

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	Discrimination and Harassment			
Insert:	3.1.1	Date:	12/17/19	
Replace:		Date:	07/02/18	
Reviewed:	3.1.1	Date:	12/15/19	
Remove:		Date:		

POLICY: Spoon River College does not discriminate, and will not tolerate discrimination or harassment, on the basis of sex, pregnancy, gender identity or expression, race, color, creed, national or ethnic origin, religion or religious affiliation, sexual orientation or preference, age, marital or family status, disability, veteran status, or other status protected by applicable federal, state, or local law in admission, financial aid, employment, athletics, or any other aspect of its educational programs or activities. Reasonable accommodation will be provided to persons with disabilities, consistent with state and federal law.

SCOPE:

This policy applies to all Spoon River College (“the College”) employees and students during work, class, or during any activity involving the College. In addition, visitors, vendors, contractors and all other non-employees are expected to recognize and comply with this Policy.

DETAILS:

1. **Violation of this Policy:** Any member of the campus community (as referenced in the Scope above), guest or visitor who acts to deny, deprive or limit the educational, employment, and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College’s policy on nondiscrimination.

2. **Online Postings or Other Electronic Communication:** Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College’s control (e.g., not on College networks, websites or between College email accounts) when those online behaviors can be shown to cause a substantial on-campus disruption or misrepresent that the communication was authorized by Spoon River College.

3. **Harassment:** Harassment, whether verbal, physical or visual, that is based on any of the above characteristics, is a form of discrimination. This includes harassing conduct affecting tangible educational benefits, interfering unreasonably with an individual's academic performance, or creating what a reasonable person would perceive is an intimidating, hostile or offensive environment.

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or other protected class. Harassment as to employees becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment as to students becomes unlawful where it interferes with the access or participation in the educational process and programs at the College.

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A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent or pervasive so as to interfere with, limit or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment.

Harassment can include verbal or non-verbal behavior that demeans or stereotypes individuals in a harmful way. While the College is committed to the principles of free inquiry and free expression, discrimination and harassment identified in this Policy are neither legally protected expression nor the proper exercise of academic freedom.

Examples of harassment may include, but are not limited to:

- making a grading decision because of the person's protected status;
- jokes or epithets about another person's protected status;
- teasing or practical jokes directed at a person based on their protected status;
- the display or circulation of written materials or pictures that degrade a person or group based upon a protected characteristic; and
- verbal abuse or insults about, directed at, or made in the presence of an individual or group of individuals in a protected group.

2. Sexual Harassment: Sexual harassment is a specific form of harassment. Information regarding sexual harassment, including the reporting procedures, can be found in the College's Sex Discrimination, Sexual Misconduct, and Interpersonal Violence Policy.

3. Disability Discrimination and Accommodations: The College is committed to full compliance with the Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity, such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

a. Students with Disabilities: The College is committed to providing students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on a case-by-case basis. A student may request an accommodation or disability services by first contacting the Student Services Office located at the campus the student attends or will be attending. Student Services coordinates services for students with disabilities. Student Services reviews

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documentation provided by the student and, in consultation with the student, determines which accommodations and services are appropriate to the student's particular needs and academic programs.

Student Services then issues a Letter of Accommodation for each of the student's instructors to give notice of the accommodation or service to be provided.

- b. Employees with Disabilities:** Pursuant to the ADA and Section 504, the College will provide reasonable accommodation(s) to all qualified employees with known disabilities to enable them to perform the essential functions of the job, unless the requested reasonable accommodation would result in undue hardship to the College or cause a direct threat to health or safety.

Employees requesting accommodation may be required to provide medical certification from the employee's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and (4) suggested accommodations.

- **Service Animals as a Reasonable Accommodation**
 - Whether the College will accommodate a service animal will be determined in the same manner as any other request for a reasonable accommodation. As such, whether a service animal will be accommodated will be dependent upon: the requirements of the position, the needs of the employee, and the extent that the service animal will cause undue hardship to the College.
 - If an employee's disability and necessity for a service animal is not readily apparent, the College may request reasonable medical documentation when determining if a service animal is a reasonable accommodation and the College can accommodate the request.

Requests for accommodations should be submitted on the forms provided by Human Resources. Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s).

Any questions or comments concerning the above Policy can be directed to the Director of Human Resources or the Dean of Student Services.

PROCEDURES:

- 1. Reporting Discrimination, Harassment, and Bias Incidents:** Members of the College community who feel they have witnessed or been subjected to a discrimination, harassment or bias incident are highly encouraged to report the incident as soon as possible. In the event that a student

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reports a bias incident to a member of the faculty or staff, that employee should encourage the student to report the incident.

For reports or complaints alleging acts of discrimination or harassment which are based on sex, gender identity or expression, sexual orientation or preference, please see the Spoon River College Policy Against Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Sexual Assault, Interpersonal Violence and Stalking and the Investigation & Resolution Procedures for Allegations of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Sexual Assault, Interpersonal Violence, and Stalking. College officials receiving reports alleging acts of discrimination or harassment based on these categories will refer those reports to the Title IX Coordinator.

Reports or complaints alleging acts of discrimination or harassment based on pregnancy, race, color, creed, national or ethnic origin, religion or religious affiliation, age, marital or family status, veteran status, or other status protected by applicable federal, state, or local law may be made online at <http://www.src.edu/about/Pages/titleix.aspx> using the Report Form or in person to any of the following offices:

<u>Name of Office</u>	<u>Location</u>	<u>Phone</u>
Human Resources Director	Canton Campus	(309) 649-6209
Dean of Student Services	Canton Campus	(309) 649-6329

- Reporting Disability Discrimination Complaints:** With respect to complaints of disability discrimination, The Spoon River College ADA/504 Coordinator is responsible for coordinating efforts to comply with disability laws, including investigation of any employee or student complaint alleging noncompliance, denial of a reasonable accommodation, or excluding or denying individuals with disabilities from an equal opportunity to educational programs, benefits and services. Such complaints or reports should be addressed to:

ADA/Section 504 Coordinator	
Position:	Advisor / Disability Services & Probation
Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6305

- Employee Duty to Report Information on Discrimination and Harassment, including Bias Incidents:** In order to enable the College to respond effectively and to address violations of its Policy all College employees must, within 24 hours of receiving the information, report information they have about alleged or possible discrimination and harassment, including sex discrimination, sexual harassment, sexual misconduct, interpersonal violence or stalking, to the appropriate College official. Based on the alleged Policy violation, the College official will

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evaluate the information received and determine what further actions should be taken.

College officials receiving reports alleging acts of discrimination or harassment based on sex, gender identity or expression, sexual orientation or preference, or sexual assault, will refer those reports to the Title IX Coordinator. Any questions or comments concerning the Policy addressing discrimination or harassment on the basis of other categories listed above should be directed to the appropriate College official listed above.

When reporting the incident:

- a. Please provide a detailed account of the incident including date, time, and location.
- b. Do not remove or tamper with physical evidence. Contact office of the Vice President to document and collect physical evidence.
- c. If the incident involves a verbal act, write down exactly what was said to the best of your recollection.
- d. Identify the perpetrator(s) if known or provide a detailed description of the individual(s) involved.
- e. List all witnesses including their names and contact information.
- f. Include other pertinent information that may assist the College in responding to the incident.
- g. If the incident was in the form of graffiti, vandalism, or public postings, office of the Vice President will document it for evidence.
- h. If the incident was in the form of email, text, message, or communication through a social network site, do not delete the message. If at all possible, print the message so it may be used in the investigation.
- i. If the incident was in the form of a telephone call, then record the time and date of the call and keep a record of the telephone number if you have caller ID.

It is recommended that a report be completed as soon as possible after the incident and that the reporting party keep a written record of the above details.

4. **Confidentiality:** All reports will be handled with discretion, care and sensitivity and the College will make every effort to respect requests for confidentiality, but the College's ability to investigate and take appropriate action may be limited if individuals do not provide identifying information or request confidentiality. In addition, there may be circumstances when the College determines that it must investigate a particular matter to help protect the learning and working environment at the College despite a request for confidentiality.
5. **Civil Rights/Title IX Coordinators:** Civil Rights/Title IX Coordinators are responsible for coordinating any alleged or suspected violations of bias and the resolution of such alleged bias or suspected violations. Civil Rights/Title IX Coordinators may utilize other individuals such as College legal counsel, independent legal counsel, and non-College investigators to assist in the

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investigation process.

6. Investigation and Response: Depending on the nature of the alleged Policy violation and whether the parties involved are faculty, staff, students, contractors, visitors, or guests, the individuals who will be responsible for addressing and resolving bias incidents may vary. In all cases, the Procedures include the basic elements outlined below for resolution of allegations of discrimination and harassment, including bias incidents.

- Initial assessment by the appropriate College official.
- Interim measures and remedies where appropriate.
- Consideration of voluntary resolution, where appropriate.
- Investigation and resolution if voluntary resolution is not appropriate.
- Sanctioning by the appropriate College official.
- Recourse to the appropriate appeal process.
- Protection from retaliation.

7. Retaliation: It is a violation of College Policy to retaliate in any way against a person or persons because they have opposed any practices forbidden under these policies or have filed a report, assisted, or participated in any manner in an investigation or proceeding under these policies. This includes action taken against a bystander who intervened to stop or attempt to stop a bias-related incident.

Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. The College will take immediate and responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate.

8. Disciplinary Actions or Sanctions: The Civil Rights/Title IX Coordinators may recommend employee discipline and/or student sanctions to an appropriate Administrator. Student sanctions may be referred by the Administrator to the Dean of Student Services for action. Employee Discipline may be referred to the employee's supervisor and Human Resources for determination and action.

Complaints against an employee may result in disciplinary action up to and including discharge in accordance with the Progressive Discipline Policy 3.5.13.

Complaints against students may result in sanctions up to and including expulsion in accordance with Spoon River College Code of Conduct.

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In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct.

Nothing in this procedure limits or delays the College's right to take appropriate disciplinary actions, up to and including termination, when an employee's behavior warrants the action.

9. **Records Maintenance:** The College will maintain documentation and records regarding alleged bias-related incidents and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible excludes personally identifiable information about victims of bias incidents. If a student, faculty, or staff member has been found responsible for a bias-related incident, this finding remains a part of that student's or employee's conduct record.

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10. **Campus Resources:** The following College offices are available for any employee or student who may wish to seek assistance.

<u>Name of Office</u>	<u>Location</u>	<u>Phone</u>
Human Resources Director	Canton Campus	(309) 649-6209
Dean of Student Services	Canton Campus	(309) 649-6329

11. **External Resources:** In addition to the College's response to acts of discrimination, harassment and bias, the following federal, state and local organizations may be resources for investigating and responding to acts of hate, prejudice and bias:

Office for Civil Rights -- Headquarters

Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, DC 20201

Office for Civil Rights -- Illinois

Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
(800) 368-1019

Illinois Human Rights Commission

James R Thompson Center
100 W Randolph St Suite 5-100
Chicago, IL 60601
(312) 814-6269

Department of Human Rights

James R Thompson Center
100 W Randolph St Suite 10-100
Chicago, IL 60601
(312) 814-6200

Equal Employment Opportunity Commission

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

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Local Law Enforcement

Canton Police Department (309) 647-5131
 Fulton County Sheriff's Office (309) 547-2277
 Havana Police Department (309) 543-3321
 Macomb Police Department (309) 833-4505
 Rushville Police Department (217) 322-6633

- 12. Changes in this Protocol:** The College reserves the right to make adjustments and changes in this protocol at any time.