

Discrimination and Harassment Prevention Training for University Employees

*Training presented by
the Office of Equal Opportunity and Access*



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Mandatory Training

As an Illinois State University employee, you are subject to:

- University Policy
- State law
- Federal law
- Regulations

The Ethics Act, which is intended to ensure that the functions of State government are conducted with fairness, honesty, and integrity, requires annual training on unlawful harassment and discrimination.



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Protections

- The Ethics Act requires that: “All persons have a right to work in an environment free from *sexual harassment*.”
- You are protected from unlawful *harassment and discrimination based on other protected classes* as discussed further in this training.
- The University Anti-Harassment and Non-Discrimination Policy (Policy 1.2) and Complaint Procedures (Policy 1.2.1) prohibits harassment and discrimination.



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University Commitment

The hallmarks of an environment free from harassment and discrimination include:

- Training
- Reporting
- Investigation & University Response
- Prevention & Education



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Do Your Part

Do your part to keep ISU's campus safe, secure, and free from harassment and discrimination.

- Know the expectations
- Do not engage in harassing/discriminatory behavior
- Report any incidents or concerning behavior



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Sexual Harassment

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.



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As defined by State Officials and
Employees Ethics Act (5 ILCS 430/5-65(b)
& University Policy

Sexual Harassment

- It is the policy of the University to maintain an academic and work environment free of sexual harassment for students, faculty, and staff. Sexual harassment is contrary to the standards of the University community and a barrier to fulfilling the University's scholarly, research, educational, and service missions.
- The University considers such behavior, whether physical or verbal, to be a breach of its standards of conduct. It will seek to prevent and remedy such incidents and will investigate and take corrective actions for violations of this policy.



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As defined by the [University Anti-Harassment and Non-Discrimination Policy 1.2](#)

Examples of Sexual Harassment

- Unwanted sexual statements – sexual or "dirty" jokes, comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one's sexual activity in front of others, and displaying or distributing sexually explicit drawings, pictures and/or written material. Unwanted sexual statements are precluded in all forms including but not limited to verbally, in writing, and electronically (i.e., email, instant messaging, blogs, web pages, etc.).
- Unwanted personal attention – letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction, pressure for dates where a sexual/romantic intent appears evident but remains unwanted, and stalking.
- Unwanted physical or sexual advances – touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, sexual misconduct/violence, domestic violence, dating violence, stalking, sexual abuse, incest, intercourse, or other sexual activity.



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Types of Sexual Harassment

Quid Pro Quo Sexual Harassment

Quid Pro Quo sexual harassment occurs when it is stated or implied that an academic or employment decision about a student or employee depends upon whether the student or employee submits to the conduct of a sexual nature. Quid pro quo sexual harassment also occurs when it is stated or implied that a student or employee must submit to conduct of a sexual nature in order to participate in a University program or activity.



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As defined by the [University Anti-Harassment and Non-Discrimination Policy 1.2](#)

Types of Sexual Harassment

Hostile Work Environment Sexual Harassment

- a) A sexually harassing hostile environment occurs, pursuant to Title IX, when any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive negatively affects the employee's ability to participate in or benefit from a University program or activity; or, any instance of sexual assault as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and dating violence, domestic violence or stalking as defined in the Violence Against Women Act (VAWA). Formal complaints under this definition will be reviewed pursuant to University Procedure 1.2.3; or
- b) A sexually harassing hostile environment may also occur when uninvited or unwelcome conduct of a sexual nature creates an intimidating, threatening or abusive working environment that is so severe or pervasive that it negatively affects the employee's ability to participate in or benefit from a University program or activity. Complaints under this definition will be reviewed pursuant to University Procedure 1.2.1. The Office of Equal Opportunity and Access will reserve the right to refer matters that may meet the definition above under the Title IX definition to that process at any point during an investigation.



Electronic Means

- Sexual harassment can involve activities through electronic media, including outside of the workplace and during non-work hours.
- This includes through email, cell phone, text, internet or intranet posting, online comments, blog posts, social media (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, and Snapchat) or other electronic media.



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Prohibited Harassment & Discrimination

As part of this training, it is important that you be aware that you are prohibited from engaging in harassment or discrimination on the basis of someone's actual or perceived membership in one or more of the following **Protected Classes**:

- Age
- Ancestry
- Citizenship Status
- Color
- Race
- Disability
- Sex including sexual harassment
- Sexual Orientation
- Gender Identity and Expression
- Marital Status
- Military Status
- Unfavorable Discharge from Military Service
- National Origin
- Order of Protection Status
- Pregnancy
- Religion



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Protected Class Defined

Race: EEOC guidance states that race includes physical characteristics associated with race, “such as a person’s color, hair, facial features, height and weight,” race-linked illnesses, and cultural characteristics related to race or ethnicity.

Color: The EEOC guidance states that “color” is “commonly understood [to mean] pigmentation, complexion, or skin shade or skin tone.”

Ancestry: Black’s law dictionary defines ancestry as “a line of descent; collectively, a person’s forebears; lineage.”

National Origin: The place in which a person or one of his or her ancestors was born. *Id.* at §1-103(K).

Citizenship Status: The status of being: (1) a born U.S. citizen; (2) a naturalized U.S. citizen; (3) a U.S. national; or (4) a person born outside the U.S. and not a U.S. citizen who is not an unauthorized alien and who is protected from discrimination under a federal law. *Id.* at §2-101(K)



Protected Class Defined

Pregnancy: Pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. *Id.* at §1-103(L-5).

Sexual Orientation: The actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. *Id.* at §1-103(O-1).

Sex: The status of being male or female. *Id.* at §1-103(O).

Gender Identity & Expression: Gender identity" refers to a person's knowledge of his or her gender. A person may identify as a gender that does or does not appear to correspond to the sex assigned to that person at birth, or the person may not identify as either female or male. A person's self-presentation of themselves as female, male, androgynous, or as another gender evidenced by their physical appearance, dress, speech, or other expression is referred to as "gender expression."



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As defined by Illinois Human Rights Act (775 ILCS 5/ *et seq.* & University Policy

Protected Class Defined

Disability: A determinable physical or mental characteristic of a person, including one that necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic is unrelated to the person's ability to perform the duties of a particular job or position. *Id.* at §1-103(I).

Age: The chronological age of a person who is at least 40 years old. In the case of training and apprenticeship programs, age means a person who is 18 but not yet 40 years old. *Id.* at §1-103(A).

Marital Status: The legal status of being married, single, separated, divorced, or widowed. *Id.* at §1-103(J).



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As defined by Illinois Human Rights Act (775
ILCS 5/ *et seq* & University Policy

Protected Class Defined

Military Status: A person's status on active duty in or status as a veteran of the armed forces of the U.S., status as a current member or veteran of any reserve component of the armed forces of the U.S., or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard. *Id.* at §1-103(J-1).

Unfavorable Military Discharge: Discharges from the Armed Forces of the U.S, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3 or the equivalent but does not include those characterized as RE-4 or "Dishonorable". *Id.* at §1-103(P).

Order of Protection Status: A person's status as being a person protected under an order of protection issued pursuant to certain statutes, or an order of protection issued by a court of another state. *Id.* at §1-103(K-5).



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As defined by Illinois Human Rights Act
(775 ILCS 5/ *et seq* & University Policy

Protected Class Defined

Language: Language refers to a person's native tongue, but does not include slang, jargon, profanity, or vulgarity. It is a civil rights violation for an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

Immigration-related practices: It is a civil rights violation for an employer to use more or different documents than are required under certain federal laws or to refuse to honor documents that on their face appear to be genuine. If the employer is participating in the E-Verify program, it cannot take adverse employment actions without following the procedures under that program.



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As defined by Illinois Human Rights Act
(775 ILCS 5/ *et seq* & University Policy

Protected Class Defined

Religion: It is a civil rights violation for an employer to impose any terms or conditions of employment, including opportunities for promotion or advancement, that would require a person to violate or forgo a sincerely held practice of his or her religion. However, it will not be a civil rights violation if the employer cannot reasonably accommodate the religious practice without undue hardship to the employer's business. It is also a civil rights violation for a public employer to refuse to permit a public employee to perform work outside the employee's normal work schedule to compensate for work time lost for religious reasons. **All aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he or she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. *Id.* at §2-101(F).**



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As defined by Illinois Human Rights Act
(775 ILCS 5/ *et seq* & University Policy

Harassment

“Harassment” means: any unwelcome conduct on the basis of an individual's actual or perceived membership in a protected class that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. (775 ILCS 5/2-101(E-1) and section 5/1-103*

For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

*as defined by the Illinois Human Rights Act, protected classes include: Race, Color, National Origin, Ancestry, Citizenship, Pregnancy, Sexual Orientation, Sex, Disability, Age, Marital Status, Military Status, Unfavorable Military Discharge, Order of Protection Status, Religion

While the Illinois Human Rights Act protects gender-related identity as defined under Sexual Orientation, University Policy separately defines Gender Identity and includes Gender Expression.



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Examples of Harassment

Examples of conduct that could amount to harassment if based on a person's actual or perceived membership in one or more protected classes include:

- Offensive jokes;
- Slurs;
- Epithets or name calling;
- Physical assault(s);
- Threats;
- Intimidation, ridicule or mockery;
- Insults or put-downs;
- Offensive objects or pictures;
- Deliberate touching, leaning over, or cornering;
- Offensive looks or gestures; and/or
- Letters, telephone calls, personal e-mails, texts, or other materials of an offensive nature.



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Discrimination

“Unlawful discrimination” means: “discrimination against a person because of his or her actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service.”

- As defined by 775 ILCS 5/1-103(Q) and/or University Policy.



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Examples of Unlawful Discrimination

Conduct may amount to unlawful discrimination if, based on a person's actual or perceived membership to one or more of the protected classes outlined above, an employer takes action involving:

- Recruitment;
- Hiring;
- Promotion;
- Demotion;
- Renewal of employment;
- Selection for training or apprenticeship;
- Discharge;
- Discipline;
- Tenure of terms;
- Privileges; and/or other conditions of employment.



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Retaliation Definition

The University will not tolerate retaliation against students, employees, or faculty members who exercise their rights by filing a complaint with or participating in a protected investigation of sexual harassment, harassment, and unlawful discrimination.

Retaliation is any action, or attempted action, directly or indirectly, against any person(s), who, in good faith, reports or discloses a violation of this policy, files a complaint, and/or otherwise participates under this policy.

Retaliation includes, but is not limited to harassment, discrimination, threats, or negative impact on employment and/or academic progress. Actions are considered retaliatory if they have a materially adverse effect on the working, academic, or living environment of a person; or if they hinder or prevent the person from effectively engaging in University activities and programs. Any person or group within the scope of this policy who engages in retaliation is subject to a separate charge of retaliation.



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As defined by the *Illinois Ethics Act*, and
[*University Anti-Harassment and Non-Discrimination Policy*](#)

Whistleblower Protections

Protections under the Ethics Act

In the event a State employee discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other state employee what the State Employee reasonably believes to be a violation of law, rule or regulation, that employee shall not be retaliated against. A State employee is also protected from retaliation for providing information in an investigation, testifying before any public body, hearing, or inquiry into a violation of law, rule, or regulation by any officer, member, State agency, or other State employee.

Protections under Illinois Human Rights Act

Under the Illinois Human Rights Act, employees are protected against retaliation when they oppose that which they reasonably and in good faith believe to be unlawful discrimination or sexual harassment as a result of a complaint filed. It is unlawful for someone to retaliate against a person who filed a complaint, participated in an investigation, or testified regarding a matter under the Human Rights Act.

Protections under Whistleblower Act

“An employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.”



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Penalties

Ethics Act:

If retaliatory action occurs, the OEIG can investigate the matter and recommend discipline. Anyone who intentionally violates the Ethics Act's prohibition on retaliation is guilty of a misdemeanor and is subject to discipline or discharge. (5 ILCS 430/50-5(a), (f).)

Civil Remedies:

An employee can bring a lawsuit based on retaliatory action under the Ethics Act, the Human Rights Act, or the Whistleblower Act. Remedies may include: actual compensatory damages, reinstatement of employment, two times back pay, interest on back pay, reinstatement of benefits and seniority, and attorney's fees and costs.



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Retaliation Examples

- You have been a successful employee for five years and your job evaluations have reflected that. You have alleged age discrimination against your supervisor, and shortly thereafter your job evaluation is unsatisfactory. You believe your job performance has not changed, and the unsatisfactory rating is based on your filing of an age discrimination claim. If the negative evaluation was given as a result of filing an age discrimination claim, then this conduct is prohibited retaliation against the employee.
- You file a claim for discrimination based on your religion. Shortly after the filing, your supervisor informs you that you are being separated from the institution. You believe it is because of your religious discrimination claim. If the separation was the result of filing a discrimination claim, then this conduct is prohibited retaliation against the employee.
- You have recently been promoted to a supervisory position in your department. Shortly after receiving the promotion, you file a complaint of sexual harassment. Your supervisor informs you that you are being demoted to your prior position. You believe the demotion is a result of your filing of a sexual harassment complaint. If the demotion was the result of filing a sexual harassment claim, then this conduct is prohibited retaliation against the employee.



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How to Respond and Report

- It is important to understand the specific types of incidents and behaviors and their definitions as outlined in this training.
- You are not responsible for determining if any reported situation meets these definitions.
- You are not responsible for determining if the reported activity occurred.
- If you are not sure that a situation meets these criteria, report it anyway. The University will make the necessary determination.

When in Doubt - REPORT!



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How to Respond: Confidentially

You are required to report incidents and potential harassment and discrimination even if the individual:

- Asks you to keep it confidential
- Says they don't want their name disclosed
- Says they don't want the University to investigate or take disciplinary action

Tell the individual:

- You are required to report the incident and cannot promise confidentiality.
- You will only share information with appropriate offices in order for the University to take appropriate action.

For more information contact:

Office of Equal Opportunity and
Access (OEOA)
Title IX Coordinator
Hovey Hall, Room 310
(309) 438-3383
(309) 438-5411

Faculty/Staff:

[Office of Equal Opportunity and Access
EqualOpportunity@IllinoisState.edu](mailto:EqualOpportunity@IllinoisState.edu)

Students:

[Title IX website
TitleIX@IllinoisState.edu](http://TitleIX.IllinoisState.edu)



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Other Internal Reporting Options for Reporting Harassment, Sexual Harassment, and Discrimination

- University Ethics Officer – Rob Blemler
Hovey Hall, Room 207
Campus Box 1120
Normal, IL 61790-1120
Phone: (309) 438-2339
Email: rwbleml@ilstu.edu
- University employees may also report allegations of sexual harassment, harassment, and unlawful discrimination to their supervisors verbally or in writing.
- The supervisors will protect the information as permitted by law, but please note University supervisors are required to report any sexual harassment, harassment, or unlawful discrimination allegations to the appropriate office which will investigate.



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External Reporting Options for Reporting Harassment, Sexual Harassment, and Discrimination

- Illinois Office of Executive Inspector General (OEIG)
Phone: (866) 814-1113
Website: [Illinois Office of Executive Inspector General](#)
- Illinois Department of Human Rights
Phone: (312) 814-6200 – Chicago
(217) 785-5100 – Springfield
(618) 993-7463 - Marion
Website: [Illinois Department of Human Rights](#)



Role of the OEIG and Filing a Report

The primary role of the OEIG is to investigate allegations of misconduct and to make reports of its findings to the affected agencies and officials. The OEIG investigates, when appropriate, alleged violations of law, rule, or regulation committed by any employee of, or those doing business with, an entity under its jurisdiction.

A complaint may be filed with the OEIG in writing, preferably on an OEIG complaint form, or orally. A complaint may be filed with the OEIG by:

- Completing a form online at <http://www.inspectorgeneral.illinois.gov>
- Calling the OEIG's toll-free hotline at (866) 814-1113
- Mailing a completed complaint form to:
Office of Executive Inspector General for the Agencies of the Illinois Governor
Attention: Complaint Division
69 West Washington Street, Suite 3400
Chicago, Illinois 60602
- Faxing a completed complaint form to (312) 814-5479
- Contacting the OEIG by telecommunications device for the disabled (TTY) at (888) 261-2734
- Scheduling an appointment with its Springfield or Chicago locations.



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Role and Filing a Complaint with IDHR

- The IDHR is a State agency that administers the Illinois Human Rights Act. Individuals can report an allegation of sexual harassment, harassment, and/or discrimination to the IDHR by filing a charge within 300 days of the alleged incident.
- An Employee must submit information in person or in writing by mail or fax using a Complainant Information Sheet that is available on the IDHR website. It requires detailed information, including contact information, employer information, and the most recent date of the alleged conduct. A person filing a charge may also provide witness information and copies of relevant documents. Note: This process is not confidential.
- The IDHR operates a helpline for reporting sexual harassment and discrimination. The helpline number is 1-877-236-7703. There is also a website for reporting - [Illinois Sexual Harassment & Discrimination Helpline](#).



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University Response to Reports

- It is important to know that the University takes any reports or complaints of incidents/crimes very seriously.
- The University offers a variety of protective and supportive measures to assist students and employees.
 - To make requests, contact the Office of Equal Opportunity and Access (OEOA).
- Any reported incidents of harassment and discrimination will be reviewed and investigated according to the University complaint procedures.

*Please note that University processes are **separate** from any criminal process related to an incident.*



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Complaint Procedures Follow-up

The Office of Equal Opportunity and Access will follow-up on reported incidents using the following complaint procedures:

- File a complaint
- Provide support, which includes discussing retaliation and whistleblower protections
- Review of allegations
- Investigation or referral
- Report of investigation and recommendations
- Appeal rights
- Sanctions/Interventions, if appropriate

The Office of Student Conduct or Human Resources may impose disciplinary action up to and including dismissal from the University or termination of employment.

For a detailed explanation of the process, see the OEOA website at EqualOpportunity.IllinoisState.edu.



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University Outcomes

- Violation of the Anti-Harassment Non-Discrimination policy can lead to corrective action.
 - Corrective action includes, but is not limited to, specialized training, time off work without pay, and other actions up to and including termination or academic suspension or expulsion.
- Knowingly making a false report can lead to discipline up to and including discharge.



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Consequences for Engaging in Harassment, Sexual Harassment, or Discrimination and Making False Reports

Consequences for violations of University policy, state law, and/or federal law can include:

- Disciplinary action, up to and including dismissal
- Proceedings before the Illinois Human Rights Commission, the Equal Employment Opportunity Commission, state courts, federal courts
- Violations can entail significant remedies including actual damages, attorneys' fees and costs, prejudgment interest, backpay, and/or injunctive relief.
- Any person who violates the Ethic's Act's prohibition on sexual harassment may be fined up to \$5,000 per offense; is subject to discipline or discharge; and may also have fines and penalties imposed by a state or federal agency

False reports

- The Executive Ethics Commission ("EEC") may levy a fine of up to \$5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation. 5 ILCS 430/50-5(e).
- Any person who intentionally makes a false report alleging sexual harassment to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor.
 - See 5 ILCS 430/50-5(d).

Failure to cooperate with OEIG investigations under the Ethics Act, including intentional omissions and false statements, is grounds for disciplinary action up to and including dismissal and a possible fine of up to \$5,000 by the EEC

- See 5 ILCS 430/20-70 & 5 ILCS 430/50-5(e).



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