

TRITON COLLEGE BOARD POLICY

BOARD OF TRUSTEES, DISTRICT 504

ACADEMIC AFFAIRS

HARASSMENT, DISCRIMINATION AND MISCONDUCT

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POLICY 6175
ADOPTED: 03/16/93
AMENDED: 06/20/00
AMENDED: 12/20/16
AMENDED: 02/18/20
AMENDED: 11/17/20

I. Introduction

Triton College is committed to sustaining a learning environment that is free from sexual harassment, sexual misconduct, harassment, threats, intimidation, or bullying on the basis of sex, dating violence, domestic violence, retaliation, and stalking. Conduct of this type by students, employees, and other individuals and entities who interact with our students and employees is prohibited. This prohibition applies in any context which has a reasonable relationship to Triton’s educational programs and activities, regardless of whether the conduct takes place on or off campus. A reasonable relationship includes enrolled students or active employees of Triton College. Thereafter, the policy defines prohibited conduct and explains the process for making, investigating, and resolving complaints of prohibited conduct, including outcomes, rights, responsibilities, and resources.

Triton College requires its employees who observe or become aware of prohibited conduct to report such conduct in support of efforts to maintain a safe and productive environment for all members of the College community. We strongly encourage students and other individuals who experience or observe prohibited conduct to do the same. Triton College has Confidential Advisors on campus with whom college students can discuss incidents of sexual harassment without automatically triggering a report to the Title IX office.

This policy is intended to be consistent with federal law, including Title IX of the Education Amendments of 1972 (“Title IX”) and the Violence Against Women Act (VAWA), as well as the Illinois Preventing Sexual Violence in Higher Education Act and the Illinois Human Rights Act (IHRA).

II. Title IX

Title IX is one law that prohibits discrimination based on sex in education programs and activities. Title IX applies to federally-funded schools at all levels. Title IX protects students, employees, applicants for admission and employment, and other persons from sex discrimination, including discrimination based on gender identity and failure to conform to stereotypical notions of masculinity or femininity. All students, as well as other persons at Triton College, are protected

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by Title IX regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin in all aspects of a recipient's educational programs and activities. The essence of Title IX is that an institution may not exclude, separate, deny benefits to, or otherwise treat differently any person on the basis of sex unless authorized to do so under Title IX or the Department's implementing regulations.

Schools must respond promptly to sexual harassment prohibited by Title IX in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. Notice to a Title IX Coordinator or Official with Authority of sexual harassment prohibited by Title IX charges a school with actual knowledge and triggers the school's response obligations. Schools must respond when sexual harassment prohibited by Title IX occurs in the school's educational program or activity against a person in the United States. Education program or activity includes locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the sexual harassment occurred and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus. Title IX affirms that a complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. Triton's Harassment, Discrimination, and Sexual Misconduct Guidelines define sexual harassment prohibited by Title IX and explain the process for making, investigating, and resolving complaints of prohibited conduct, including outcomes, rights, responsibilities, and resources. This policy includes a broader definition of prohibited conduct than that found in Title IX, because Triton is responsible for complying with other Illinois and Federal laws that include a broader definition of prohibited conduct than Title IX.

III. Prohibited Conduct

Examples of behaviors that would constitute prohibited conduct include dating violence, domestic violence, sexual assault, sexual misconduct, sexual harassment,

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harassment, threats, bullying, stalking, and retaliation.

- i. Dating Violence is violence and abuse committed by a person to exert power and control over another person with whom they have been in a social relationship of a romantic or intimate nature. Dating violence often involves a pattern of escalating violence and abuse over a period of time. Dating violence covers a variety of actions and can include physical abuse, psychological and emotional abuse, and sexual abuse. It can also include “digital abuse”, the use of technology, such as smartphones, the internet, or social media to intimidate, harass, threaten, or isolate a person.
- ii. Domestic Violence is a pattern of abusive behavior in a relationship that is used by a family or household member to maintain power and control over another family or household member. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures, or wounds someone.
- iii. Sexual Assault is any type of sexual contact or behavior that occurs without the consent of the recipient. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, molestation, incest, fondling, rape, and attempted rape. It includes sexual acts against people who are unable to consent due to age or lack of capacity.
- iv. Sexual Misconduct is engaging in non-consensual contact of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors.
- v. Sexual Harassment is a form of prohibited sex discrimination. Unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature by a College employee, by another student, or by a third party constitutes sexual harassment if such conduct is sufficiently severe, persistent, or pervasive to limit the student’s ability to participate in or benefit from an education program or activity or create a hostile or abusive educational environment.
- vi. Harassment, Threats, and Bullying on the basis of sex involves engaging in subjectively and objectively offensive verbal abuse, threats, intimidation, harassment, coercion, bullying, or other conduct that threatens or endangers, the mental or physical health/safety of any person or causes reasonable apprehension of such harm that is persistent, severe, or pervasive and

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objectively offensive.

- vii. Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear for their own safety or the safety of others.
- viii. Retaliation is any form of intimidation, reprisal, or harassment against an individual because they made a report of discrimination or harassment or because that individual has participated in an investigation of discrimination or harassment by or of a Triton College community member.

IV. Reporting a Complaint

To file a complaint alleging a violation of this policy, including Title IX, contact the Title IX Coordinator at:

Associate Vice President of Human Resources/Title IX Coordinator
Triton College
2000 Fifth Ave.
River Grove, IL 60171
Room P-105
(708) 456-0300

Students have the option to file a complaint online at:
www.triton.edu/titleixreportstudent

Staff and faculty have the option to file a complaint online at:
www.triton.edu/titleixreportemployee.

V. Processing Complaints

For all reports or complaints alleging “Title IX Sexual Harassment” as defined in the Title IX Sexual Harassment Grievance Procedures located in the Harassment, Discrimination, and Sexual Misconduct Guidelines, the Title IX Sexual Harassment Grievance Procedures will be used to process the report or complaint. Processing a report or complaint under the Title IX Sexual Harassment Grievance Procedures does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws.

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For all reports or complaints of discrimination or harassment on the basis of sex other than Title IX Sexual Harassment, the General Grievance Procedures in the Harassment, Discrimination, and Sexual Misconduct Guidelines will be used to process the report or complaint.

VI. Interim Measures, Supportive Measures and Accommodations

Triton College may take steps to provide interim measures and accommodations to limit the effects of the alleged harassment. Specifics of which measures may be used and in what circumstances will be dictated by the procedures outlined in the Harassment, Discrimination, and Sexual Misconduct Guidelines. Examples include:

- Class reassignment
- Academic accommodations
- Interim leave from the college
- Limitation of college sponsored activities, both on and off campus
- No Contact Directive
- Safety escorts
- Parking restrictions
- Employment reassignment
- Administrative leave with or without pay
- Other appropriate actions as necessary to stop the prohibited conduct, prevent its recurrence, and remedy its effect.

VII. Remedies

Violations of this policy may be addressed by one or more of the following outcomes:

- Written warning
- Disciplinary Action
- Conduct probation
- Restitution
- Discretionary outcomes
- Class removal
- Demotion
- Job reassignment

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- No Contact Directive
- No trespass warning
- Restriction
- Revocation of admission and/or degree
- Suspension
- Expulsion
- Termination