

FACULTY POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION
(This Policy is effective as of July 1, 2015 and replaces the previous policy.)

The School is committed to maintaining an educational and working environment that is free from any form of unlawful discrimination. The School has a policy of nondiscrimination towards its students, employees and visitors, and will not tolerate unlawful acts or harassment based on race, color, gender, religion, national origin, disability, age, actual or perceived sexual orientation, gender-related identity, marital status, parental status, military or former military status, or any other basis protected by federal, state or local law.

A. Definitions

Discrimination is defined as unequal, adverse treatment of an individual because of his or her status protected by the law, such as race, color, gender, religion, national origin, disability, age, actual or perceived sexual orientation, gender-related identity, marital status, parental status, or military or former military status.

Harassment is one form of discrimination and is defined as unwelcome, hostile, or inappropriate conduct directed toward an individual because of his or her status protected by law. The determination of what constitutes illegal harassment varies with the particular circumstances, but it must be so severe or pervasive that it affects an employee's ability to work, a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational or working environment. It must include something beyond mere expression of views, words, symbols or thoughts that someone finds offensive. Harassment may occur between faculty members, between students, between students and faculty and/or staff, or between faculty and staff.

Sexual harassment is a form of harassment prohibited by this Policy. It includes any unwelcome sexual advance, request for sexual favor, or conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or obtaining an education; or
- Submission to or rejection of such conduct by an individual is used as a factor in affecting that individual's employment or education; or
- Such conduct has the purpose or effect of substantially interfering with an individual's employment or education, e.g., that it is so severe, pervasive or persistent that it creates an intimidating, threatening or hostile living, educational, or employment environment under both an objective (a reasonable person's view) and subjective (the complainant's view) standard.

An extreme form of sexual harassment includes sexual assault. The School has a separate policy that applies to sexual assault. See *Policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking*, found online at

<http://www.saic.edu/lifeatsaic/campussecurity/sexualassaultrelationshipviolenceandstalking/> If a report includes allegations of sexual assault, then the policies and procedures set forth in the *Policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking* will be followed in the assessment, investigation and resolution of the complaint. In no event shall a complaint proceed simultaneously through more than one procedure.

This Policy addresses conduct that is unwelcome and not based on consent. The School has a separate policy that applies to consensual romantic or sexual relationships between faculty and students. See *Policy on Consensual Faculty/Student Relationships*, found online on the Faculty Dashboard under forms, guides, policies.

Retaliation and False Accusations

Retaliation against anyone reporting or participating, or thought to have reported or participated in, allegation(s) or investigation(s) of discrimination or harassment is prohibited and will be treated as a violation of the Policy, regardless of whether any discrimination or harassment is substantiated.

Retaliation is defined as adverse or negative action against an individual because that individual has (1) made a good faith complaint of discrimination, harassment or retaliation; (2) participated as a party or witness in an investigation relating to such allegations; or (3) participated as a party or witness in a proceeding relating to such allegations.

False accusations, made with knowledge that they are false, are prohibited and will be treated as violations of this Policy. A good faith complaint that later is not substantiated is not considered to be a false accusation and, therefore, is not a violation of the Policy.

B. Difference between Confidentiality and Privacy

Different employees on campus have different abilities to maintain confidentiality. Most SAIC employees, including faculty members, cannot maintain confidentiality because of legally-imposed reporting obligations. In these circumstances, SAIC is committed to maintain the privacy of the information shared. The terms “confidentiality” and “privacy” are defined below.

Confidentiality, as used in this Policy, refers to a legal obligation not to disclose information without the express written permission of the individual who provided the information, with certain exceptions, such as if there is a continuing threat of serious harm to self or others or another legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor). On SAIC’s campus, only the professional counselors in Counseling Services and the nurses in the Wellness Center can maintain confidentiality.

Privacy generally means that information related to a report will be shared with those School employees who “need to know” in order to assist in the review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. If an investigation is required, the information may also be shared with the alleged offender or others as required to conduct a complete and fair investigation. Although SAIC manages this information with discretion, it is not possible to guarantee confidentiality.

Confidential Resources. Information shared with a Confidential Resource will not be disclosed to anyone, including the School, except under very limited circumstances. See “Confidentiality” above. Any individual may choose to seek support from confidential professionals on or off campus.

On-campus Confidential Resources are the professional counselors in Counseling Services and the nurses in the Wellness Center. These services are provided to students. The counselors are not required to report any information about an incident to the Title IX Coordinator. Counseling Services may be reached at 312.499.4271, counselingservices@saic.edu. Nurse practitioners will not report any personally identifiable information about a student; however, they will provide aggregate data about incidents of sexual violence to the Title IX Coordinator. Health Services may be reached at 312.499.4288, healthservices@saic.edu.

Off-campus Confidential Resources including off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with SAIC unless the victim requests disclosure and signs a consent form. The Employee Assistance Program (800.311.4327) is available to faculty and staff.

Others at SAIC. In contrast to Confidential Resources, all other SAIC faculty, staff, Campus Security, and student Teaching Assistants and Resident Advisors are required to report information of discrimination, harassment and retaliation to the Vice President of Human Resources, who is also SAIC’s Title IX Coordinator, or the Dean of Faculty and Vice President for Academic Administration or Vice President and Dean of Student Affairs, each of whom are Deputy Title IX Coordinators, or their designees. This allows SAIC to provide resources and support those who have experienced discrimination, harassment and retaliation and to take consistent action to respond to the report as set forth in this Policy. In these circumstances, SAIC is committed to maintain privacy.

*Cafeteria and maintenance workers are not responsible for making reports under this Policy.

C. Process

This Policy sets forth an administrative process to address discrimination, harassment, and retaliation; it is not a legal proceeding. This process can take place before, during or after criminal and/or civil proceedings relating to the same incident.

Reporting Discrimination, Harassment or Retaliation

Faculty members who believe they were subjected to discrimination, harassment, or retaliation in violation of this Policy should report the matter to the Dean of Faculty, the Faculty Liaison or other designee of the Dean of Faculty. In addition, all faculty members who observe or receive reports of behavior that they believe may violate this Policy are required to report the behavior to the Dean of Faculty, the Faculty Liaison or other designee of the Dean of Faculty. This requirement applies to all

faculty members and is not limited to faculty members in management positions. The Dean of Faculty (or designee) will notify the Department Chair or Program Head, if appropriate.

Individual faculty members are not expected to be experts on issues such as discrimination and harassment. However, that is not a reason to fail to report behavior that appears to be (or is perceived by others to be) discriminatory or harassing. It is to everyone's benefit that behavior that is thought to be discriminatory or harassing is reported promptly.

If a faculty member believes that the Dean of Faculty or the Faculty Liaison is responsible for a violation of this Policy, the incident should be reported only to the other administrator and/or to the Vice President for Human Resources.

Investigation of Reports of Discrimination, Harassment or Retaliation

All reports of discrimination, harassment, or retaliation will be investigated as promptly as possible. The person who is alleged to have been discriminated, harassed or retaliated against will be referred to as the "Complainant" and the person alleged to have violated the School's Policy will be referred to as the "Respondent."

The administrators responsible for the prompt investigation and appropriate resolution of a report of discrimination, harassment or retaliation will depend on the status of the Respondent. If the Respondent is a:

- Faculty member – the Dean of Faculty and Vice President for Academic Administration (or designee) shall be responsible.
- Student – the Vice President and Dean of Student Affairs (or designee) shall be responsible.
- Staff member – the Vice President for Human Resources (or designee) shall be responsible.
- Third party, such as a visitor or independent contractor, the administrators identified above will consult to determine which of them shall be responsible for the investigation and resolution.

In the event that the Respondent has a dual status in the community, such as a student employee or a staff member who also teaches, SAIC administrators may coordinate the investigation and resolution of the complaint. SAIC administrators have the discretion to use an existing review procedure or to coordinate procedures in a manner suited to the particular complaint presented. The Complainant and the Respondent will be advised of the applicable procedures. In no event, however, shall a complaint of discrimination, harassment or retaliation proceed simultaneously through more than one internal procedure.

Informal Resolution of Complaint

In a diverse community, disagreements and conflicts of various degrees of seriousness are inevitable. In many instances, informal resolution can be useful in resolving instances of unprofessional conduct and perceived instances of discrimination, harassment or retaliation. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree how to deal with it.

An informal resolution is a flexible approach to resolving disagreements. As a result, there is no fixed format. For example, the Complainant might ask the administrator responsible for resolving the complaint to meet with the person causing the problem, or to arrange a meeting between the two parties to facilitate an informal discussion, or another approach that is mutually agreed upon by the parties. After reviewing the complaint, the administrator responsible for the investigation and resolution will make a determination if an informal resolution is possible.

If all parties agree, an informal resolution will be attempted. The administrator responsible for resolving the complaint or other administrator will facilitate the process. If the Complainant and the administrator responsible for resolving the complaint are satisfied the issue has been resolved, no further action will be taken. This process is voluntary and either party or the administrator may end the informal resolution process at any time. In such an event, the Formal Resolution process will be initiated.

Note: Mediation (even on a voluntary basis), which is one form of informal resolution, is not appropriate if there are allegations of sexual assault. As noted above, if a complaint includes allegations of sexual assault, then the policies and procedures set forth in the *Policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking* will be followed in the assessment, investigation and resolution of the complaint. In no event shall a complaint proceed simultaneously through more than one procedure.

Formal Resolution of Complaint

If the complaint is not resolved informally or is not suited to informal resolution, the Dean of Faculty (or designee) will proceed in matters where the Respondent is a faculty member. During the investigation, each party will be offered the same opportunities to present information, including, but not limited to, the opportunity to explain their understanding of the circumstances and offer any additional information that they believe is relevant to the investigation.

During the investigation, SAIC will work with the Complainant to provide interim measures (if these measures are requested and are reasonably available), such as no contact instructions if the Respondent is a student, faculty, or staff member at SAIC; or scheduling or other changes in the Complainant's working arrangements. The Dean of Faculty (or designee) then must determine the appropriate resolution of the complaint. The determination shall be made on the basis of whether it is more likely than not that the Respondent violated this Policy.

The Dean of Faculty will take prompt and appropriate action to stop the discriminatory, harassing or retaliatory conduct if a violation of this Policy is found. The Dean will also take action to ensure that the violation will not recur. Even where a violation is not found, it may be appropriate to counsel individuals regarding their behavior.

Violations of this Policy can lead to corrective action ranging from a notation in the file of individual(s) violating the Policy, up to and including termination. If termination is the recommended action, the Dean will advise the President of the School. If the President accepts the recommendation, the matter will proceed in accordance with Section 9.C. AAUP Statements on Academic Due Process Procedures, in the Faculty Handbook Supplement.

Both Complainant and the Respondent will be notified, in writing, whether discrimination, harassment

or retaliation in violation of this Policy was found to have occurred. In a matter regarding an alleged violation of discrimination based on sex or sexual harassment, the Complainant will also be notified of the decision, any individual remedies offered or provided to the Complainant or any sanction that is imposed on the Respondent that directly relates to the Complainant, and other steps SAIC has taken to eliminate the hostile environment, if SAIC finds one to exist, and prevent recurrence.

Timeframe

SAIC will complete the investigation and resolution of the complaint as promptly as possible. As a general matter, SAIC strives to complete its investigation and resolution of a complaint within 60 days; however, the timeframe for resolution of any particular complaint will depend on a variety of factors, such as the complexity of the investigation and the severity and extent of the alleged conduct. In addition, if the process occurs partially during school breaks, the time needed for investigation and resolution may exceed 60 days. Because timeframes for investigations vary, the School will give the Complainant and the Respondent periodic updates on the anticipated timeframe throughout the process.

Appeals

Either the Complainant or the Respondent may appeal the decision within five (5) business days after receiving notice of the decision. An appeal must be made in writing, must be submitted to the Dean of Faculty, and must state the basis for appeal. Appeals are only permitted to proceed if the written notice of appeal indicates that there is new information that was not available at the time of the investigation and resolution. If the notice indicates that there is such new information, the Dean of Faculty will notify the Complainant and the Respondent of the need to follow up on the new information. The new information will be considered using the procedures set forth above and will be used to reach a decision. The Dean of Faculty shall resolve the appeal and notify both parties of the final decision.

D. Additional Information

Title IX Coordinator

Title IX of the Education Amendments of 1972, as amended, is a comprehensive federal law that prohibits discrimination on the basis of sex as well as retaliation for making a Title IX complaint in any federally funded education program or activity. Sex discrimination includes sexual harassment and sexual assault. As required by Title IX, SAIC has identified a Title IX Coordinator and also Deputy Coordinators for faculty and students. SAIC's Title IX Coordinator and Deputy Coordinators are the same Vice Presidents that are identified above. Under Title IX, they are responsible for coordinating SAIC's response to complaints about sexual harassment, sex discrimination or sexual assault as well as its other obligations under Title IX. Further information is available at http://www.saic.edu/media/saic/pdfs/about/consumerinformation/Title-IX-Coordinator_9-20-2013.pdf

Additional Resources

- **Sexual Assault**

The School's policy on sexual assault is found at *Policy on Sexual Assault, Domestic Violence, Dating Violence and Stalking*, found online at <http://www.saic.edu/lifeatsaic/campussecurity/sexualassaultrelationshipviolenceandstalking/> It includes many valuable resources.

- **Local, State and Federal Resources**

In addition to the process set forth in this Handbook, if you believe that you have been subjected to discrimination, harassment or retaliation, you may contact the Chicago Commission on Human Relations, 740 North Sedgwick Street, Suite 400, Chicago, IL 60654, the Illinois Department of Human Rights (IDHR) located at 100 West Randolph Street, 10th Floor, Unit, Chicago, IL 60601, the Equal Employment Opportunity Commission, 500 W Madison St #2000, Chicago, IL 60661, and/or the Office for Civil Rights, U.S. Department of Education, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544.