

# Policy Against Discrimination & Harassment

It is the policy and commitment of Augustana College to provide an environment free from discrimination and harassment based upon an individual's actual or perceived race, color, religion, national origin, service in the uniformed service (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, disability, genetic information, gender identity, gender expression, sexual orientation, order of protection status, work authorization status, or any other classification protected by law in matters of admissions, employment, housing, services, or in the educational programs and/or activities operated by the College.

Discrimination occurs when an individual is excluded from participation in, is denied the benefits of, or is subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity of the College, based on any of the characteristics listed above.

Harassment, whether verbal, physical, emotional, financial, or visual, that is based on any of the characteristics listed above is a form of discrimination. This includes harassing conduct that impacts job benefits, or interferes unreasonably with an individual's academic or work performance, or creates what a reasonable person would perceive to be an intimidating, hostile, or offensive environment. Prohibited sex discrimination includes sexual harassment and sexual violence. Conduct that meets the scope and definition of the Policy Against Sexual Misconduct and Title IX Sexual Harassment will be handled under the grievance procedures of that Policy.

Some examples of what may be considered discrimination or harassment, depending on the facts and circumstances, include the following:

- **Verbal behaviors:** derogatory comments regarding a person's race, color, gender, sexual orientation, religion, ancestry, ethnic heritage, mental or physical disability, age, appearance or other classification protected by law; threats of physical harm or distribution of written or graphic material having such effects. Derogatory gestures or the display of signs or pictures that may be offensive to others may also be examples of harassment.
- **Physical behaviors:** physical contact including touching, hitting, pushing or other aggressive contact.
- **Sexual behaviors:** unwelcome verbal or physical conduct of a sexual nature such as sexual advances, demands for sexual favors or other unwelcome verbal or physical conduct of a sexual nature.

Conduct may be considered harassment if:

- It is unwelcome; and
- Submission to or rejection of such conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity; or
- Such conduct is sufficiently serious (i.e., severe or pervasive, and/or persistent) and subjectively and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

It is expected that each and every member of the Augustana community will assist and support the College in its prohibition of discrimination and harassment. All employees of Augustana College are required to promptly report suspected violations of this Policy, even if the individual who was or is the victim has not filed a complaint. The report can be made to a supervisor, the Director of Human Resources, the Dean of Students Office, or in the case of sex discrimination, the Chief Title IX Coordinator or Deputy Title IX Coordinators.

## SCOPE OF POLICY

This Policy applies to all employees, including faculty, staff and administrators, of the College, as well as all students, guests and visitors of the Augustana community.

## REPORTING PROCEDURES

Discriminatory behaviors can occur intentionally or unintentionally. A member of the Augustana community who feels discriminated against or harassed by an employee of the College, a student, guest or visitor or any other third-party (such as a supplier or vendor) should make this concern known by:

- If possible, telling the person who is engaging in the conduct or communication that their actions are offensive to you and that those actions must stop. **Individuals who are not comfortable communicating directly with the person should skip this step.**
- Inform your manager, or any member of the Office of Human Resources, Chief Title IX Coordinator or Deputy Title IX Coordinators, the Dean of Students Office, or a member of the Residential Life staff of the offensive behavior. This can be done by meeting in person or in writing.
- Follow up a verbal complaint with a written report of the complaint. It is helpful for allegations of improper behavior to be put in writing to assure a clear understanding of the behaviors and the issues raised. The written report should contain as much specific information as possible.
- Please see the College's Policy Against Sexual Misconduct and Title IX Sexual Harassment for additional options in reporting sex discrimination, including sexual and interpersonal misconduct.

All complaints of discrimination or harassment will be kept as confidential as possible. The College will promptly and thoroughly investigate alleged behavior that would constitute a violation of this Policy Against Discrimination and Harassment and will take steps necessary to stop behavior that violates this Policy. The investigation and grievance procedures may vary depending on the type of discrimination reported, the nature of the allegations reported and where they occurred, as well as the classification of the individual accused of a violation (i.e, student, employee or faculty member). If you feel that your complaint has not received appropriate attention, you should discuss your concern with the Director of Human Resources, Chief Title IX Coordinator or Deputy Title IX Coordinators, the Dean of Students Office, or the General Counsel of the College.

## RETALIATION PROHIBITED

It is central to the values of Augustana College that any individual who believes they may have been the target of prohibited discrimination or harassment feel free to report their concerns without fear of retaliation or retribution. The College strictly prohibits retaliation against an employee or any other individual who opposes or reports in good faith any practices prohibited under this Policy, including bringing a complaint of discrimination or harassment, assisting someone with such a complaint, attempting to stop such discrimination or harassment, or participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. Any individual who believes they have been subjected to or affected by retaliatory conduct for reporting a suspected violation of this Policy or participating in an investigation should report the concern immediately to the Director of Human Resources, the General Counsel, the Dean of Students Office or the Chief Title IX Coordinator or Deputy Coordinators.

## REPORTING OPTIONS OUTSIDE OF THE COLLEGE

The College has established this Policy to establish a process for the prompt and effective resolution of concerns of students and employees. Individuals have the right, however, to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) to file a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after IDHR has completed its investigation of a complaint.

Contact Information:

- Illinois Department of Human Rights (IDHR)  
Chicago: 312-814-6200 or 800-662-3942  
Chicago TTY: 866-740-3953
- Illinois Human Rights Commission (IHRC)  
Chicago: 312-814-6269  
Chicago TTY: 312-814-4760

- United States Equal Employment Opportunity Commission (EEOC)  
Chicago: 800-669-4000  
Chicago TTY: 800-869-8001

An employee or student who has been physically harassed, threatened or assaulted may also have grounds for criminal charges, such as assault or battery.

## **FALSE AND FRIVOLOUS COMPLAINTS**

False and frivolous charges refer to cases where the accuser is using a claim of prohibited harassment or discrimination to accomplish some other end other than stopping prohibited harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for someone accused of prohibited harassment or discrimination, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

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