(s) of the supervisor and/or other appropriate college administrative officials in response to the findings of the investigator will not prevent future violations(s) of this policy, the person appealing shall specify, in detail, the reasons and basis for this belief/allegation;
    3. there was a procedural error related to the policy, the person appealing shall specify, the reasons and basis for this belief/allegation; or
    4. that the sanction is disproportionate to the violation, the person appealing shall specify, in detail, the reasons and basis for this belief/allegation.
  - b. If the appeal is for the decision of the designee, the President will have 10 days to make a decision. Following the President's determination, the employee may further appeal by making a written request to advance the appeal within five (5)



days of receiving the written notification of the decision from the President.

- c. In cases involving employees of the College, accused of violating the policy, with or without a recommendation or decision to dismiss, an employee may appeal the decision of the President by submitting notice of appeal to the President. The appeal will then be heard before the Board of Trustees within 10 business days thereafter. Decisions of the Board of Trustees shall be final, unless the employee is subject to a collective bargaining agreement permitting grievance rights. In the case of grievance rights, the affected employee may appeal by using the available grievance process outlined in their contract, but may only receive one hearing before the Board of Trustees. Any recommendation for dismissal made against a faculty member will be in compliance with the processes under the Illinois Public Community College Act, Article III-B Tenure, Chapter 122, 103B-3 (non-tenured faculty) or 103B-4 (tenured faculty).
- d. If a student wishes to appeal the decision of the President, following the same timeline outlined for employees, a letter must be submitted in writing to the Title IX Coordinator who will convene the sexual misconduct judicial review panel. A decision will be issued by the review panel within seven (7) days of the conclusion of the panel's review. The panel has the authority to interview the complainant, victim or respondent, as well as witnesses, investigators and the adjudicator in conducting the review. The victim, respondent and complainant cannot be compelled to testify in one another's presence, but will be given the opportunity to hear the testimony of the other party and to respond to such testimony
- e. No disciplinary or other action based on the complaint shall be taken against the respondent during the appeal process, although temporary, interim measures may remain in place. The College, in its discretion, may at any point in the complaint process elect to place the alleged harasser on suspension in accordance with Policy 4.084 Suspension-All Employees for employees; as outlined in the Student Code of Conduct for students, or may implement a temporary reassignment of duties or classes.

L. Dissemination of Policy/Procedures:

- 1. Information on this policy will be distributed in the College's Policy Manual, College Catalog, the College website, College's General drive under HR-Payroll Resources, and via posters and brochures placed around campus. Periodic notices sent to students and employees about the College's sexual harassment policy will include information about the complaint procedure and will refer individuals to designated offices/officials for additional information.
- 2. Students registered at Highland Community College will receive information annually related to this policy. Informational brochures are distributed throughout

campus and posters related to sexual harassment and reporting harassment are posted throughout campus.

3. New employees will be required to read the policy, sign an acknowledgement form that they have read the policy, and complete on-line harassment training. Employees are to complete annual on-line training and are encouraged to report any evidence of sexual or other harassment in the workplace whether they are victims or if they witness such harassment. Supervisors and managers are required to report any known or reported harassment and will be trained to recognize and take action against harassment of any kind.
4. The sexual misconduct and violence policy 3.27, prohibition of sexual misconduct policy 3.28, non-discrimination policy 4.031, and/or the non-violence policy 4.39 may also apply in some incidents that are reportable under policy 4.034. Refer to those policies for additional guidance related to reporting responsibilities and protocol.

M. Identification of Reporting Officers:

1. If any student or employee is unable to obtain the policy or procedures referenced in this policy, please contact the President's office at (815) 599-3514. The President's office is located in Building H, Student/Conference Center room 230, Highland Community College, 2998 W Pearl City Rd., Freeport, IL 61032.

N. Resolution Outside the College:

1. It is hoped that sexual or other harassment complaints and incidents can be resolved within the College. However, employees, students, or third persons have legal recourse to the investigative and complaint process available through the Illinois Department of Human Rights, the U.S. Department of Education-Office for Civil Rights and/or the Equal Employment Opportunity Commission. Complaints filed with these agencies must be filed within the agency's deadline based on when the last harassing or discriminating action occurred. These deadlines are not based on the date the College determines the outcome of a claim filed with the College. Inquiries may be made directly to the Illinois Department of Human Rights, Office for Civil Rights, and the Equal Employment Opportunity Commission as follows:
  - a. Illinois Department of Human Rights  
100 West Randolph Street, 10<sup>th</sup> Floor  
Intake Unit  
Chicago, IL 60601  
Telephone (312) 814-6200 or (866) 740-3953 (TTY)  
[www2.illinois.gov.dhr](http://www2.illinois.gov.dhr)



- b. U.S. Equal Employment Opportunity Commission  
230 South Dearborn, Suite 1866  
Chicago, IL 60604  
Telephone (800) 669-4000; or (800) 669-6820 (TTY)  
[www.eeoc.gov](http://www.eeoc.gov)
  
- c. Student Complaint Resolution  
U.S. Department of Education, Office for Civil Rights  
Citigroup Center  
500 W. Madison Street  
Chicago, IL 60661-4544  
Telephone: 312-730-1560  
FAX: 312-730-1576; TDD: 877-521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>