



## **SEXUAL HARASSMENT**

### **Philosophy**

A working environment wherein sexual harassment of team members is permitted to foster disrespect for fellow team members and supervisors, interferes with a team members work performance, and creates and intimidating, hostile work environment. Sexual harassment can only be eliminated in a workplace when each individual takes personal responsibility for personal behaviors that fosters respect for all other team members. Sexual harassment will not be permitted in the Regional Office of Education, nor will it tolerate false or malicious accusations of sexual harassment which create an atmosphere of fear and intimidation.

### **Definition**

#### Illinois:

“*Sexual Harassment*” is defined as unwelcome sexual advances requests for sexual favors, and other verbal or physical conduct of a sexual nature.

#### Title IX:

“*Title IX Sexual Harassment*” is defined as conduct on the basis of sex that satisfies one or more of the following: (1) A ROE employee conditions the provision of an aid, benefit, or service on a individuals participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be severe, pervasive, and objectively offensive that it effectively denies a person equal access to the ROE programs and/or activities; or (3) Sexual assault, dating violence domestic violence, or stalking.

### **Responsibilities**

1. Each individual team member has the responsibility to refrain from sexual harassment in the workplace.
2. An individual team member who sexually harasses a fellow worker is liable for his/her individual conduct.
3. The harassing team member will be subject to disciplinary action up to and including discharge from employment.
4. A team member who either observes or believes himself/herself to be the object of sexual harassment is responsible to report the incident(s) to his/her immediate supervisor and/or Title IX Coordinator(s).

## Procedures

A team member who either observes or believes himself/herself to be the object of sexual harassment should communicate with the incident(s) as directly and firmly as possible to both the supervisor and the offending team member. No one making a formal or informal complaint will be retaliated against even if the complaint that was made in good faith cannot be substantiated. Any witness will also be protected from retaliation. Confidentiality will be maintained. It is important to document each incident, in detail, as it occurs. Documentation can be strengthened by written records such as letters, notes, memos and telephone messages.

The following process for making a complaint about sexual harassment must be followed:

1. Direct Communication – If there is sexually harassing behavior in the workplace the harassed team member should directly and clearly express his/her objection that the conduct is unwelcome, and request that the offending behavior stop immediately. The initial message may be verbal, written, online submission, anonymous, in-person, or 3<sup>rd</sup> person account. If subsequent messages are needed, they should be placed in writing with a copy being submitted to the offended team member's immediate supervisor and reported to the Title IX Coordinator(s).
2. Contact with Supervisory Personnel – At the same time direct communication is undertaken, or in the event the team member feels threatened or intimidated by the situation, the incidents(s) must be reported to the immediate supervisor and/or Title IX Coordinator(s). If the harasser is the immediate supervisor, the problem should be reported to the next higher level of supervisor and/or Title IX Coordinator(s). The Title IX Coordinator(s) will contact the complainant to discuss supportive measures and explain the process for filing a formal complaint.
3. Formal Written Complaint – When contact is initiated with the immediate supervisor and/or Title IX Coordinator(s), and it is determined that the complainant would like to file a formal complaint, a formal written complaint should be initiated with the Title IX Coordinator(s) on the *ROE Formal Title IX Sexual Harassment Complaint Form*. The written complaint should document all of the details of the alleged offense and must include the date(s), time(s), and location(s) of the alleged offense(s).
4. Investigation – The Title IX Investigator(s) will fully investigate the complaint and advise the complainant, alleged harasser, Title IX Coordinator, and the Title IX Decision Maker of the result of the investigation.
5. Resolution – The Title IX Decision Maker, in consultation with the investigators evidence, investigative report, statements, and any hearings as to alleged sexual harassment made in the formal complaint will determine appropriate action to be taken to alleviate the problem and initiate remedial action(s).

6. Appeal Process – If the team member(s) are dissatisfied with the decision, the decision may be appealed to the Title IX Appeal Decision-maker within ten (10) days after receipt of the decision. All appeals must be in writing. The Title IX Appeal Decision-maker will reinvestigate the complaint.

### **False and Frivolous Complaints**

False and frivolous charges refer to instances in which the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith, which cannot be proven. Given the seriousness for the accused, a false and frivolous charge is a severe offense that may itself result in disciplinary action.

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