

## Sexual, Racial, Disability and Other Forms of Harassment | POLICY 212

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### **Purpose**

This policy requires compliance with the various civil rights and non-discrimination laws or requirements that apply to the Board of Trustees and the College pertaining to sexual, racial, disability, and other forms of harassment.

### **Policy Statement**

The Board of Trustees is committed to providing an educational and employment environment free from all forms of sexual, racial, disability, and other forms of harassment of employees, students, and other individuals contrary to law or applicable regulation or rule at any College facilities, in connection with any College activities, or under circumstances under its control and authority. The JWCC Student Code of Conduct and policies relating to employees also are to be considered as prohibiting harassment. The policy of the Board shall be provided to applicants for admission and employment, students, and the faculty association, and also disseminated on the College website and in catalogs, handbooks and publications.

Among other harassment, College is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment and other misconduct on the basis of sex, which includes harassment on the basis of sexual orientation and gender-related identity. The College prohibits all forms of sex-based misconduct, including but not limited to sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. The College also prohibits discrimination and harassment on the basis of sex, sexual orientation, gender-related identity and expression, pregnancy, and parental status.

The College will comply with Title IX of the Education Amendments of 1972 (“Title IX”), the Violence Against Women Reauthorization Act (“VAWA”), Title VII of the Civil Rights Act of 1964 (“Title VII”), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), the Preventing Sexual Violence in Higher Education Act, Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Illinois Human Rights Act, and all other applicable laws, regulations and rules regarding unlawful sex-based discrimination, harassment or other misconduct in violation of these laws, regulations and rules.

Individuals found to have engaged in prohibited sex-based misconduct will be subject to disciplinary action, up to and including termination of employment and/or expulsion or removal from the College.

Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting sex discrimination, sexual harassment or other sex-based misconduct, or against any person cooperating in the investigation of allegations of sex-based misconduct (including testifying, assisting or

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participating in any manner in an investigation), is strictly prohibited. Retaliation for making a good faith complaint of harassment or for participating in a harassment investigation is also prohibited.

As required under Title IX, the College does not discriminate on the basis of sex in the education program or activity that it operates. This requirement not to discriminate extends to admission and employment.

The College has designated the Dean of Students as the Title IX Coordinator where the person alleged to have been harassed is a student and the Director of Human Resources, as the Title IX Deputy Coordinator, where the person alleged to have been harassed is an employee. Each will collaborate and coordinate the College's efforts to comply with its responsibilities under Title IX. Each may act as the deputy of the other. Where the respective authority of the Title IX Coordinator is unclear, a determination of authority will be made by the President, or the President's designee, on a case-by-case basis. Inquiries about the application of Title IX and 34 C.F.R. Part 106 may be directed to the appropriate Title IX Coordinator, the Assistant Secretary for Civil Rights at the United States Department of Education, or both.

The College will establish, maintain, and publish procedures implementing this Policy, which set forth:

- The scope and jurisdiction of the College's prohibition on sex-based misconduct;
- Definitions of prohibited conduct;
- Responsibilities of and contact information for the College's Title IX Coordinator and Deputy Title IX Coordinator;
- Options for assistance following an incident of sex-based discrimination, harassment or other misconduct;
- Procedures for reporting and confidentially disclosing alleged sex-based misconduct;
- The College's response to reports of alleged sex-based misconduct;
- The College's grievance process for complaints alleging Title IX sexual harassment and/or alleging sexual violence, domestic violence, dating violence, or stalking;
- Prevention and education programming provided to college students; ~~and~~
- Training and education provided to employees identified by the College that will be involved in the receipt of reports of, responding to, investigating, or adjudicating alleged incidents of sexual discrimination, harassment or other misconduct, or involved in the referral or provision of services to survivors; and
- Such other matters as may be required by applicable laws, regulation, or rule.

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**Delegated Authorities**

The President, in cooperation with the Director of Human Resources and the Dean of Students, assumes the overall responsibility for this policy and students.

**Exceptions**

There are no exceptions to this policy.

**Reporting**

Material issues related to this policy shall be reported to the Board of Trustees by the President and the Director of Human Resources and the Dean of Students at such times and in such format as determined appropriate, with emphasis on expediency.

**Responsibilities**

The Director of Human Resources and Dean of Students shall perform the responsibilities of this policy.

**OFFICE OF PRIMARY RESPONSIBILITY: DIRECTOR OF HUMAN RESOURCES, DEAN OF STUDENTS**

*BP Adopted: October 26, 2022, Title changes 12.13.23*

**ADMINISTRATIVE PROCEDURES: 212.1**