

COLUMBIA COLLEGE CHICAGO ANTI-DISCRIMINATION & HARASSMENT POLICY

Section I. Statement of Policy

Columbia is committed to maintaining an environment that respects the dignity of all individuals. Accordingly, Columbia will not tolerate harassment or discrimination based on religion, race, sex, sexual orientation, gender identity or expression, national origin, age, disability, ethnicity, or any other category protected by law by or of its students, faculty, or staff. This conduct may also be illegal under state, local, and federal law. To the extent practicable, Columbia will attempt to protect the Columbia community from harassment and/or discrimination by vendors, consultants, and other third parties who interact with the Columbia community. Columbia is promulgating this policy to reaffirm its opposition to harassment and discrimination and to emphasize that learning opportunities and employment opportunities must not be interfered with by such behavior.

No member of the Columbia community shall engage in discrimination or harassment in any program, activity, or place over which Columbia exercises control. It is expected that every member of our community will take responsibility for refraining from any form of discrimination or harassment, reporting any incident that is made known, cooperating in preventing such behavior, and assisting with corrective measures when, despite Columbia's serious commitment, these acts occur.

Recipients of discrimination or harassment often fear reprisals for reporting such conduct. To address this concern, Columbia will investigate any allegation of retaliation for reporting or assisting in the investigation of a complaint of any form of discrimination or harassment.

Columbia will discipline those found to have engaged in retaliation. The purpose of this policy is to:

- prevent harassment, discrimination, and sexual assault
- prohibit harassment, discrimination, and sexual assault
- encourage good faith complaints if such conduct has occurred
- provide multiple options for addressing and resolving complaints of harassment, discrimination, and sexual assault

Columbia will attempt to take prompt corrective action against any harassment or discrimination by or of its students, faculty, or staff. This policy is designed to encourage persons who believe that they have been harmed by discrimination or harassment to bring the conduct to the attention of appropriate individuals within Columbia so that the College can take prompt corrective action. All managers/supervisors are directed to implement the procedures outlined in this policy.

All complaints will be taken seriously, and no one reporting harassment or discrimination will suffer retaliation or reprisal by the College. Complaints of harassment and/or discrimination will be treated in confidence to the extent feasible, given the need to conduct a thorough investigation and to take corrective action. If it is determined through an appropriate and prompt investigation that harassment or discrimination has occurred, effective corrective action will be taken to stop the conduct and to attempt to ensure that it does not reoccur. Depending on the circumstances and the severity of the conduct, corrective action could range from an oral/written warning to dismissal or expulsion.

As used in this Policy, the “Complainant” means an individual who is alleged to be the victim of conduct that could constitute discrimination or harassment. The “Respondent” refers to an individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.

Coordination of Sexual Harassment Policies

Pursuant to Title IX of the Education Amendments of 1972 and its implementing regulations, the College does not discriminate on the basis of sex in its education programs or activities (including, without limitation, in admissions and employment). The Title IX Sexual Harassment Policy & Procedures (“Title IX Policy”) is attached as Appendix A and incorporated into this Policy.

Sexual harassment that is connected to the College’s operations but is outside the scope of the Title IX Policy (such as inappropriate behavior occurring during a Study Abroad Program or in a private residence, or offensive acts that are unwelcome but are not so severe, pervasive, and objectively offensive that they constitute Sexual Harassment as defined by Title IX), will be governed by Section VIII of this Policy or the Student Sexual Misconduct Policy & Procedures (the “Student Sexual Misconduct Policy”), attached as Appendix B.

The Student Sexual Misconduct Policy, attached as Appendix B, addresses unwelcome sexual behavior perpetrated **by students** that is inconsistent with the College’s educational mission but outside the scope of the Title IX Policy. Specifically, the Student Sexual Misconduct Policy contains Grievance Procedures (defined and explained in [Section XIV](#) of Appendix B) that provide for prompt and equitable resolution of any allegation of “Sexual Misconduct” (a type of Sexual Harassment as defined in the Student Sexual Misconduct Policy) not covered by the Title IX Policy that is (A) made against a student by another student, College employee, or third party and (B) related to or made in the context of the College’s academic, educational, extracurricular, athletic, or other programs and activities. The College designed these procedures to end the Sexual Misconduct, eliminate any resulting hostile environment, remedy any other effects, and prevent the Sexual Misconduct from reoccurring. The Student Sexual Misconduct Policy applies to all Columbia faculty, staff, students, as well as to third parties, regardless of sexual orientation or gender identity.

[Section V\(B\)\(3\)](#) of this Anti-Discrimination & Harassment Policy addresses unwelcome sexual behavior perpetrated **by employees** that is inconsistent with the College’s educational mission but outside the scope of the Title IX Policy. Specifically, this Policy contains investigation procedures for allegations of sexual harassment, defined in Section V(B)(3) below, not covered by the Title IX Policy that are (A) made against a College employee or third party by a student, College employee, or third party and (B) related to or made in the context of the College’s academic, educational, extracurricular, athletic, or other programs and activities.

The Title IX Coordinator is responsible for determining the applicability of the foregoing policies. Any inconsistencies among the policies will be resolved by giving precedence in the following order: 1) Title IX Sexual Harassment Policy and Procedures; 2) Student Sexual Misconduct Policy; and 3) this Anti-Discrimination and Harassment Policy.

Section II. Responsibilities of Community Membership

It is the responsibility of each Columbia community member to be knowledgeable about discrimination and harassment, its negative impact, and the means by which it can be effectively addressed. Every member has a role in the implementation of this policy. All members of the Community who serve in a

supervisory capacity, such as deans, managers, directors, chairs, and administrators are responsible for reporting all complaints of harassment or discrimination to the appropriate office as outlined below. A person who engages in discrimination or harassment must reform his or her behavior or be subject to disciplinary action up to and including termination or expulsion from Columbia. A person who witnesses or learns of any form of discrimination or harassment is expected to cooperate in Columbia's efforts to address this conduct.

Section III. Academic/Artistic Freedom

Academic/artistic freedom protects the presentation and discussion of ideas and artistic works. It does not include demeaning or intimidating individuals because of a personal characteristic.

In considering what are appropriate statements or conduct, a faculty member should consider 1) whether the statements or conduct advance a valid educational objective related to the subject matter of the academic experience, and 2) whether they are made or occur in an academically appropriate manner as part of a valid educational objective. Similarly, while in the normal course of student-faculty exchange it may sometimes be of value to discuss or present a controversial matter or experience that has no direct relation to the immediate academic subject; nevertheless, the faculty member must also be cognizant that under Columbia's Academic Freedom Policy he or she may not have a right to discuss such a matter.

Section IV. Consensual Relations

A faculty member is expected to adhere to his or her proper role as an intellectual or artistic guide and avoid any exploitation of his or her students. Additionally, a faculty member has the responsibility to ensure that his or her evaluation of students reflects the true merit of each student. Because it may easily involve or appear to involve a conflict of interest, an amorous or sexual relationship between a faculty member and a student entails serious ethical concerns when the faculty member has professional responsibility for the student, such as when the student is in the faculty member's class.

Therefore, faculty members or other instructional staff shall not initiate, pursue, or be involved in any amorous or sexual relationship with any student whom they are in a position to evaluate or supervise by virtue of their teaching, research, or administrative responsibilities. Such a relationship is a violation of this policy, and consent by a student to such a relationship will not be a defense against a later sexual harassment charge by the student.

Likewise, a supervisor shall not initiate, pursue, or be involved in any amorous or sexual relationship with any subordinate employee. A supervisor will be prohibited from assessing, determining, or influencing another person's employment, performance progress or potential, entitlement to or eligibility for institutionally conferred rights, benefits, or opportunities with an individual with whom the supervisor has or has had an intimate relationship. Such a relationship is a violation of this policy, and consent by the subordinate employee to such a relationship will not be a defense against a later sexual harassment charge by the subordinate employee.

Section V. Definition of Discrimination

Discrimination is unequal favorable or unfavorable treatment of an individual based on race, national origin, ethnicity, sex, age, disability, religion or sexual orientation and gender identity or expression. It can include the failure to recognize the contributions of work in class; the failure to provide appropriate academic support; or inequities in salary, benefits, accommodations, office space, hiring, promotion; or

appointment to college-wide committees and to administrative roles on the basis of the above outlined protected characteristics.

A) Definition of Discriminatory Harassment

Discriminatory harassment is physical conduct or other expressive behavior that has the purpose or effect of interfering with an individual's work or academic performance or creates an intimidating, hostile, or abusive environment and that is based upon the individual's characteristics of race, national origin, ethnicity, sex, age, disability, religion, or sexual orientation and gender identity or expression.

Discriminatory harassment includes but is not limited to invectives; threats; slurs; epithets; pranks; teasing; taunting; and other conduct or expressive behavior that tends to belittle, degrade, demean, deride, disparage, ridicule, or threaten a person on the basis of the foregoing characteristics. It is in the nature of a personal attack that injures a specific individual, as distinguished from the civil expression or discussion of an offensive idea.

Not all situations in which an individual is offended or uncomfortable will be violations of this policy. Personality clashes, clashes of beliefs or lifestyles alone will not be violations of this policy nor will conduct that reflects socially and academically acceptable comradeship.

B) Definitions of Sexual Harassment

Sexual harassment is one form of discriminatory harassment. Sexual harassment is defined as follows:

1. Title IX Sexual Harassment

Title IX Sexual Harassment means conduct on the basis of sex (including, without limitation, conduct based on gender identity – perceived or actual – or gender stereotypes) that satisfies one or more of the following:

- a. An College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (“quid pro quo harassment”);
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s Education Program Or Activity; or
- c. “Sexual Assault” as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#) and subject to this Policy’s definition of “Consent,” “Dating Violence” as defined in [34 U.S.C. 12291\(a\)\(10\)](#), “Domestic Violence” as defined in [34 U.S.C. 12291\(a\)\(8\)](#), or “Stalking” as defined in [34 U.S.C. 12291\(a\)\(30\)](#).

For further details regarding the definition of Sexual Harassment pursuant to Title IX, please see [Appendix A, Section X](#).

For options for immediate emergency assistance following an incident of Sexual Assault, Dating Violence, or Domestic Violence, please see [Appendix A, Section III](#).

2. Sexual Harassment (Student Respondent)

For the definition of sexual harassment outside the scope of the of Title IX Policy, when the Respondent is a student, please see [Section XIII](#) of the Student Sexual Misconduct Policy & Procedures attached as Appendix B.

3. Sexual Harassment (Employee Respondent)

For sexual harassment outside the scope of the Title IX Policy, when the Respondent is an employee, sexual harassment is defined as follows:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or sexually oriented conduct when:

- a. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or academic experience; or
- b. An employment or academic decision affecting an employee or student is made based on that individual's acceptance or rejection of such conduct; or
- c. A pattern of unwelcome verbal or physical conduct of a sexual nature is directed toward another that unreasonably interferes with that individual(s)' work or class performance or creates an intimidating, hostile, or abusive working or learning environment.
- d. Such conduct constitutes "sexual misconduct" as defined in the Chicago Human Rights Ordinance, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

Examples of behavior that may constitute sexual harassment include, but are not limited to, the following: unwelcome verbal or physical advances of a sexual nature; requests or subtle pressure, overt or implied, for sexual favors; abusive or threatening behavior directed at a person; remarks, jokes, comments, or observations of a sexual nature that demean or offend individuals on the basis of their sex, provided, however, that such expressions will not be considered sexual harassment if uttered for a valid academic purpose; gestures or other nonverbal behavior of a sexual harassment if based upon a valid academic purpose; and display or distribution of offensive materials of a sexual nature, provided, however, that such expressions will not be considered sexual harassment if used for a valid academic purpose.

Pursuant to the Chicago Human Rights Ordinance, sexual harassment and retaliation for reporting sexual harassment is illegal in the City of Chicago. Employees are required to participate in sexual harassment training annually pursuant to the Chicago Human Rights Ordinance and the Illinois Human Rights Act. Such training is facilitated by Human Resources.

Section VI. Sanctions

A single violation of this policy may result in a disciplinary action, including termination or expulsion from Columbia. Sanctions may also include suspension (with or without pay in the case of faculty or staff), reprimand, reassignment, and/or mandatory education or counseling.

Section VII. Retaliation; False Statements

It is a violation of this policy to retaliate in any way against someone who has complained about discrimination or discriminatory harassment, participated in any manner in proceedings under this policy, or opposed the alleged discrimination or discriminatory harassment. Retaliation subjects the

retaliator to disciplinary sanctions. Allegations of retaliation shall be investigated under section VIII of this Policy.

Knowingly making false allegations of discrimination or discriminatory harassment or providing evidence with the knowledge that it is false is also a violation of Columbia's policy and will subject a person to disciplinary action up to and including termination or expulsion.

Section VIII. Procedures Addressing Discrimination and Harassment

The following procedures are designed to provide flexibility in reporting for the person complaining of the discrimination or discriminatory harassment while balancing the interests of the accused party and Columbia's need to obtain the information necessary to resolve these issues in its community.

A) Reporting and Investigations of Sexual Harassment

1. Reporting Sexual Harassment

Individuals, whether students, employees, or third parties, may report all types of sex discrimination (including sexual harassment) and related retaliation to the College by following the On-Campus Option for Reporting Sexual Harassment in Section XI of the Title IX Sexual Harassment Policy (Appendix A), regardless of which policy is applicable. The Title IX Coordinator is responsible for determining which policy applies to any complaint of sexual harassment.

In addition to the internal reporting methods in Appendix A, employees may file charges of sexual harassment with the government agencies listed below:

Chicago Commission on Human Relations, 740 N. Sedgewick, 4th Floor, Chicago, IL 60654, (312) 744-4111, cchr@cityofchicago.org

Illinois Department of Human Rights, 555 W. Monroe Street, Suite 700, Chicago, IL 60661, (312) 814-6200, (312) 740-3953 (TTY)

U.S. Equal Employment Opportunity Commission, Chicago District Office, 230 S. Dearborn Street, Suite 1866, Chicago, IL 60604, (312) 872-9744, (866) 740-3953 (TTY)

2. Investigations of Sexual Harassment

a. Allegations of Title IX Sexual Harassment.

Allegations of Sexual Harassment as defined by Title IX are investigated pursuant to the Title IX Policy, Appendix A.

b. Allegations of Sexual Harassment (Student Respondent).

Allegations of sexual harassment outside the scope of the Title IX Policy where the Respondent is a student are investigated pursuant to the Student Sexual Misconduct Policy in Appendix B.

c. Allegations of Sexual Harassment (Employee Respondent).

Allegations of sexual harassment outside the scope of the Title IX Policy where the Respondent is an employee are investigated pursuant to [Section VIII\(B\)\(2\)](#) of this Policy.

B) Reporting and Investigating Other Discrimination & Harassment

Any Columbia student, staff, faculty member, guest, or any other nonstudent or nonemployee who believes that he or she is being or has been subjected to discrimination or discriminatory harassment has informal and formal options, which are not exclusive of one another or mandatory. However, a person's selection of an option will affect Columbia's ability to respond to the discrimination or discriminatory harassment. In addition, the timeliness of reporting an incident is often critical to appropriate action and resolution.

Columbia is committed to a prompt and thorough investigation and resolution when its procedures are used. The parties shall have equal opportunity to submit evidence and suggest witnesses to be interviewed as part of the investigation. Those persons responsible for consulting about, investigating, and resolving complaints of discrimination or discriminatory harassment will make reasonable efforts to protect the privacy of both the Complainant and the Respondent. As required by Title IX, this Anti-Discrimination & Harassment provides for a prompt and equitable resolution to any complaints by employees or students alleging sex discrimination against a person in the United States.

1. Procedures for Student Complainants

a. Informal Remedy

Columbia encourages student subjected to discrimination or discriminatory harassment to talk directly with the alleged discriminator or harasser if the person subjected to discrimination or discriminatory harassment feels comfortable doing so. If direct communication is selected, the person should tell the alleged discriminator or harasser to stop his or her behavior as soon as the behavior occurs and make it clear that the behavior is unwelcome. The person then should share this information with the Office of Human Resources, Dean of Students' Office, a faculty member, the Residence Life staff, a counselor, an advisor, or any Columbia supervisor so the situation can be monitored.

b. Formal Remedy

A complaint of discrimination or discriminatory harassment can be made either orally or in writing to the Office of Human Resources, Dean of Students' Office, a faculty member, the Residence Life staff, a counselor, an advisor, or any Columbia supervisor. All members of the community who serve in a supervisory capacity, such as deans, managers, and chairs, are responsible for reporting all complaints of Sexual harassment involving a student complainant to the Title IX Coordinator and all other complaints of discrimination or discriminatory harassment involving a student complainant to the Office of Human Resources. A complainant is encouraged to make a written complaint as it may increase the College's ability to take appropriate action to stop the alleged discrimination or discriminatory harassment. A complaint should be as specific as possible, providing the name of the injured party; the name of the alleged discriminator or harasser; a chronology of the events that constitute the behavior, detailing dates, places, and times; a description of the behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior.

Whether the complainant wishes to proceed with the investigation or not, a formal investigation of the complaint will be undertaken. The process is confidential to the extent possible and applies to the accused wrongdoer, the complainant, and witnesses. In the course of the investigation, however, absolute confidentiality cannot be guaranteed. Except

as provided otherwise herein, if the alleged conduct appears to violate both this Anti-Discrimination and Harassment Policy and another Columbia policy, such as the student code of conduct, this policy will take precedence over the competing policy.

However, any sanction to be imposed against a tenured faculty member shall be subject to the procedures outlined in the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process.

2. Procedures for Faculty and Staff Complainants

a. Informal Remedy

Columbia encourages any employee or third party subjected to discrimination or discriminatory harassment to talk directly with the alleged discriminator or harasser if the person subjected to discrimination or discriminatory harassment feels comfortable doing so. If direct communication is selected, the person should tell the alleged discriminator or harasser to stop his or her behavior as soon as the behavior occurs and make it clear that the behavior is unwelcome. The person then should share this information with the Office of Human Resources or with anyone who serves in a supervisory capacity, such as a dean, manager, director, chair, or administrator, so that the situation can be monitored.

b. Formal Remedy

A complaint of discrimination or discriminatory harassment can be made either orally or in writing to any Columbia supervisor. All members of the community who serve in a supervisory capacity, such as deans, managers, directors, chairs, and administrators, are responsible for reporting all complaints of discrimination or discriminatory harassment involving an employee complainant or a third-party complainant to the Office of Human Resources. A complaint of discrimination or discriminatory harassment can be made either orally or in writing. A complainant is encouraged to make a written complaint as it may increase the College's ability to take appropriate action to stop the alleged discrimination or discriminatory harassment. A complaint should be as specific as possible providing the name of the injured party; the name of the alleged discriminator or harasser; a chronology of the events that constitute the behavior, detailing dates, places, and times; a description of the behavior; and the names of any witnesses to the behavior or persons with knowledge of the behavior.

Whether the complainant wishes to proceed with the investigation or not, a formal investigation of the complaint will be undertaken. The process is confidential to the extent possible and applies to the accused wrongdoer, the complainant, and witnesses. In the course of the investigation, however, absolute confidentiality cannot be guaranteed. Except as provided otherwise herein, if the alleged conduct appears to violate both this Anti-discrimination and Harassment policy and another Columbia policy, such as the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process, this policy will take precedence over the competing policy. However, any sanction to be imposed against a tenured faculty member shall be subject to the procedures of the Statement of Policy on Academic Freedom, Faculty Status, Tenure, and Due Process.

The College reserves the right to modify or amend the Anti-Discrimination and Harassment Policy at any time.