Policy Statement: Lincoln Land Community College District 526 (the “College”) is committed to maintaining a learning and working environment that is free from all forms of discrimination and harassment based on race, color, national origin, religion, gender, age, disability, marital status, political affiliation, or sexual orientation. The College prohibits any form of discrimination, harassment, or violence in the workplace and in all academic settings or College-sponsored events. Management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent discrimination and harassment based on race, color, national origin, religion, gender, age, disability, marital status, political affiliation, or sexual orientation. Such discrimination and harassment is prohibited by Titles VI and VII of the Civil Rights Act of 1964 as amended in 1991, Title IX of the Educational Amendment of 1972, and the Illinois Human Rights Act. Retaliation for making a good faith complaint of harassment or discrimination or for participating in an investigation is also prohibited by law.

Procedure: Lincoln Land Community College (the “College”) has adopted the following procedures to promptly and fairly address concerns and complaints about discrimination or harassment based on race, color, national origin, gender, religion, age, disability, marital status, political affiliation, or sexual orientation. Complaints may be submitted informally or formally. If a complaint implicates or involves both this policy and any other College complaint or grievance policy or procedure, College administration may, in its discretion, suspend the procedures relating to other complaints or grievance policies pending completion of the complaint procedures. In addition, the Board of Trustees may suspend the following procedures when appropriate. In accordance with College policy, the following procedures will be used:
I. **Scope**

This discrimination and harassment policy applies to all members of the College community, including students, employees, visitors, volunteers, and other representatives of the College, and governs conduct by and between all such persons, whether on College property or while participating in a College-sponsored activity off campus. Under certain circumstances, this discrimination and harassment policy also applies to third parties, such as subcontractors, sales representatives, repairpersons, or vendors of the College.

II. **Rights and Responsibilities**

It is the responsibility of each individual student, employee, volunteer, or other College representative to refrain from any type of discrimination and harassment, and it is the right of each individual student and employee to learn and work in an environment free from discrimination and harassment. Any such person who discriminates against or harasses a member of the College community will be held liable for his or her individual conduct and will be subject to disciplinary action up to and including expulsion or discharge. The disciplinary action taken will depend upon the pervasiveness and/or severity of the harassing conduct and other relevant matters.

III. **Discrimination**

Racial, color, national origin, gender, religion, age, disability, marital status, political affiliation, or sexual orientation discrimination includes not only intentional discrimination based on race, color, national origin, gender, religion, age, disability, marital status, political affiliation, or sexual orientation but also practices that have the effect of discriminating against individuals because of their race, color, national origin, gender, religion, age, disability, marital status, political affiliation, or sexual orientation. For example, discrimination includes the denial or threatened denial of educational or employment opportunities or benefits where such denial or threatened denial is motivated by race, color, national origin, gender, religion, age, disability, marital status, political affiliation, or sexual orientation.

IV. **Harassment**

A. Verbal or physical conduct relating to an individual’s race, color, national origin, gender, religion, age, disability, marital status, political affiliation, or sexual orientation when:

1. The harassing conduct is sufficiently severe, persistent, or pervasive that affects a reasonable individual’s ability to participate in or benefit
from his/her education or employment or creates an intimidating, threatening, or abusive educational or employment environment;
2. The harassing conduct has the purpose or the effect of substantially or unreasonably interfering with a reasonable individual’s full enjoyment or advantage of educational or employment opportunities; or
3. The harassing conduct otherwise adversely affects a reasonable individual’s educational or employment opportunities.

B. Examples of racial, color, national origin, gender, religion, age, disability, marital status, political affiliation, or sexual orientation harassment include, but are not limited to, the following:
1. Intimidation and implied or overt threats of physical violence motivated by race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation;
2. Physical acts of aggression or assault upon another or damage to another’s property that is motivated by the individual’s race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation;
3. Depending upon the circumstances and context, demeaning jokes, taunting, slurs and derogatory nicknames, innuendos, or other negative or derogatory remarks relating to race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation;
4. Depending upon the circumstances and context, graffiti and/or slogans or visual displays such as cartoons, posters, or bumper stickers depicting slurs or derogatory sentiments directed at race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation; or
5. Criminal offenses directed at persons because of their race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation.

Harassment based on race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the College’s educational mission.

V. Education and Training

The College will take measures to periodically educate and train employees regarding conduct that could constitute a violation of this policy. All personnel are expected to participate in such education and training and to be knowledgeable concerning the College’s policy. In addition, students are expected to be knowledgeable concerning the College’s policy.
VI. General Provisions
All members of the College community, including volunteers and other College representatives, are required to comply with this policy and the procedures outlined to address complaints. In addition to the procedures outlined herein, certain discrimination and harassment complaints may be filed with the Illinois Department of Human Rights, the United States Equal Employment Opportunity Commission, or the United States Department of Education, Office for Civil Rights. Any complaint of discrimination and harassment filed under the College’s policy shall be processed, even if the complainant also files a complaint with an outside agency. The College will not tolerate retaliation against anyone who makes a complaint or participates in the complaint process.

The College will:
A. Respond to every complaint based on race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation discrimination and harassment;
B. Take action to provide remedies when such discrimination and harassment is discovered;
C. Impose appropriate sanctions on respondents in a case-by-case manner; and
D. Protect the privacy of all those involved in discrimination and harassment complaints to the extent it is possible.

VII. Reporting Suspected Discrimination and Harassment
All members of the College community, employees, and students are required to promptly report conduct that could be in violation of this policy.

Individuals who believe they may have experienced discrimination and harassment, as defined herein, or who believe that they have observed such discrimination or harassment taking place are to report this information immediately to one of the following reporting officials:

A. Equal Opportunity Compliance Officer;
B. Associate Vice President-Human Resources; or
C. Vice President-Student Services

Reports and complaints, whether informal or formal, received by the Associate Vice President-Human Resources or the Vice President-Student Services must in turn be immediately reported to the Equal Opportunity Compliance Officer unless such reporting would result in a conflict of interest. The names and telephone numbers of the individuals holding the positions of the Equal Opportunity Compliance Officer, Associate Vice President-Human Resources and the Vice
President-Student Services shall at all times be posted in the locations set forth at the end of this procedure in Section XVII.

VIII. **Investigation of Complaints**

Unless otherwise provided herein, investigation of discrimination and harassment complaints shall be the responsibility of the Equal Opportunity Compliance Officer (the “investigator”). The President has the authority to appoint an alternate investigator as circumstances require and in the President’s sole discretion. The procedures outlined herein shall still control in the event an alternate investigator is appointed under any provision of this policy.

Complaints shall be addressed as confidentially as possible, considering the specific circumstances of the allegations, to protect the rights of both the complainant and the person accused (the “respondent”). The investigator may gather information from any sources deemed necessary in an effort to fully investigate and resolve the complaint.

Investigator Conflict of Interest: The complainant, respondent, and/or the investigator may allege that the investigator has a substantial conflict of interest. In that event, details supporting the alleged conflict of interest must be submitted in writing to the President within five (5) business days of the date the person alleging the conflict has notice of the investigator’s identity. The President will determine whether a conflict of interest may exist, and, if so, the President shall appoint an alternate investigator in an expeditious manner. The President’s decision is final. In the event a request for an alternate investigator is made and/or an alternate investigator must be appointed, the specific timelines provided herein shall be suspended pending that appointment.

IX. **Informal Complaint Process**

Individuals who feel they have been discriminated against or harassed, as defined herein, may desire to resolve their complaints informally (i.e., without formal disciplinary action being taken against the accused individual and without the formal investigatory process). Informal complaints are not required to be made in writing. An example of an informal complaint resolution is one where the complainant requests only that an appropriate college official counsel the accused individual to cease and desist the alleged conduct, and requests no other specific action(s) be taken against the accused.

Persons making informal complaints of discrimination and harassment agree and understand that no formal disciplinary action may be taken against the respondent
based on an informal complaint. If the complainant chooses, he/she may at any time prior to the resolution of the informal complaint amend the informal complaint to a formal complaint.

If the respondent elects not to participate in resolving an informal complaint, the nonparticipation will not be considered as damaging evidence and will not change or waive the College’s responsibility to investigate and to make decisions based on available information.

The investigator may, if circumstances warrant, request that the respondent’s immediate supervisor counsel him/her regarding the alleged conduct, and/or may recommend counseling, training, education, and/or other non-disciplinary actions be implemented or undertaken. Attempts to resolve an informal complaint will be completed within thirty (30) business days from the date of receipt of the complaint by the investigator. The complainant and the respondent will be informed in writing of the outcome of the informal process.

The College will attempt to balance the wishes of a complainant who does not want to file a formal complaint with the College’s responsibility to respond to serious allegations and take prompt, appropriate corrective action. A complainant who chooses not to proceed with a formal complaint shall be asked to state that preference in writing.

X. Formal Complaint Process

A. Filing a Complaint

Formal complaints must be delivered by the complainant to one of the three reporting officials listed. The formal complaint must be filed as soon as possible after the alleged incidents occur or after attempts to resolve the situation informally have been unsuccessful.

The formal complaint must be in writing, signed by the complainant, and shall include the following information:

1. Details concerning the incidents or conduct giving rise to the complaint;
2. Dates and locations of incidents;
3. Names of any witnesses to the alleged incidents or conduct; and
4. Action requested to resolve the complaint and prevent future violations of the policy.
B. Notifying the Respondent/Supervisor

The respondent will be provided with a copy of the complaint by the investigator within five (5) business days of the investigator’s receipt of said complaint. The investigator will notify the supervisor of the respondent (if the accused is an employee) or the Vice President-Student Services (if the accused is a student) and other appropriate College administrative officials regarding the complaint, in order that appropriate temporary and/or remedial actions may be taken during the investigation (i.e., temporary reassignment, investigatory leave of absence, etc.).

C. Investigative Process

The respondent, or designee, will be required to submit a written response to the complaint within five (5) business days of receipt of complaint, a copy of which will be provided to the complainant by the investigator.

The investigator will interview the complainant and the respondent, may also interview witnesses, supervisors, and/or any other persons who may have information about the alleged incident, and may review personnel and other records relevant to the complaint. The complainant and the respondent shall be permitted to suggest witnesses and/or other evidence, which shall be considered by the investigator.

D. Reporting of Investigative Findings

Within thirty (30) business days of receiving the formal written complaint, the investigator will assess whether a violation of the policy has occurred and will submit findings in writing to the complainant, the person accused, and appropriate College administrative officials.

*If the investigator finds by a preponderance of the evidence that the alleged discrimination or harassment has occurred,* the investigator shall specifically notify the respondent, the immediate supervisor (if the accused is an employee), the Vice President-Student Services (if the accused is a student), the Vice President-Academic Services or Vice President-Workforce Development and Community Education (if the accused is a faculty member...
or student), the Associate Vice President-Human Resources (if the accused is a staff member), and the President.

When the investigator finds that the alleged discrimination or harassment has occurred, the supervisor of the respondent (if the accused is an employee) or the Vice President-Student Services (if the accused is a student) and other appropriate College administrative officials shall be responsible for acting on the findings of the investigator.

XI. Disciplinary Action

In accordance with College disciplinary policies and procedures, the supervisor (if the accused is an employee) or the Vice President-Student Services (if the accused is a student) shall consult with the appropriate College administrative officials regarding formal disciplinary actions to be taken against the accused.

In making a decision regarding discipline, appropriate College administrative officials shall consider properly established records of previous conduct and the seriousness of the violation. A complaint made more than six (6) months after the alleged incident shall not be the basis for formally disciplining any person accused of discrimination or harassment. However, where there are allegations of discrimination or harassment made within the six (6) month period and a pattern or practice of discrimination or harassment exists or prior complaints of discrimination or harassment have been confirmed, the appropriate College administrative officials shall consider the totality of information in determining appropriate discipline. The appropriate College administrative officials may review any part of the investigative records.

Appropriate discipline for employees may range from oral reprimand up to and including termination/dismissal for cause or any other appropriate remedial action. Appropriate discipline for students may range from oral reprimand up to and including suspension and expulsion or any other appropriate remedial action.

Within ten (10) business days of receiving the investigator’s findings, the supervisor (if the accused is an employee) or the Vice President-Student Services (if the accused is a student) and other appropriate College administrative officials shall meet with the respondent to discuss the findings and recommendations for appropriate disciplinary action.

Both the respondent and investigator will be notified in writing of the disciplinary decision. The investigator will, in turn, notify the complainant regarding the
resolution of the complaint, what corrective action, if any, will be taken, and/or, in
general, whether any discipline will be imposed.

XII. Confidentiality

Reasonable effort will be made to protect the privacy of all those involved in
discrimination and harassment complaints to the extent it is possible. Disclosure
of information regarding a complaint and investigation will be limited to those
people who have a legitimate reason to know in the discretion of the investigator.
All individuals involved in the investigation of complaints are expected to make
such reasonable effort.

XIII. Retaliation

The College prohibits retaliation against individuals because they have opposed
conduct that they reasonably and in good faith believe to be discrimination or
harassment based on race, color, national origin, gender, religion, age, disability
marital status, political affiliation, or sexual orientation. The College further
prohibits retaliation against individuals because they have in good faith made a
charge or filed a complaint regarding such discrimination or harassment or
because they have participated in the investigatory process regarding such
discrimination or harassment. A person adjudged to have engaged in retaliatory
conduct shall be subject to disciplinary action as otherwise provided by Board
policy.

XIV. False Accusation

Any person making a knowingly false accusation regarding discrimination and
harassment will be subject to disciplinary action as otherwise provided by Board
policy.

XV. Appeal of Formal Complaint Resolution / Disciplinary Action

A. Filing an Appeal

Either the complainant or respondent may file an appeal of any decision
concerning the resolution of the complaint. An appeal by either party must be
made in writing and delivered to the President’s Office in Menard Hall within
five (5) business days of receipt of the notice of resolution/disciplinary
decision.

The written appeal must state in detail the reason(s) for the appeal and shall
address one or more of the following:

1. If the appeal alleges the findings of the investigator included relevant
factual errors or omitted relevant facts, the appeal shall specify each and
every alleged factual error, and/or details of each and every relevant fact that was omitted from the investigation;

2. If the appeal alleges substantive procedural errors, the person appealing shall identify each and every instance of said substantive procedural error;

3. If the appeal alleges relevant and substantive issues or questions concerning interpretation of College policy, the person appealing shall state, in detail, the issues/questions supporting this allegation;

4. If the appeal alleges new information or evidence, the person appealing shall specify the reasons why said information was not available or provided to the investigator during the investigation, including specific reasons why said information could not have been provided on a timely basis; and/or

5. If the appeal alleges either that the action(s) or inaction(s) of the supervisor and/or other appropriate College administrative officials in response to the findings of the investigator will not prevent future violation(s) of this policy, the person appealing shall specify, in detail, the reasons and basis for this belief/allegation.

No disciplinary or other action based on the complaint shall be taken against the respondent during the appeal process, although temporary, interim measures may remain in place. As indicated herein, the College, in its discretion, may at any point in the complaint process elect to place the respondent on suspension in accordance with Policy 8.7, for employees, or Policy 5.37, for students, or implement a temporary reassignment of duties or classes.

B. Appeal Committee

Appeals shall be submitted to an Appeal Committee whose members shall be selected and appointed by the President.

C. Member Appointments

Both the complainant and the respondent shall be provided with an opportunity to submit written objections within a specific time period to the appointment of any Committee member on the basis of that member’s inability to act impartially. If the President determines that a Committee member cannot act impartially, then an alternate appointment shall be made. The Committee shall be appointed in a timely manner, considering all relevant circumstances. The President’s decision regarding Committee appointments is final.

D. Hearing /Committee Recommendation

The Committee will conduct a formal hearing and will allow the complainant and the respondent (“the parties”) to present information that, in the
Committee’s discretion, is relevant to the allegations. If the appeal involves allegations described in Section XV(A)(5), the Committee will likewise consider the statement(s) of the supervisor and/or other appropriate College administrative officials. The Committee shall have sole discretion regarding the personal appearance of any witness, whether to consider only the parties’ statements and review only the written record, or any other matter regarding the conduct of the hearing. The hearing will not be considered a judicial hearing, but rather an internal hearing at which the complainant and the respondent are present. Any party may be accompanied by legal counsel during the Committee hearing at such party’s own expense. The formal hearing shall be recorded and transcribed.

The Committee’s deliberations shall be closed to all persons other than the Committee members and shall not be audio taped. The Committee’s recommendation will be determined by a simple majority vote, shall be in writing, and shall be delivered to the President. It may be accompanied by a minority opinion. The appeal will be conducted and completed in an expeditious manner, considering all the circumstances.

Reasonable effort will be made to protect the privacy of all those involved in the Appeal Committee process to the extent it is possible. All individuals involved in the appeal process are expected to make such reasonable effort.

E. President’s Review and Recommendation

The President shall review the recommendation and may either affirm, amend, or return the recommendation for further deliberation and recommendation by the Committee. The President’s review and decision will be conducted in an expeditious manner, considering all the circumstances, and will be reported to the complainant, the respondent, the immediate supervisor (if the accused is an employee), the Vice President, Student Services (if the accused is a student), the Vice President, Academic Services or Vice President, Workforce Development and Community Education (if the accused is a faculty member or student), the Associate Vice President, Human Resources (if the accused is a staff member), and the investigator.

XVI. Written Record of Complaints, Investigations, and Resolutions/Decisions

Written records of complaints will be marked “CONFIDENTIAL” and will be retained in a separate and secure (locked) file in the Equal Opportunity Compliance Office. Records shall be retained as required by law.

Written records relating to a finding that discrimination or harassment based on race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation has occurred may be placed in an accused
employee’s official personnel file or an accused student’s official college file and may include:

1. Any document that has been mutually agreed to by the College and the person accused of discrimination or harassment;
2. A letter issued by the supervisor and/or other appropriate College administrative officials to the accused person at the conclusion of a formal investigation, which notifies the accused of actions, decisions, and/or other recommendations concerning the complaint; and/or
3. A settlement agreement between the parties.

XVII. Dissemination of Policy/Procedures

The policy and accompanying procedures will be made available to all employees and students. Periodic notices sent to students and employees about the College’s race, color, national origin, gender, religion, age, disability marital status, political affiliation, or sexual orientation discrimination and harassment policy will include information about the complaint procedure and will refer individuals to designated offices/officials for additional information.

A. Identification of Reporting Officers

1. Main Campus, Springfield, Illinois
   The current identities, office locations, and telephone numbers of the Equal Opportunity Compliance Officer, the Associate Vice President-Human Resources, and the Vice President-Student Services shall be posted outside the Human Resources office, Room 1217, Menard Hall and the Student Life office, Lower Level, Menard Hall.
2. LLCC-Jacksonville
   The current identities, office locations, and telephone numbers of the Equal Opportunity Compliance Officer, the Associate Vice President-Human Resources and the Vice President-Student Services shall be posted in the lobby.
3. LLCC-Beardstown
   The current identities, office locations, and telephone numbers of the Equal Opportunity Compliance Officer, the Associate Vice President-Human Resources and the Vice President-Student Services shall be posted in the lobby.
4. LLCC-Taylorville
   The current identities, office locations, and telephone numbers of the Equal Opportunity Compliance Officer, the Associate Vice President-Human Resources and the Vice President-Student Services shall be posted in the Faculty Lounge and Student Lounge.
5. LLCC-Litchfield
The current identities, office locations, and telephone numbers of the Equal Opportunity Compliance Officer, the Associate Vice President-Human Resources and the Vice President-Student Services shall be posted in the lobby.

6. **LLCC-Hillsboro**
   The current identities, office locations, and telephone numbers of the Equal Opportunity Compliance Officer, the Associate Vice President-Human Resources and the Vice President-Student Services shall be posted in the lobby.

7. **Capital City Training Center, Springfield, Illinois**
   The current identities, office locations, and telephone numbers of the Equal Opportunity Compliance Officer, the Associate Vice President-Human Resources and the Vice President-Student Services shall be posted in the open area of the CCTC staff offices.

B. If any student or employee is unable to obtain the listings referenced in Section XVII(A), please contact the President’s office at (217) 786-2273. The President’s office is located in the mezzanine, Menard Hall, Lincoln Land Community College, Main Campus, 5250 Shepherd Road, P.O. Box 19256, Springfield, IL 62794-9256.