



Faculty Handbook -Sexual Harassment Revision 2.02 -August 24, 2011

It is the policy of Bradley University to provide a workplace for every employee and a campus for all students which are free from sexual harassment. Sexual harassment in the work environment and sexual harassment in higher education are civil rights violations under Illinois law.

a. Definitions

The Illinois Human Rights Act contains definitions of sexual harassment. Different definitions are provided for the work environment and the educational environment.

In the work environment, "sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) submissions to such conduct is either explicitly or implicitly a term or condition of an individual's employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- (3) 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.

In the educational environment, the Human Rights Act defines "sexual harassment in higher education" as any unwelcome sexual advances or requests for sexual favors made by a higher education representative to a student, or any conduct of a sexual nature exhibited by a higher education representative toward a student when such conduct, advances, or requests have the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or when the higher education representative either explicitly or implicitly makes the student's submissions to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

- 1) Whether the student will be admitted to an institution of higher education;
- 2) The educational performance required or expected of the student;
- 3) The attendance or assignment requirements applicable to the student;
- 4) To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;
- 5) What placement or course proficiency requirements are applicable to the student;
- 6) The quality of instruction the student will receive;
- 7) What tuition or fee requirements are applicable to the student;
- 8) What scholarship opportunities are available to the student;
- 9) What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;

- 10) Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;
- 11) The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled;
- 12) What degree, if any, the student will receive.

As used in the definition of sexual harassment in higher education, "higher education representative" means and includes the president, chancellor or other holder of any executive office on the administrative staff of an institution of higher education, and any member of the faculty of an institution of higher education, including but not limited to a dean or associate or assistant dean, a professor or associate or assistant professor, and a full or part time instructor or visiting professor, including a graduate assistant or other student who is employed on a temporary basis of less than full time as a teacher or instructor of any course or program of academic, business or vocational instruction offered by or through an institution of higher education.

b. Description of Sexual Harassment

Sexual harassment prohibited by this policy includes verbal, non-verbal, or physical conduct. The terms "intimidating," "hostile," or "offensive" as used include conduct which has the effect of humiliation, embarrassment or discomfort. Examples of verbal conduct which may have such an effect include: explicit sexual propositions, sexual innuendo, suggestive comments, foul or obscene language, insults of a sexual nature, and humor or jokes about sex or gender-specific traits. Examples of non-verbal conduct which may have such an effect include: suggestive or insulting sounds, obscene gestures, display of foul or obscene printed or visual material. Examples of physical conduct which may have such an effect include: sexual touching, patting or pinching of a sexual nature, intentional brushing of the body, coerced sexual intercourse, and sexual assault.

Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the above definitions. In listing these examples we do not intend to infringe on academic freedom nor discourage discussion of controversial issues. We endorse the AAUP's 1940 statement and 1970 interpretative comments on academic freedom (AAUP Policy Documents and Reports, 1990): "Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject (p. 3) . . . The intent of this statement (i.e., the one just quoted) is not to discourage what is 'controversial.' Controversy is at the heart of the academic inquiry. . . . "The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject (p. 6)."

c. Retaliation Protection

It is also a civil rights violation under Illinois law for a person, or two or more persons, to conspire, to retaliate against a person because he or she has opposed conduct which he or she reasonably and in good faith believes to be unlawful sexual harassment in employment or sexual harassment in higher education, or because he or she has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.

d. Bradley's Internal Procedures for Sexual Harassment Complaints

Prevention of harassment must begin at an early stage in the occurrences. It should begin with the affected employee or student indicating clearly that the conduct is unwelcome and request it cease.

Failing in the first step, the next step is for the employee or student to make a complaint to the offending person's supervisor or Bradley's EEO/AA officer. The supervisor or EEO/AA officer shall act promptly to investigate and take appropriate action to prevent further occurrences and advise the complainant of the appropriate mechanism for complaint resolution.

Sexual harassment complaints may be informally resolved. If the informal process is unsuccessful, formal resolution is achieved by means of one of the following:

- (1) the student non-academic grievance policy;
- (2) the faculty grievance policy;
- (3) the established mechanism for handling a complaint of discriminatory action through the EEO/AA officer.

Penalties for substantiated sexual harassment of any kind include the full range of discipline available under Bradley's policies from a reprimand to immediate discharge. The penalty in a given case will depend on all relevant facts and circumstances.

e. Procedures Available through the Illinois Department of Human Rights and the Illinois Human Rights Commission

In addition to Bradley's internal procedures set forth above, the Illinois Human Rights Act provides formal procedures for the filing, investigation, and adjudication of sexual harassment complaints. In the event Bradley's internal procedures prove unsatisfactory, any employee or student with a complaint of sexual harassment may initiate charges under the Illinois Human Rights Act by contacting the Illinois Department of Human Rights or the Illinois Rights Commission at the offices of such agencies, located in Chicago and Springfield.

The Springfield addresses are:

Illinois Department of Human Rights 222 S. College, Room 101A Springfield, IL 62704 Telephone: (217) 785-5100	Illinois Human Rights Commission Room 404A, Stratton Building Springfield, Illinois 62706 Telephone: (217) 785-4350
--	--

Under the Act, a charge must be filed with the Department within 180 days of the alleged unlawful conduct, which, after Department investigation, may result in adjudication before the Commission. Further details on this process may be obtained from the Department or Commission.

HUMAN RESOURCE DEPARTMENT

1501 WEST BRADLEY AVENUE – PEORIA, IL 61625 – (309) 677-3223 – FAX (309) 677-3867