



School of the Art Institute
of Chicago

Faculty Policy Prohibiting Discrimination, Harassment, and Retaliation

This policy is effective August 14, 2020; Revised September 8, 2020.

A. Policy

The Art Institute of Chicago ("AIC"), including both the School ("SAIC") and the Museum, is committed to maintaining an educational and working environment that is free from any form of prohibited discrimination. SAIC prohibits discrimination 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. AIC also prohibits retaliation against anyone reporting or participating, or thought to have reported or participated in, an allegation, an investigation, or proceeding regarding discrimination or harassment, regardless of whether any discrimination or harassment is substantiated. For purposes of this Policy, the term "AIC" includes all trustees, officers, governors, faculty, staff, and volunteers.

False accusations, made with knowledge that they are false, are prohibited and will be treated as violations of this Policy. An individual, who in good faith, makes a report that later is not substantiated is not considered to have made a false accusation and, therefore, is not in violation of the Policy.

Relationship with Other Policies.

Consensual Romantic or Sexual Relationship Policy. This Policy addresses conduct that is unwelcome and not conduct based on consent. AIC has an additional, separate policy that applies to consensual romantic or sexual relationships with students. See Consensual Romantic or Sexual Relationship Policy found at https://www.saic.edu/sites/default/files/SAIC_CRSR_Policy.pdf.

Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking. AIC also has an additional, separate policy that applies to sexual assault, domestic violence, dating violence, and stalking. See Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking, found online at saic.edu/vawa.

Relationship to the Sexual Misconduct Under Title IX Policy. Any finding that the conduct rises to the level of Sexual Harassment as defined in the Sexual Misconduct Under Title IX Policy will be made exclusively pursuant to the processes in the Sexual Misconduct Under Title IX Policy. All other forms of sex-based discrimination are governed by this policy, including sex-based harassment, as defined in this policy that does not meet the definition of Sexual Harassment as defined in the Sexual Misconduct Under Title IX Policy.

Conduct that is initially raised through a Formal Complaint under the Sexual Misconduct Under Title IX Policy may also be addressed under this policy, in AIC's discretion, when: (i) the conduct at issue, or some part of it, may constitute a violation of this policy irrespective of whether it constitutes Sexual Harassment under the Sexual Misconduct Under Title IX Policy; (ii) the Formal Complaint, or some part of it, has been dismissed under the Sexual Misconduct Under Title IX Policy; or (iii) a final determination of a Formal Complaint has been made under the Sexual Misconduct Under Title IX Policy and separate or additional action may be necessary to enforce this policy.

B. Definitions

Discrimination is defined as unequal, adverse treatment of an individual because of their protected legal status. This means that unequal, adverse treatment is prohibited if it is because of a person's 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.

Harassment is one form of discrimination and is defined as unwelcome, hostile, or inappropriate conduct directed toward an individual because of their protected legal status. The determination of what constitutes illegal harassment varies with the particular circumstances, but it must be so severe, persistent, or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity; or creates a hostile or abusive educational or working environment. It must include something beyond mere expression of opinions, views, words, symbols, or thoughts that someone finds offensive.

Sexual harassment is a form of harassment prohibited by this Policy. It includes any unwelcome sexual advances, request for sexual favors, or other verbal or physical 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 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, i.e., 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. If a report includes allegations of sexual assault, then the policies and procedures set forth in the Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking will be followed in the assessment, investigation, and resolution of the report. In no event shall a report proceed simultaneously through more than one procedure.

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

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, the nurses in Health Services, and the Confidential Advisor ("Confidential Resources") can maintain confidentiality. The Confidential Advisor may be reached at 312.499.4271.** These resources are available only to students. Various off-campus resources available to anyone, such as counselors, advocates, and health care providers, will also generally maintain confidentiality and not share information with SAIC unless the individual providing the information requests disclosure and signs a consent form. The Employee Assistance Program (800.311.4327), which is available to faculty and staff, is

considered a confidential off-campus resource even though it is paid for by SAIC.

Privacy generally means that information related to a report will be shared only 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 who receive private information will be discreet and do their best to 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(s) or others as required to conduct a complete and fair investigation. Although SAIC manages private information with discretion, it is not possible to maintain confidentiality for any information other than information provided to the Confidential Resources.

C. General Reporting Obligations

All AIC and SAIC staff (excluding Confidential Resources), SAIC student Teaching Assistants and Resident Advisors, and volunteers are required to report incidents or allegations of discrimination, harassment, and retaliation to SAIC’s Director of Title IX. This requirement applies to all faculty members and is not limited to faculty members in management positions. This allows SAIC to provide resources and support to those who have experienced discrimination, harassment, and retaliation and to take consistent action to respond to reports of such conduct.

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.

Because of these legally-imposed reporting requirements, faculty members who learn of discrimination, harassment, and retaliation may commit to maintaining **privacy** for the information they receive but cannot commit to maintaining **confidentiality**. (See Section B above for the definitions of “privacy” and “confidentiality.”)

D. Reporting for Faculty Claiming Discrimination, Harassment, or Retaliation

Faculty members who believe they were subjected to discrimination, harassment, or retaliation in violation of this Policy should promptly report the matter to the Director of Title IX or the Faculty Liaison. If the Faculty Liaison receives the report, they will notify the Director of Title IX, and vice versa. The Director of Title IX will notify the Department Chair or Program Head, if appropriate.

If a faculty member alleges that the Director of Title IX is responsible for a violation of this Policy, they should report that only to the Faculty Liaison, and the Faculty Liaison will inform the Chief Human Resources Officer. If a faculty member alleges that the Faculty Liaison is responsible for a violation of this Policy, they should report that only to the Director of Title IX, the Director of Title IX will inform the Chair of the Faculty, and the Chair of the Faculty, in consultation with the Director of Title IX, will determine who should replace

the Faculty Liaison in the review of the matter.

Please note that in some cases, SAIC may determine that it has an obligation to investigate a report even if the faculty member who was allegedly subjected to the discrimination, harassment, or retaliation does not seek to do so themselves. The faculty member is encouraged to participate in the process in such cases, but the extent of the faculty member's participation, if any, is ultimately up to the faculty member.

E. Supportive Measures

The Director of Title IX and/or the Faculty Liaison will provide information about supportive measures to any faculty member who makes a report and will arrange such measures if the faculty member requests them and they are reasonably available. The Director of Title IX and/or the Faculty Liaison will also provide such measures, if reasonably available, upon the request of a member of SAIC's community who is the subject of a report. Examples of interim protective measures include mutual no contact instructions or changes to a party's schedule or working arrangements. Although supportive measures are not punitive or disciplinary in nature, they may impose a burden, albeit a reasonable one, on a member or members of SAIC's community. SAIC will maintain as private any supportive measures provided to an individual, except as necessary to provide the supportive measure; for example, both individuals would be informed of a mutual no contact instruction. The Title IX Office also reassesses the availability and implementation of supportive measures on an ongoing basis.

F. Applicable Procedures and Responsible Administrators

After learning of a report of discrimination, harassment, or retaliation, the Director of Title IX will determine which procedures apply and who is responsible for implementing those procedures. This determination will be made based on the identity of the person alleged to have violated the Policy, who is referred to as the "Respondent." The person making the allegations will be referred to as the "Complainant."

- If the Respondent is a faculty member, the Director of Title IX will oversee the process in consultation with the Faculty Liaison. The Dean of Faculty and Vice President for Academic Affairs will decide whether a Policy violation occurred and if so, the appropriate sanction. **The investigation and resolution of matters in which the Respondent is a faculty member are governed by Section G below, and anyone with a report that a faculty member engaged in discrimination, harassment, or retaliation should refer to those provisions.**
- If the Respondent is a student, the Director of Title IX will oversee the process. The Vice President and Dean of Student Affairs will decide whether a Policy violation occurred and if so, the appropriate sanction. **The investigation and resolution of matters in which the Respondent is a student are governed by the Discrimination, Harassment, and Retaliation Policy found in the Student Handbook. Anyone with a report that a student engaged in discrimination, harassment, or retaliation should refer to that Policy. It may also be found at saic.edu/student-handbook.**

- If the Respondent is a staff member, the Manager of Employee Relations will oversee the process, as appropriate. In cases where the Complainant is a student, the Director of Title IX will oversee the process instead. The Chief Human Resources Officer will decide whether a Policy violation occurred and if so, the appropriate sanction. **The investigation and resolution of matters in which the Respondent is a staff member are governed by the Policy Prohibiting Discrimination, Harassment, and Retaliation** found in the Employee Guidelines. Anyone with a report that a staff member engaged in discrimination, harassment, or retaliation should refer to that Policy.
- The Director of Title IX will determine the appropriate process to be used, including who will conduct the investigation and who will decide the matter (including appeals), in the following circumstances: (a) if the Respondent is third party on our premises or in a School program, (b) if the Respondent has dual status in the community (such as a student employee or a staff member who also teaches), and (c) if the Respondent alleges that the Complainant also violated this Policy or another AIC policy so that there are cross-reports from the Complainant against the Respondent and the Respondent against the Complainant. In these cases, the Director of Title IX may use one of the processes outlined above or may combine or coordinate processes as appropriate to the circumstances. The Director of Title IX will notify both the Complainant and the Respondent of the process to be used.

G. Process if Respondent is a Faculty Member

This section explains the process used to address allegations that a faculty member engaged in discrimination, harassment, and/or retaliation in violation of this Policy. This process is an administrative process, not a legal proceeding, and can take place before, during, or after criminal and/or civil proceedings relating to the same incident. The duties of any administrator named in this Policy, such as the Director of Title IX or the Faculty Liaison, may be carried out by a designee of that administrator.

1. Initial Evaluation of a Report that a Faculty Member Engaged in Discrimination, Harassment, or Retaliation

Upon reviewing the report, the Director of Title IX may suggest an informal resolution, described in Section 2 below. Alternatively, the Director of Title IX may determine that the matter requires a formal resolution, described in Section 3 below. In addition, the Director of Title IX may determine in certain cases that the report, even if substantiated, is insufficient to state a violation of the Policy and will notify the Complainant that the matter will be closed without a referral for either informal or formal resolution.

2. Informal Resolution

In a diverse community, disagreements, and conflicts of various degrees of seriousness are inevitable. In many instances, informal approach can be useful in resolving instances of inappropriate conduct and perceived instances of discrimination, harassment, or retaliation. Problems are sometimes easier to resolve in an informal atmosphere that 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. It can involve a meeting between the two parties to facilitate an informal

discussion, arranging to channel communications through a third party if the parties do not want to meet, or some other approach suitable to the circumstances.

If a Complainant wishes to pursue an informal process, the Director of Title IX or the Faculty Liaison will facilitate it. In some cases, both parties have to agree to the informal resolution process. For example, if an outcome of the informal resolution could be an adverse employment action (such as a written reprimand), the Respondent must also agree to engage in the informal resolution process. Counseling a member of the AIC community on policies and expectations is not considered an adverse employment action.

If the parties engage in an informal process and the Complainant and the facilitator (either the Director of Title IX or the Faculty Liaison) are satisfied the issue has been resolved (or if it is a matter that required the agreement of the Respondent as well and they are also satisfied the issue has been resolved), no further action will be taken. If an informal process ends without a satisfactory resolution, then the Complainant may choose to pursue a formal resolution, described in Section 3 below.

An informal process is voluntary; a Complainant does not have to agree to an informal process and if they do pursue an informal resolution, either the Complainant, Respondent, or the facilitator may end it at any time.

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

3. Formal Resolution

If an informal process is not used or fails to resolve the matter, the Director of Title IX will promptly initiate an investigation. The Director of Title IX's office is responsible for carrying out the investigation and determining the appropriate scope of the investigation. The Director of Title IX will collaborate with the Faculty Liaison on the investigation, and the Faculty Liaison may participate in interviews along with the Director of Title IX.

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.

Upon completion of the investigation, the Dean of Faculty and Vice President for Academic Affairs shall be responsible for determining, based on the available information, whether a policy violation occurred. The determination shall be made on the basis of whether it is more likely than not that the Respondent violated this Policy. To assist in reaching a determination, the Dean of Faculty and Vice President for Academic Affairs may, in their sole discretion, meet with the parties, and/or request the Director of Title IX's office to conduct additional investigation.

If the Dean of Faculty and Vice President for Academic Affairs finds that a Policy violation occurred, they will then determine the appropriate sanction. The Dean will take prompt

and appropriate action to stop the discriminatory, harassing, or retaliatory conduct if a violation of this Policy is found and 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 written reprimand, up to and including termination. In cases where the Dean of Faculty determines that termination is the appropriate action, they must first advise the President of the School. If the President agrees, the faculty member will be terminated immediately, except that faculty members with tenure or whose term appointment has not expired. For those faculty, the matter will proceed in accordance with Section 9.C. AAUP Statements on Academic Due Process Procedures, in the Faculty Handbook Supplement. If the President disagrees with the Dean of Faculty's determination that the Respondent should be terminated, the Dean will determine an appropriate alternative sanction.

Once the Dean of Faculty has decided the sanction, both the 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 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.

4. Timeframe

SAIC strives to complete its investigation and resolution of reports of discrimination, harassment, or retaliation reasonably promptly, taking into consideration factors such as the complexity of the investigation, the severity and extent of the alleged conduct, and the timing of school breaks. SAIC strives to complete the investigation and resolution (excluding any appeal) within ninety (90) calendar days, though that timeframe may be extended based on factors such as those just noted. In cases where the investigation may be lengthy, SAIC endeavors to give the Complainant and the Respondent periodic updates on the anticipated time frame for resolution.

5. Appeals of Formal Resolutions Decisions

Either the Complainant or the Respondent may appeal the decision of the Dean of Faculty within five (5) business days after receiving notice of the decision. The Dean of Faculty has the discretion to decide whether any sanction that may have been imposed will be carried out, revised, or held in abeyance during this five (5) day period and also while an appeal is being considered and decided.

An appeal must be made in writing, must be submitted to the Dean of Faculty, and must state the basis for appeal. Upon receiving an appeal, the Dean of Faculty will promptly notify the Director of Title IX. Appeals are only permitted to proceed if the written notice of

appeal identifies new information that was not available at the time of the investigation and resolution, and the new information would substantially change the outcome. 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 Dean of Faculty may undertake any inquiries that they deem appropriate, including but not limited to requesting the Director of Title IX's office to conduct additional investigation. Following their examination of the matter, the Dean of Faculty may grant or deny the appeal or take any action that they deem appropriate. The Dean of Faculty will provide written notification of their final decision to the Complainant and the Respondent.

H. Title IX Information

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 report in any federally-funded education program or activity. The Director of Title IX is responsible for coordinating SAIC's efforts to comply with its obligations under Title IX and the Title IX regulations. The Director Title IX's duties and responsibilities include: monitoring and oversight of overall implementation of Title IX at SAIC, including coordination of training, education, communications, and administration of report procedures for faculty, staff, students, and visitors. The Director of Title IX is available to meet with any party to discuss the School's policy or any Title IX-related concerns.

SAIC's Director of Title IX is:

Robert Babcock, Ed. D.
116.S. Michigan
Ave., 12th floor
Chicago, IL 60603
312.499.4165 | rbabco@saic.edu

Sex discrimination includes sexual harassment and sexual assault. For SAIC's policy on sexual assault as well as available resources, please see the Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking at saic.edu/vawa.

I. Local, State, and Federal Resources

In addition to the process set forth in this Policy, if you believe that you have been subjected to discrimination, harassment or retaliation, you may seek other recourse by contacting:

- Chicago Commission on Human Relations
740 North Sedgwick Street, suite 400, Chicago, IL 60654;
- The Illinois Department of Human Rights (IDHR)
James R. Thompson Center, 100 West Randolph Street, 10th floor, Chicago, IL 60601;
- The Office for Civil Rights/Chicago—U.S. Department of Education Citigroup Center, 500 West Madison Street, suite 1475, Chicago, IL 60661;
- The United States Equal Employment Opportunity
Commission 500 West Madison Street, suite 2000,

Chicago, IL 60661; and/or

- U.S. Department of Education Office for Civil Rights
400 Maryland Avenue SW, Washington, D.C. 20202-11