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Sexual harassment is a form of illegal sex discrimination which is prohibited by federal and state laws. It is the policy of Eastern Illinois University that sexual harassment of one member of the campus community by another will not be tolerated.

- [Internal Governing Policies](#)

Eastern Illinois University adheres to relevant legal definitions as well as to those applicable standards of professional behavior which have been arrived at through consensus by the academic community. Controlling current legal definitions of sexual harassment follow at the end of this policy. Students and employees are encouraged to file complaints of sexual harassment with the appropriate office - the Office of Civil Rights & Diversity/Title IX Coordinator (if an employee committed an act); or, the Office of Student Accountability & Support/Deputy Title IX Coordinator (if a student committed the act).

For purposes of this Policy any reference to "both offices" includes the Office of Civil Rights & Diversity and Office of Student Accountability & Support.

Sexual harassment is unwelcome conduct of a sexual nature, which encompasses a wide range of conduct including sexual violence. Such conduct becomes a form of illegal sex discrimination when the unwelcome conduct of a sexual nature affects an individual's employment or student's academic status; unreasonably interferes with an individual's work performance or student's academic experience; or creates an intimidating, hostile, or offensive work or educational environment. However, the university can and will address inappropriate behaviors even if those behaviors are not yet severe or pervasive.

Sexual harassment may consist of a variety of behaviors including, but not limited to, subtle pressures for sexual activity, inappropriate touching or gestures, offensive or inappropriate language or jokes (including electronic content), demands for sexual favors, cyber-bullying of a sexual nature, stalking, or sexual violence. A single incident may constitute harassment or it may be a series of unwelcome behaviors. Such conduct directed at someone of the same or opposite sex, including conduct based on sexual orientation or gender identity, is prohibited by this policy.

Beyond vigorous campus enforcement of harassment and discrimination laws, members of the university community have established high professional and ethical standards pertaining to consensual romantic/sexual relationships that address the issues of conflict of interest, abuse of power differential, and breach of professional conduct obligations. See [IGP #11 Conflicts of Interest in Employment](#) and [IGP #11.1 Consensual Relations](#).

Even if you are unsure that what you are experiencing is sexual harassment, seek assistance from the appropriate office - the Office of Civil Rights & Diversity/Title IX Coordinator (if an employee committed the act), 1011 Old Main, [217-581-5020](tel:217-581-5020), [civil@eiu.edu](mailto:civil@eiu.edu); or, the Office of Student Accountability & Support/Deputy Title IX Coordinator (if a student committed the act), Room 1515 in the Martin Luther King University Union Building, [217-581-3827](tel:217-581-3827).

It is the responsibility of faculty chairpersons, other administrators, and supervisors to inform the appropriate office about any potential instances of sexual harassment. Failure to report could itself be a violation of this policy and/or university expectations.

Although the Office of Civil Rights & Diversity/Title IX Coordinator and Office of Student Accountability & Support/Deputy Title IX Coordinator are the investigatory units for sexual harassment, you may also seek assistance from other appropriate university personnel such as deans, chairpersons, directors or supervisors (collectively responsible for notifying the appropriate office). Other resources include the Counseling Clinic within the Department of Health & Counseling Services and the Women's Resource Center.

In addition to notifying the appropriate office, students who are victims of sexual assault and/or other forms of sexual violence are strongly encouraged to report these serious crimes to the University Police Department or to the Charleston Police Department. See [Sexual Harassment includes Sexual Misconduct \(IGP #175.1\)](#) and also [Sexual Assault Information and Protocol](#). All employees, including student employees, must annually complete training on preventing discrimination and harassment (including sexual harassment).

## PROCEDURES FOR PURSUING COMPLAINTS

If you feel that you have been sexually harassed, contact the appropriate office:

### **If an employee is alleged to have committed the act: If a student is alleged to have committed the act:**

Title IX Coordinator  
Office of Civil Rights & Diversity  
[\(217\) 581-5020](tel:217-581-5020)  
1011 Old Main  
[civil@eiu.edu](mailto:civil@eiu.edu)  
<https://eiu.edu/civil/complaints.php>

Deputy Title IX Coordinator  
Office of Student Accountability & Support  
[\(217\) 581-3827](tel:217-581-3827)  
1515 Martin Luther King University Union Building  
<https://www.eiu.edu/judicial/>

For discrimination claims other than sexual harassment by a student, the Office of Civil Rights & Diversity/Title IX Coordinator is the sole investigatory body and will receive complaints according to the guidelines prescribed by the University's Discrimination Complaint Procedures ([IGP #173](#) or [175.2](#)). Sexual harassment spans a wide diversity of circumstances and often includes personally sensitive dimensions. Consequently, to the extent permitted by law, the confidentiality of information presented by all parties will be observed by the Offices of Civil Rights & Diversity/Title IX Coordinator and Student Accountability & Support/Deputy Title IX Coordinator.

The university has great respect for the privacy of the parties identified in a report or a formal complaint. Under state law, however, responsible employees who receive information of an alleged sexual misconduct must share that information with the Title IX Coordinator or Deputy Title IX Coordinator. As such, the university may need to act to maintain campus safety and must determine whether to investigate further, regardless of a request for confidentiality or request not to investigate. In making determinations regarding requests for confidentiality, a complainant's request to not investigate, dismiss or not to disclose identifying information, the Title IX Coordinator or Deputy Title IX Coordinator must deliberately weigh the rights, interests and safety of the parties and the campus community. These factors include, but are not limited to, the seriousness of the alleged incident, whether other reports have been made against the respondent, whether the incident poses risk of harms to others, and any other factor deemed relevant.

Upon receipt of a claim, the appropriate office will carry out a preliminary review of all reports of sexual harassment whether or not there is an identified complainant and whether the complainant wishes to file a formal complaint. For purposes of this policy, complainant means the individual for whom the sexual harassment occurred; respondent is the individual identified as allegedly committing the sexual harassment.

A student or an employee should come forward as soon as possible after they believe that they have experienced sexual harassment. The University will make every effort to provide assistance and will implement interim remedies to address the safety and well-being of both the complainant and the respondent prior to the outcome of an investigation and will investigate complaints in a timely manner. If determined, the University will take immediate and corrective actions to eliminate the harassment, prevent its recurrence, and address its effects.

Supportive measures will be offered as appropriate without any fee or charges. Supportive measures are non-disciplinary and non-punitive measures that do not unreasonably burden the other party. The university will maintain the confidentiality of supportive measures provided to the parties, to the extent that maintaining such confidentiality does not impair the ability of the university to provide the supportive measures.

For students, supportive measures can include housing reassignment, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, mutual restrictions on contact between the parties, change of work or housing locations, leaves of absences, and other similar measures tailored to the individualized needs of the parties.

For employees, supportive measures may include referral to Employee Assistance Program, modifications of work schedule, change of work location, leaves of absences, and other similar measures tailored to the individualized needs of the parties.

Once a complaint is received, witnesses will be interviewed and evidence will be examined and a hearing may occur. The University applies the preponderance of the evidence standard. Complainants and respondents are notified concurrently of the outcome of an investigation. Students may appeal a finding/sanction with the Vice President of Student Affairs; employees may appeal a finding/sanction with the President.

When warranted, disciplinary actions for employees who engaged in sexual harassment or retaliation may include, but are not limited to, oral or written warnings or reprimands, additional training requirements, demotion, suspension, or termination of employment. When warranted, disciplinary actions for students who engaged in sexual harassment or retaliation may include, but are not limited to, oral or written reprimands, change to "not in good standing" status, suspensions, and expulsions.

The Vice President of Student Affairs is responsible for enforcing disciplinary actions against students. For employees found in violation, their respective Vice President is responsible for enforcing disciplinary actions. Even if the conduct is not actionable, the University may take appropriate steps to ensure that potential issues affecting the climate within the workplace or academic setting are appropriately addressed. Disciplinary actions identified in this paragraph also apply to individuals who knowingly make a false report.

### **Confidential Advisors and Reporting**

Whether or not a complaint is filed, a student may also contact the University's Counseling Clinic within the Department of Health & Counseling Services and speak to a confidential advisor at any time in the Human Services Building, (217) 581-3413. The Counseling Clinic has trained counselors available to provide emergency and ongoing support to survivors of sexual violence. They can assist with questions regarding sexual assault, and they can provide information regarding available resources. Confidential reporting means that the information provided to the confidential advisor will be maintained by the advisor in confidence, and the student's name or other identifying information will not be shared with any person or department other than, in limited circumstances the University's legal counsel, unless the student consents to the disclosure of his or her name. In the event that there is substantial risk of ongoing harm to the student, the campus community or the general public, the advisor may share information only as necessary to prevent such future harm.

### **CONTROLLING FEDERAL AND STATE DEFINITIONS**

The Office of Civil Rights & Diversity has sole responsibility to investigate claims of:

1. TITLE VII -- Title VII of the Civil Rights Act of 1964 (Title VII) prohibits harassment on the basis of sex in employment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made 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, or (3) such conduct has the purpose or effect of severely or pervasively interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Quid pro quo harassment occurs when a university employee causes a student or another employee to believe that they must submit to unwelcome sexual conduct in order to participate in a university program or activity. It can also occur when a university employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

2. Illinois Human Rights Act, 775 ILCS 5

"Sexual Harassment in Higher Education" means 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 has the purpose of creating an intimidating, hostile, or offensive educational environment, or when the higher education representative either explicitly or implicitly makes the student's submission to or rejection of such conduct a basis of 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, field 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 of 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, or (12) what degree, if any, the student will receive.

Depending on the respondent (employee or student), the appropriate office may be investigate claims of TITLE IX:

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex, including sexual harassment, in education programs and activities. Under Title IX, sexual harassment is defined as:

1. unwelcome sexual advances and requests for sexual favors in employment (quid pro quo and hostile environment);
2. other unwelcome verbal, nonverbal, or physical conduct of a sexual nature, or because of someone's sex, that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education; and,
3. sexual assault, dating violence, domestic violence and stalking (as defined in the Clery Act and amended by VAWA).

by an employee, another student, or by a third party, that occurs on the campus or off-campus at a university sponsored event/activity/property including RSO property. Acts that occur outside of the US are not covered.

Illinois Preventing Sexual Violence in Higher Education, 110 ILCS 155

As adopted in the Student Code of Conduct, sexual misconduct includes sexual violence which means physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Complaints may also be filed with the Illinois Department of Human Rights and may be reviewed by the Illinois Human Rights Commission. Complainants are protected from retaliation as outlined in the Illinois Human Rights Act. To file a complaint, contact:

Illinois Department of Human Rights 35 West Jefferson St., 1st Floor Intake Unit Springfield, Illinois 62702 (217) 785-5100 (866) 740-3953 (TTY) (217) 785-5106 (fax)	Illinois Human Rights Commission 1000 E. Converse Springfield, Illinois 62702 (217) 785-4350 (217) 557-1500 (TDD) (217) 524-4877 (fax)
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Complaints may be filed with the University Ethics Officer at:

[Ethics Officer ethicsofficer@eiu.edu](mailto:ethicsofficer@eiu.edu)

Complaints may be filed with the Office of the Executive Inspector General at:

[OEIG Complaints](#)

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