

CITY COLLEGES OF CHICAGO EQUAL OPPORTUNITY AND TITLE IX POLICY

Revised August 2024

POLICY STATEMENT

City Colleges of Chicago (“CCC”) is strongly committed to ensuring that its learning and work environments are free of discrimination and harassment, which includes sexual harassment. CCC has a zero-tolerance policy against all forms of discrimination or harassment. CCC will stop, remedy, and prevent the recurrence of discrimination or harassment through the enforcement of this policy. The Board of Trustees of the City Colleges of Chicago (“Board”) prohibits unlawful discrimination or harassment with respect to hire, terms and conditions of employment, continued employment, admissions, or participation in Board programs, services, or activities (regardless of whether such programs, services, or activities occur on CCC property) on the basis of race, color, national origin, ethnicity, sex, gender, gender identity, age, religion, citizenship status, sexual orientation, sex stereotypes, sex characteristics, marital, family or parental status, pregnancy, order of protection status, disability, genetic information, military status, or status of a member of any other protected class under federal, state, or city law. As a public community college district, CCC adheres to federal, state, and city laws and regulations regarding non-discrimination. Should any federal, state, or city law or regulation be adopted that prohibits discrimination based on characteristics not included in this policy, discrimination on those additional bases will also be prohibited by this policy.

Prohibited harassment under this policy includes, but is not limited to using racial or ethnic slurs; making religious, ethnic, or gender-specific jokes; distributing offensive cartoons or figures; spreading sexual rumors; or other conduct which interferes with the individuals’ work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment.

CCC reserves the right to take whatever measures it deems necessary in response to an allegation of discrimination and harassment in order to protect the rights and personal safety of students, employees, and other members of the CCC college community. Such measures include, but are not limited to, interim suspension from campus pending a hearing and reporting the matter to local law enforcement. Not all forms of discrimination and harassment will be deemed to be equally serious offenses, and CCC reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. CCC will consider the concerns and rights of both the complainant and the respondent.

As a recipient of federal funding, CCC is required to comply with Title IX of the Education Amendments of 1972, U.S.C. §1861 et. seq. (“Title IX”). Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities.

The Equal Opportunity (“EEO”) Office is responsible for investigating all equal opportunity concerns of CCC employees, applicants for employment, students, applicants for admission, or any other person. These equal opportunity concerns include complaints of discrimination, harassment, hostile work or learning environment, retaliation, intimidation, sexual misconduct, and failure to accommodate due to religion or disability. The Title IX Director is located within the EEO Office.

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Any questions regarding EEO or Title IX may be referred to the EEO Office, by mail, by email, by phone, or via the Online Complaint Form:

- EEO Office: 180 N. Wabash Avenue, Suite 200, Chicago, IL 60601
- Email: eeofficer@ccc.edu
- Phone: (312) 553-2865
- Online Complaint Form: <https://apps.ccc.edu/EEO>

Questions may also be directed to the federal Office of Civil Rights (OCR):

- OCR Office, U.S. Dept. of Ed., 500 W. Madison Street, Suite 1475, Chicago, IL 60661
- Email: OCR.Chicago@ed.gov
- Telephone: (312) 370-1560

EEO COMPLAINT RESOLUTION PROCESS

Who May File a Complaint

Complaints of discrimination, harassment, or retaliation may be made by or against employees, students, or other participants in Board programs, activities, or services.

Filing an EEO Complaint of Discrimination or Harassment

Complaints must be in writing on the CCC Discrimination and Harassment form. To be considered timely, complaints must be filed within 180 days of the discriminatory or harassing act complained of on the form. All complaints must be directed to the EEO Office in the Office of Human Resources at the District Office, or at eeofficer@ccc.edu. For more information, the EEO Office can be reached at (312) 553-2865.

Duty to Report

CCC employees are required to report any incidents of discrimination, harassment, or hostile work or learning environment to the EEO Office regardless of whether the individual being harassed is an employee; student; participant in Board programs, activities, or services; or other person. Additionally, if CCC employees observe acts of harassment, it is recommended that they intervene to stop the harassment unless circumstances would make intervention dangerous.

Students are encouraged to immediately report any incidents of discrimination, harassment, or hostile work or learning environment to the EEO Office.

Investigation Procedures

The EEO Office is responsible for investigating complaints of discrimination, harassment, and retaliation made by students, employees, program participants, and visitors.

1. The complainant and the respondent shall be notified in a timely manner that an investigation is being conducted.
2. An investigation will be initiated within forty-five (45) calendar days, after receiving the complaint, if feasible. Holidays, days when CCC has scheduled a recess or emergency, or other closings shall not be counted. Every effort will be made to promptly investigate the complaint.

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3. Both the complainant and the respondent will have a full and fair opportunity to present evidence to the EEO Office during the investigatory process in support of or in mitigation of their respective positions. Each party may present evidence and/or witnesses on their behalf.
4. The preponderance of the evidence standard will be used in reviewing evidence and information obtained during the investigation to reach a determination. Preponderance of the evidence means that there is more credible information supporting the position of one party, in comparison to the other, so that the facts in question were more likely than not to have occurred.
5. The EEO Office shall file a written report of the investigation and findings with the Chief Talent Officer and/or the College President/Vice Chancellor, which may include a recommendation of disciplinary and/or corrective action to stop, remedy, and prevent recurrence of discrimination, harassment, or sexual misconduct.
6. Both the complainant and the respondent shall be notified in writing of the findings of the investigation.

When a Complaint is Not Sustained

Where a complaint is found to be without substantive merit, or where a complaint of discrimination or harassment is found to be untimely, a determination of no violation of the EEO Policy will be issued to the complaining and responding individuals. That determination will advise the individuals that no further EEO action will be taken on the complaint. When applicable, the individuals will be referred to other processes which may address the issue(s) alleged in the complaint.

When a Complaint is Sustained

Where a violation of the EEO Policy is found to exist, the EEO Office will make a recommendation to the Chief Talent Officer and/or the College President/Vice Chancellor regarding a corrective action.

Corrective action recommendations for employees may include discipline up to and including termination of employment, or any other remedy deemed appropriate to address discriminatory or harassing conduct and to prevent its recurrence. Provisions of any applicable collective bargaining agreement will be followed when implementing any corrective action determination against union employees.

In the case of a student, where a violation of the EEO Policy is found to exist, the EEO Office will make a recommendation of an appropriate corrective action to the Dean of Student Services at the applicable College. Appropriate disciplinary action may range from written reprimands, suspensions, or other action up to and including college dismissal, or expulsion, or any other remedy deemed appropriate to address discriminatory or harassing conduct. Depending on the EEO Office's recommended disciplinary or corrective action, the student may be entitled to an informal or formal disciplinary hearing as outlined in the *Student Code of Conduct*.

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CCC will offer Wellness Center counseling and/or referral services to any enrolled student or current employee (and referral services to any former student) found to have been subjected to or to have engaged in harassment, discrimination, and/or sexual harassment.

Prohibition Against Retaliation and Intimidation

Retaliation against and/or intimidation of employees, students, program participants, witnesses, or any other persons who make complaints or who cooperate in EEO investigations is strictly prohibited.

Anyone who believes they have experienced retaliation and/or intimidation for reporting discrimination or harassment or for cooperating in an investigation should immediately contact the EEO Office.

Any person found to have retaliated against a person in response to a report or cooperation in an investigation will be in violation of this policy and will be subject to disciplinary action.

Confidentiality of the Investigation

The investigation will be conducted in such a way to maintain confidentiality, to the greatest extent possible, consistent with Board policies, and federal and state law. This confidentiality is required in order to comply with laws and regulations protecting education records of students and employment records of employees, and to provide an orderly process for the determination and consideration of relevant evidence without undue intimidation or pressure. Investigation findings may not be disclosed except as required or authorized by law, or as may be authorized by the Chief Talent Officer and/or the College President/Vice Chancellor.

The EEO Office has a compelling interest in protecting the integrity of its investigations. In every investigation, the EEO Office has a strong desire to protect witnesses from harassment, intimidation and/or retaliation, and to keep evidence from being destroyed. The EEO Office may decide in some circumstances that in order to achieve these objectives, parties and witnesses must maintain the investigation in strict confidence. If the EEO Office reasonably imposes such a requirement and the parties or witnesses do not maintain such confidentiality, they may be subject to disciplinary action.

Duty to Cooperate in EEO Investigations

Any employee or student called upon to participate in an investigation should provide their full cooperation to the EEO Office during the complaint investigation process.

Employees have a specific duty to cooperate with formal investigations. Any employee who fails to cooperate with investigations, or who fails to be completely truthful or withholds information, may be subject to disciplinary action.

False Reporting

Any person who knowingly files a false complaint will be subject to an investigation for a potential violation of this policy and will be subject to disciplinary action.

TITLE IX COMPLAINT RESOLUTION PROCESS

As a recipient of federal funding, CCC is required to comply with Title IX of the Education Amendments of 1972, U.S.C. §1861 et. seq. (“Title IX”) and the U.S. Department of Education’s Title IX regulations, 34 C.F.R. part 106.1 et. seq. Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities. CCC is obligated to address allegations of suspected instances of sex-based harassment or discrimination where it has knowledge of conduct that reasonably may constitute sex-based harassment or discrimination in its education program or activity. Title IX prohibits quid pro quo harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, and stalking. Title IX’s prohibition extends to claims of sexual harassment and discrimination on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Title IX also prohibits discrimination regarding an individual’s current, potential, or past parental, family, or marital status.

CCC has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside of CCC's education program or activity or outside the United States.

To the extent that Title IX permits different treatment or separation on the basis of sex, CCC can engage in such treatment that amounts to de minimis harm only, except as otherwise provided in the Title IX regulations. A Title IX complaint may be submitted orally or in writing to the EEO Office. The filing of a Title IX complaint means that the individual is asking CCC to take steps beyond offering supportive measures, such as conducting an investigation and having a decisionmaker resolve the allegations.

Title IX Director

Title IX complaints, suspected violations of Title IX, and other Title IX-related questions or concerns, can be directed to:

Title IX Director
Michael Mehlick
180 N. Wabash Avenue, Suite 200
Chicago, IL 60601
(312) 553-2865
eeofficer@ccc.edu

Title IX Emergency Removal

The EEO Office reserves the right to remove a respondent entirely or partially from CCC education programs or activities or CCC employment on an emergency basis when: (1) based on an individualized assessment of safety and risk the respondent is determined to pose an immediate threat to the physical health or safety of any student or other individual, or (2) other good cause is shown to merit removal of the respondent from CCC. The respondent will be provided with notice of such emergency removal and an opportunity to challenge the decision immediately following the removal.

Prohibition Against Retaliation and Intimidation

Retaliation against and/or intimidation of employees, students, program participants, witnesses, or any other persons who make complaints or who cooperate in Title IX investigations is strictly prohibited.

Anyone who believes they have experienced retaliation and/or intimidation for reporting discrimination or harassment or for cooperating in an investigation should immediately contact the EEO Office.

Any person found to have retaliated against a person in response to a report or cooperation in an investigation will be in violation of this policy and will be subject to disciplinary action.

Amnesty Provision for Students

Any student who reports, in good faith, an alleged violation of this policy will be immune from a disciplinary sanction for a student conduct violation that is revealed in the course of making the report. Examples of such student conduct violations include, but are not limited to, underage drinking or possession and/or use of an illegal controlled substance. Such immunity will not apply to egregious violations, including any action that places the health or safety of anyone at risk.

Supportive Measures

Where the EEO Office has knowledge of conduct that reasonably may constitute sex-based harassment or discrimination in its education program or activity, the EEO Office will offer supportive measures to the parties, as appropriate, whether or not a Title IX complaint has been filed. Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve that party's access to CCC's education program or activity, including measures that are designed to protect the safety of the parties or CCC's educational environment; or (2) provide support during CCC's grievance procedures.

For complaints of sex-based harassment, these supportive measures may include:

- Provision of a safety plan;
- Modification of work or class schedules;
- Mutual no-contact orders between the parties;
- Altered work arrangements for employees; and
- Any other action(s) deemed appropriate by the EEO Office.

Right to an Advisor

The parties may choose to have one Title IX advisor of their choice present with them for all Title IX-related meetings and proceedings. Advisors are expected to adhere to all applicable CCC policies, including but not limited to the CCC Student Code of Conduct and the CCC Board Policies and Procedures. Advisors must agree to act as the party's advisor and be free of any conflicts of interest. Conflicts of interest include, but are not limited to, being an administrator with an active role in the complaint process or a supervisor who must monitor and implement any applicable sanctions. If a CCC employee agrees to act as a party's advisor, any and all meetings they participate in cannot take place during their scheduled working hours. The parties may choose

an advisor at any point during the grievance process. The parties may also choose a different advisor at any time; however, the parties may only have one designated advisor at a time.

Investigative Process and Grievance Procedures

The EEO Office will provide for an adequate, reliable, and impartial process for investigating all Title IX complaints. During its grievance procedures, complainants and respondents will be treated equitably. The respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures. The Title IX Director and investigators must not have a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent.

1. The complainant and the respondent shall be notified in a timely manner that an investigation is being conducted.
2. An investigation will be initiated within forty-five (45) calendar days, after receiving the complaint, if feasible. Holidays, days when CCC has scheduled a recess or emergency, or other closings shall not be counted. Every effort will be made to promptly investigate the complaint.
3. Both the complainant and the respondent will have a full and fair opportunity to present evidence to the EEO Office during the investigatory process in support of or in mitigation of their respective positions. Each party may present evidence and/or witnesses on their behalf.
4. Both the complainant and respondent will be provided with a transcript of the relevant meetings with parties and witnesses upon request with enough time to have a reasonable opportunity to propose follow-up questions.
5. Both the complainant and respondent will be provided with an equal opportunity to access either the relevant evidence or a written summary of such evidence.
6. The parties will be allowed an opportunity to propose questions that the party wants asked of any party or witness and have those questions asked by the investigator during one or more individual meetings, including follow-up meetings, with a party or witness. The EEO Office will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing.
7. The preponderance of the evidence standard will be used in reviewing evidence and information obtained during the investigation to reach a determination. Preponderance of the evidence means that there is more credible information supporting the position of one party, in comparison to the other, so that the facts in question were more likely than not to have occurred.

8. The EEO Office shall file a written report of the investigation and findings with the Chief Talent Officer and/or the College President/Vice Chancellor, which may include a recommendation of disciplinary and/or corrective action to stop, remedy, and prevent recurrence of discrimination, harassment, or sexual misconduct.
9. Both the complainant and the respondent shall be notified in writing of the findings of the investigation.
10. Reasonable extensions of timeframes within the EEO Office will be made on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

Discretionary Grounds for Dismissal

The EEO Office may, in its discretion, dismiss a Title IX complaint if:

- The respondent is unable to be identified after taking reasonable steps to do so;
- The respondent is not participating in CCC's education program or activity and is not employed by CCC;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Director declines to initiate the complaint, and EEO Office determines that, without the complainant's withdrawn allegations, the conduct remaining in the complaint, if any, would not constitute sex discrimination or harassment under Title IX even if proven; or
- The EEO Office determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination or harassment under Title IX. Before dismissing the complaint, EEO Office will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal of a Title IX complaint, EEO Office will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then EEO Office will also notify the respondent of the dismissal and the basis for the dismissal. Notification will be sent promptly and simultaneously in writing to the part(ies).

Title IX Appeal

A complainant or respondent who disagrees with the dismissal of a Title IX Complaint or the final determination made by the EEO Office may file a written appeal contesting the decision. The parties will have five (5) days to file an appeal of a final determination on the following grounds:

- Procedural irregularity that would change the outcome of the investigation;
- New evidence that would change the outcome of the investigation and was not reasonably available when the dismissal was made; and
- The Title IX Director or investigator has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals the dismissal of a Title IX Complaint or a determination of sex-based discrimination or harassment, the EEO Office will notify the complainant and the respondent of the appeal in writing. The parties will be given five (5) days to make a statement supporting, or

challenging, the appeal outcome. The decisionmaker for the appeal will have taken no part in the prior investigation of the allegations or the dismissal of the complaint. The decisionmaker for the appeal will review and evaluate the request for appeal and any corresponding statements from the parties. The EEO Office will notify the parties within thirty (30) days of the results of the appeal and the basis for the result. Appeals decisions are final and not subject to further review.

Disciplinary Sanctions and Remedies

Following a determination that sex-based discrimination or harassment occurred, resulting in a violation of this policy or Title IX, the EEO Office will take steps to stop the alleged sexual harassment or discrimination, prevent its reoccurrence, and remedy the effects on the complainant and others, as appropriate. Sanctions will be implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions taken are not exhaustive and may be in addition to other actions taken or sanctions imposed by external departments.

When the respondent is a student, potential sanctions may include disciplinary notice (verbal or written warning); withholding a degree; educational courses or counseling; disciplinary probation; suspension; expulsion; and other appropriate educational/program sanctions.

When the respondent is an employee, disciplinary and/or corrective actions may be taken. Disciplinary corrective actions include verbal or written warnings, required training, demotion, suspension, termination, and any other appropriate corrective actions.

APPENDIX A:

DEFINITIONS

Age: The chronological age of a person who is at least 40 years old.

Citizenship Status: The status of being a born U.S. citizen, a naturalized U.S. citizen, a U.S. national, or a person born outside the United States and not a U.S. citizen, or immigration status.

Complainant: An individual alleged to have been subjected to conduct that could constitute discrimination or harassment.

Dating Violence: Violence committed by a person who is or has been in social relationship of a romantic or intimate nature with the victim; and where the existence of such relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;
- (2) The type of relationship; and
- (3) The frequency of interaction between the persons involved in the relationship.

Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual; has a record of impairment; or is being regarded as having such impairment.

Discrimination: Treating an individual less favorably because of a legally protected category or characteristic.

Domestic Violence: Felony or misdemeanor crimes committed by a person who:

- (1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Illinois, or a person similarly situated to a spouse of the victim;
- (2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- (3) Shares a child in common with the victim; or
- (4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Illinois.

Education Program or Activity: Includes, but is not limited to, locations, events, circumstances, or activities that is subject to CCC's disciplinary authority, and conduct that occurs in a building owned or controlled by an officially recognized CCC student organization. CCC maintains an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the United States or outside CCC's education program or activity.

Genetic Information: Information about an individual's genetic tests and the genetic tests of an individual's family members, or information about the manifestation of a disease or disorder in an individual's family members (*i.e.* family medical history).

Gender Identity: A person's internal sense of being male, female, or something else—such as agender, binary, gender fluid, gender nonconforming, genderqueer, or nonbinary. Since gender identity is how a person perceive themselves, one's gender identity is not necessarily visible to others. One's gender identity can be the same or different from their sex assigned at birth.

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Harassment: The unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be verbal, non-verbal, written, visual, virtual, or physical.

Marital Status: The legal status of being married, single, separated or divorced, or widowed.

Military Status: A person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.

National Origin: The place in which a person or one of their ancestors was born.

Party: A complainant or respondent.

Parental Status: The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but incapable of self-care due to a physical or mental disability, is:

- (1) A biological parent;
- (2) An adoptive parent;
- (3) A foster parent;
- (4) A stepparent;
- (5) A legal custodian or guardian;
- (6) In loco parentis with respect to such a person; or

Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Pregnancy or Related Conditions: Pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Quid Pro Quo Harassment: An employee, agent, or other person authorized by CCC to provide an aid, benefit or service under CCC's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

Respondent: A person who is alleged to have discriminated against or harassed another person.

Responsible: Means a determination by a decisionmaker that the Respondent has, in fact, committed an act in violation of this Policy.

Retaliation: The adverse treatment of an individual because he or she made a discrimination or harassment complaint, or cooperated with an investigation of a discrimination or harassment complaint.

Religion: All aspects of religious observations, practices, and beliefs.

Sex-Based Discrimination: Discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sex-Based Harassment: A form of sex discrimination. Sex-based harassment includes sexual harassment and other harassment on the basis of sex, including quid pro quo harassment; hostile environment harassment; and the specific offenses of sexual assault, dating violence, domestic violence, and stalking.

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the Uniform Crime Reporting system of the Federal Bureau of Investigation, which includes the National Incident-Based Reporting System. “Forceable” sex offenses includes any sexual act—including rape, sodomy, sexual assault with an object, or fondling—directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. “Nonforcible” sex offenses include incest and statutory rape.

Sexual Orientation: A person’s immutable or enduring emotional, romantic, or sexual attraction to other people. Sexual orientation includes an individual’s actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person’s designated sex at birth. Sexual orientations include heterosexual (straight), lesbian, gay, bisexual, pansexual, queer, asexual, as well as other sexual orientations.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) fear for the person’s safety or the safety of others; or
- (2) suffer substantial emotional distress.