

UIC POLICIES AND PROCEDURES

NUMBER
101

MANUAL Human Resources	SECTION Nondiscrimination, Equal Opportunity, and Affirmative Action	PAGE 1 of 7
SUBJECT Sexual Harassment	EFFECTIVE 04/01/1997	REVISED 06/25/2007
ISSUED BY Vice Chancellor for Human Resources	APPROVED BY Chancellor	

PURPOSE

To provide a University policy and campus procedures prohibiting sexual harassment.

SOURCES AND BACKGROUND

University of Illinois Nondiscrimination Statement, September 1995
Executive Notice 96-1, December 1996

APPLICABILITY

All UIC employees, contractors, vendors, or visitors

POLICY

The University of Illinois will not tolerate sexual harassment of students or employees and will take action to provide remedies when such harassment is discovered. The University environment must be free of sexual harassment in work and study.

In order to assure that the University is free of sexual harassment, appropriate sanctions will be imposed on offenders in a case-by-case manner.

The University will respond to every complaint of sexual harassment reported.

The University will promulgate this statement to all units of the institution. Sexual harassment is prohibited under federal and state discrimination laws and the regulations of the Equal Employment Opportunity Commission.

Part II. Information

As an academic community concerned with the welfare of faculty, students and staff, the University of Illinois at Chicago is committed to providing an environment free of sexual harassment. In keeping with that commitment, everyone at UIC should be aware that sexual harassment takes many forms and occurs at many levels. Moreover, what may not be offensive to one person may be perceived as sexual harassment by another person, not only because of gender but also because of such differences as sexual orientation, culture, religion, class, and communication style. Because UIC is a diverse multi-national and multi-ethnic community, everyone is expected to be sensitive to the impact of words and actions on others and to observe the procedures outlined below.

A. What is sexual harassment?

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or gender-related nature constitute sexual harassment when:

Submission or rejection of such conduct is used as the basis for decisions affecting an individual's rewards or status in employment or in an academic program. Faculty and staff, including teaching assistants, should be aware of the possible consequences of entering into romantic relationships with individuals over whom they have academic, professional, or

UIC POLICIES AND PROCEDURES

		NUMBER 101
MANUAL Human Resources	SECTION Nondiscrimination, Equal Opportunity, and Affirmative Action	PAGE 2 of 7
SUBJECT Sexual Harassment		EFFECTIVE 04/01/1997
		REVISED 06/25/2007
ISSUED BY Vice Chancellor for Human Resources	APPROVED BY Chancellor	

supervisor responsibility -- even if by mutual consent. They should also know about the possible effects of assuming professional or supervisory responsibility for those with whom they have an existing romantic relationship.

Example: A staff associate is passed over for promotion because she refuses to date her supervisor.

Such conduct is sufficiently severe to create a hostile, humiliating, offensive University-related environment or to interfere substantially with required tasks or career opportunities at the University. Repetition of the unwelcome behavior would be viewed as sexual harassment. However, in the case of an unwelcome touch, one occurrence can be sufficient to constitute sexual harassment.

Example: During a required laboratory experiment, a male student persists in telling off-color jokes which a female student finds offensive. When she asks him to stop, he refuses.

B. Who can be sexually harassed?

Anyone can be sexually harassed -- male or female, student or employee. In the majority of cases women are harassed by men, but harassment by a person of the same sex also takes place as does harassment of men by women. Sexual harassment occurs between co-workers, between students, or even when it is not aimed at one person as long as an entire group feels its effects. Harassment occurs in a variety of situations. It occurs when someone is not in a position to refuse a sexual advance or object to a hostile environment without fear of reprisal. It also occurs in a situation when someone in authority fails to curb harassing activity of which he or she has knowledge or has reason to know exists in a setting within his or her control. In cases where a consensual relationship results in an atmosphere laden with favoritism, third parties of either sex can be harassed.

C. How do I recognize sexual harassment?

Sexual harassment can be as subtle as repeated off-color jokes or as blatant as sexual assault. When acceptance of such unwelcome behavior is the price of hiring, promotions, or grades, it constitutes a violation of Title VII of the Civil Rights Act of 1964 and the Title IX of the 1972 Education Amendments. A few examples of typical harassment cases may help you recognize and avoid problems.

Example: A professor invites a graduate student out to dinner to discuss her thesis. She accepts, but when he tries to kiss her at the end of the evening she turns away. He accuses her of leading him on and tells her she may be too immature to continue in her current field of study.

Behavior such as this represents an impermissible exercise of the professor's authority. Conceivably the student could feel compelled to change her field or at least her specialization, and this is an infringement on her educational rights.

Example: A graduate assistant invites one of her promising students to her apartment to discuss his work and his career plans. When he declines, she suggests that it would be good idea for him to accompany her to cultural events in order to broaden his experience and improve his chances for success.

This might not be recognized as sexual harassment because no direct proposition or threat has been made. The graduate assistant is female, and the harassment is usually associated with males. She is also a student, perhaps close in age to the young man. However, as a graduate assistant she is in a position of power. She can affect her student's grade. Thus, the

UIC POLICIES AND PROCEDURES

		NUMBER 101
MANUAL Human Resources	SECTION Nondiscrimination, Equal Opportunity, and Affirmative Action	PAGE 3 of 7
SUBJECT Sexual Harassment		EFFECTIVE 04/01/1997
		REVISED 06/25/2007
ISSUED BY Vice Chancellor for Human Resources	APPROVED BY Chancellor	

-muted suggestion that his success might be contingent on the attention he pays to her does constitute a form of sexual harassment. In fact, a large percentage of sexual harassment complaints are against graduate assistants.

Overtures such as this are frequently repeated and often become more and more blatant. This creates a tense and difficult situation not only for the student who is the object of the graduate assistant's attention but often for the other students in the class as well.

Example: After a secretary ends her relationship with the department supervisor, she receives a below-average raise in spite of her above-average performance.

Consensual relationships in the workplace may pose problems because actual or perceived undue influence may exist in these situations. Should a charge of sexual harassment subsequently be claimed, the mutuality of past consent may be questioned in administrative or court proceedings. Such relationships may then be viewed as unequal in nature and harassment imputed. In some cases, the courts have awarded retroactive raises and even punitive damages. Additionally, the woman's colleagues might have had grounds for complaint if she had ever received preferential treatment while she was romantically involved with her supervisor.

Example: A professor makes demeaning remarks about the intelligence of women in his lectures and teases his female students when they ask questions or take part in class discussions. When one of the students complains, he tells her she is being too sensitive.

Repeated gender-related jokes or remarks that are demeaning, offensive, or just plain distracting can create what the courts call a "hostile environment" in the classroom or workplace. Male students may get the idea that their female counterparts are targets, and the women students may find it increasingly difficult to participate in the class. The professor who does not seriously consider such complaints compounds the problem.

Example: Chris and Pat are both students in an anatomy class. Chris is continuously making sexually suggestive comments to Pat about the photographs and the diagrams in their textbook. Even though Pat has asked that the behavior stop, Chris continues.

When there is no difference in authority, either between people of the same sex or of different sexes, individuals whose conduct is at issue must be informed that such behavior is unwelcome. Because Pat has asked for the behavior to stop yet Chris persists, Pat can speak to the class instructor (who has an obligation to act) or can seek assistance from a designated campus office.

Example: A male worker repeatedly asks a female co-worker to go out with him after work. She declines. He persists in whistling, taping pornographic pictures to her locker, and spreading rumors about her allegedly promiscuous behavior. She asks him to stop. He refuses. She then complains to her supervisor, who promises to look into the matter but does nothing.

In this case, both the male co-worker's actions and the supervisor's failure to handle the complaint quickly and appropriately open them to a charge of sexual harassment. Managers, department heads, and supervisors are responsible for ensuring that the work place is free of these and all other forms of sexual harassment. They can be held liable as well. When an employee or student registers a sexual harassment complaint about an individual or about the general environment, the director or manager should immediately consult with the Office for Access and Equity

PROCEDURES

UIC POLICIES AND PROCEDURES

		NUMBER 101
MANUAL Human Resources	SECTION Nondiscrimination, Equal Opportunity, and Affirmative Action	PAGE 4 of 7
SUBJECT Sexual Harassment		EFFECTIVE 04/01/1997
ISSUED BY Vice Chancellor for Human Resources		REVISED 06/25/2007
APPROVED BY Chancellor		

Sexual harassment is against law and against University policy. If you think you or someone else has experienced sexual harassment, you don't have to put up with it. There are a number of possible options you might consider. Some of them are listed here. These are merely suggestions. They are not steps, so you don't have to follow them in order at all. Think about what feels comfortable to you and what type of action you want to take. You might want to talk to a friend or someone else you trust before you decide.

1. If you feel safe doing so, it can be effective simply to talk to the person. It helps to think through what you want to say. You can even role play with a friend first or bring a friend or advocate with you to the meeting. Tell the person exactly what is unacceptable: for example, "I prefer that you do not touch me when we talk" or "I am not interested." Say it firmly, without smiling or apologizing, making it clear that the behavior is inappropriate.
2. A letter can be good way to express your objections and to document that the person suspected of harassment has been informed of your feelings. There are a couple of points you may want to keep in mind in preparing the letter:

Describe the harassing behavior or comments.

The letter will be most effective if you are specific, factual, calm, and firm. Give dates, locations, and details if you can. Stay away from name calling, extreme language, or threats. This will give the letter credibility to the recipient and as a document should you decide to complain firmly at a later date.

Tell the person to stop the harassing behavior or comments.

Keep a copy of the letter. If the person does not change his behavior, you can use it to show that you took action to stop the harassment.

3. Keep track of what is happening to you. Take notes in a bound book to which sheets of paper cannot be added. Include what is done or said with dates, times, places, and direct quotes. Save letters, notes, or anything else sent to you. Be sure to put the log and these materials in a secure place, preferably at home rather than in your desk or locker at work or school.
4. Talk to co-workers to learn if anyone has witnessed the behavior or has been harassed as well. Ask them to write an account of what they observed or experienced and sign and date it. This can be extremely important documentation if you decide to make a formal complaint at some point.
5. If you don't want to address the person directly or by letter, you can take your concern to the next level of authority; for example a supervisor or academic department head. The University mandates a response to all sexual harassment matters.
6. In the brochure you will find a list of campus offices that can provide various kinds of support and assistance, including information, advocacy, and official intervention.

If you are a supervisor, department head, or dean:

1. You are responsible for maintaining an environment free of sexual harassment. You are obligated to take every complaint of sexual harassment seriously. If you cannot resolve a situation brought to your attention, consult the Office for Access and Equity. The staff will advise you on how to deal with the problem.

UIC POLICIES AND PROCEDURES

		NUMBER 101
MANUAL Human Resources	SECTION Nondiscrimination, Equal Opportunity, and Affirmative Action	PAGE 5 of 7
SUBJECT Sexual Harassment		EFFECTIVE 04/01/1997
		REVISED 06/25/2007
ISSUED BY Vice Chancellor for Human Resources	APPROVED BY Chancellor	

2. You and the University will be liable for not dealing with sexual harassment problems in your unit. You may be held responsible for creating or tolerating a "hostile work environment".

3. Be sure to follow the University policy and campus procedures on sexual harassment described in this publication. They are provided for your protection.

If you think you may be accused - or have been accused - of sexual harassment:

1. Reread the campus policy prohibiting sexual harassment. Do not engage in behaviors that could be interpreted as harassing. The penalties are stiff. You could jeopardize your standing in the University. You could lose your job. If the case goes to court, you may be liable for attorney's fees and damages.

2. If you are confused about what constitutes sexual harassment, consult the Office for Access and Equity.

3. If you are accused of sexual harassment, don't retaliate in any way. This is also against law.

For more information on what constitutes retaliation visit the OAE website: <http://www.uic.edu/depts/oaee/index.html> or contact the Office for Access and Equity.

4. If you have been accused of sexual harassment, you are entitled to a fair and impartial process under campus procedures. You may also choose to seek professional advice inside or outside the University.

What are the campus procedures to deal with sexual harassment?

1. Which campus office is charged with primary responsibility for administering this policy?

Even though every member of the campus community has a responsibility for promoting an environment free of harassment, the Chancellor has designated the Office for Access and Equity as the campus resource for seeking assistance and resolution of these claims. OAE has authority to investigate, issue findings, and make recommendations for remedies. Besides providing services in education, mediation, and intervention, this office can be contacted to answer questions, advise and clarify campus policy and procedures, and discuss issues or available options. Such inquiries will be treated confidentially, in that no written record of details or names will be released.

For more information, contact the Office for Access and Equity.

2. What OAE will do with..

Anonymous observations or complaints alleging harassment. Persons who believe they have observed or experienced sexual harassment are encouraged to report what they observed to OAE. OAE can inform the person or persons against whom a complaint is made of the anonymous observation or allegations. A person who has been so informed may respond in writing to OAE.

Complaints involving contractors, vendors, or visitors. OAE has authority to investigate or act upon complaints involving UIC contractors, vendors, or visitors.

Allegations made by a person who believes he or she has experienced sexual harassment. Upon discussion with an OAE representative, discussion which includes an explanation of available options, the person may decide to complete a Request

UIC POLICIES AND PROCEDURES

		NUMBER 101
MANUAL Human Resources	SECTION Nondiscrimination, Equal Opportunity, and Affirmative Action	PAGE 6 of 7
SUBJECT Sexual Harassment		EFFECTIVE 04/01/1997
ISSUED BY Vice Chancellor for Human Resources		REVISED 06/25/2007
APPROVED BY Chancellor		

for Action. The action requested can be formal or informal. Both types of action require a statement of allegations which, if assumed to be true, would constitute sexual harassment, and a statement of outcomes or remedies sought.

Informal Resolution:

Informal resolution is appropriate where neither party requests an investigation or determination but seeks intervention or conciliation. This process ends by agreement of both parties. With the consent of the parties, OAE can require the assistance of supervisors in the resolution of the problem at an appropriate level. At any time, an informal process can become formal at the request of either party.

Formal resolution requires that:

- a. the person seeking redress make a written request for investigation to OAE.
- b. both the person who is complained about as well as appropriate administrative officials be notified of the allegations and the request for investigation.
- c. the accused person be given the opportunity to respond in writing to the allegations.
- d. OAE commence investigation by gathering relevant facts and conducting interviews. Ordinarily, the period for investigation should not exceed 30 days.
- e. OAE issue a written report which will include the summary of the allegations investigated, the findings which support or fail to support the complaint, and recommended remedies where appropriate. The report will be sent to both parties to the complaint, to the supervisor responsible for acting upon any recommendations which may be made, and to other appropriate University administrators. Within the 10 days of receiving the report, comments which the complaint or respondent may wish to make should be submitted in writing to the appropriate University administrator (e.g., Chancellor, Vice Chancellor), with a copy sent to OAE. Within a reasonable period from the close of comment period, the administrator should issue a written decision either dismissing the complaint or specifying actions to be taken responsive to the complaint. Copies of the administrator's written decision shall be provided to the parties to the complaint and to OAE.
- f. All parties behave professionally, keeping the proceedings and the outcome confidential. OAE will take steps to ensure confidentiality for all parties involved insofar as it does not interfere with the University's obligation or ability to investigate the allegations of misconduct.

3. OAE guidelines

Nothing in these procedures should be construed to preclude OAE from developing internal guidelines for conciliating sexual harassment claims or conducting investigations. In the event that internal OAE guidelines conflict with campus procedures, campus procedures will be followed.

4. Actions taken as a result of OAE findings

If disciplinary action is taken as a result of an investigation and finding of a violation of the campus sexual harassment policy, that action will be imposed in accordance with appropriate disciplinary procedures.

UIC POLICIES AND PROCEDURES

NUMBER
101

MANUAL Human Resources	SECTION Nondiscrimination, Equal Opportunity, and Affirmative Action	PAGE 7 of 7
SUBJECT Sexual Harassment	EFFECTIVE 04/01/1997	REVISED 06/25/2007
ISSUED BY Vice Chancellor for Human Resources	APPROVED BY Chancellor	

Where can I go for help?

If you want information or help with a sexual harassment problem, phone or visit:

Office for Access and Equity
Office of the Chancellor
717 Marshfield Avenue Building
809 South Marshfield Avenue
(312) 996-8670

If you want to discuss a problem before taking action or need supportive counseling, consult:

Counseling Center
2010 Student Services Building
1200 West Harrison Street
(312) 996-3490

Office of the Dean of Students
Student Ombudsperson
3030 Student Services Building
1200 West Harrison Street
(312) 996-4857

Office of Gay, Lesbian, Bisexual, and Transgender Concerns
1180 Behavioral Sciences Building
1007 West Harrison Street
(312) 413-8619

Office of Women's Affairs
802 University Hall
601 South Morgan Street
(312) 413-1025

Employee Assistance Service
511 Psychiatric Institute
1601 West Taylor Street
(312) 996-3588

Labor and Employee Relations
205 Human Resources Building
715 South Wood Street
(312) 355-3055