



## **ELECTRONIC-HARASSMENT/CYBERBULLYING POLICY**

### **RATIONALE**

The purpose of this policy is to enhance Chicago State University's ("CSU" or "the University") efforts to prevent and redress harassment within the CSU community by expressly addressing the problem of electronic-harassment/cyberbullying.

CSU is committed to maintaining educational, residential and working environments that recognize the inherent worth and dignity of every person, that foster tolerance, understanding, and mutual respect, and that permit students and employees to pursue their goals free from harassment that substantially interferes with their educational opportunities, peaceful enjoyment of residence, physical security, or terms or conditions of employment (collectively, "protected interests").

Advances in communication technology have not only enabled harassers to bully their victims remotely but also to extend the reach of their harassing/disparaging communications literally worldwide—thereby substantially increasing the potential injurious and disruptive effects that could be caused by the harassment. Accordingly, this policy provides notice of offensive electronic-harassment/cyberbullying and provides express notice that speech and/or other expressive conduct engaged in off-campus may be subject to action by the University as provided herein.

CSU is also committed to principles of academic freedom and free speech. As an institution of higher education CSU endeavors to provide an academic environment in which free speech and differences of opinion are actively encouraged and facilitated, and where opinions and deeply held beliefs are challenged and debated. Critical to this mission is providing a nondiscriminatory environment that is conducive to learning. At times, respect for these ideals may require that members of the University community tolerate expressions of opinion that differ from their own or that they may find abhorrent.

## **COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS**

This policy is one of several policies plan specifically addresses the obligations of the institution under the following laws and regulations:

- Civil Rights Act of 1964, Title VII--prohibiting discrimination in employment based on race, color, religion, sex or national origin.
- Educational Amendments of 1972, Title IX--prohibiting discrimination based on sex against students and employees in any educational program or activity receiving Federal financial assistance.
- Equal Pay Act of 1963--amending the Fair Labor Standards Act of 1938 and requiring employers to provide equal pay for men and women performing similar work.
- Executive Order 11246, as amended by Executive Order 11375--prohibiting discrimination in employment on basis of race, color, religion, sex, or national origin by federal contractors and subcontractors having federal contracts in excess of \$50,000.
- Rehabilitation Act of 1973--prohibiting discrimination against handicapped persons (students or employees) by institutions receiving Department of Health and Human Services funding.
- American with Disabilities Act of 1990--containing broader protection for the handicapped than both the Illinois Human Rights Act and the Federal Rehabilitation Act of 1973. Persons with disabilities are protected not only from discrimination in employment, but discrimination regarding housing, access to public accommodations and services, transportation and telecommunications.
- Illinois Human Rights Act of 1980--establishing the Department of Human Rights and the Illinois Human Rights Commission, and prohibiting discrimination in all forms in connection with employment, real estate transactions, access to financial credit and availability of public accommodations.
- The Vietnam-era Veterans Readjustment Assistance Act of 1974--prohibiting discrimination in employment against Vietnam-era and disabled veterans.

## **DEFINITIONS**

As used in this policy, the following terms shall have the meanings set forth below.

“Cyberbullying” means (i) deliberate and repeated conduct or activity that threatens, harasses, intimidates an individual, places an individual in reasonable fear of harm to the individual or damage to the individual’s property, or has the effect of substantially disrupting the individual’s daily life via the use of electronic information and communication devices; (ii) the use of information and communication technologies to support a deliberate, repeated, and hostile course of conduct that is intended to harm others; or (iii) intentional and repeated harm inflicted through the use of computers, cell phones, and electronic devices. As used in this definition, the meaning of the term “repeated” includes conduct that is engaged in on more than one occasion as well as conduct that has a continuing manifestation beyond the time of the conduct itself, including, without limitation, internet blog postings, social media site postings, internet chat room postings, and/or other internet postings.

“Electronic speech” means expressive conduct (verbal, aural, graphic, symbolic, or written) that is conveyed or otherwise communicated via electronic information and communication technology devices and/or media, tweets, including, without limitation, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blog postings, social media site postings, internet chat room posts, and/or internet postings.

“Employee” has the same meaning as “Staff” or “Staff member” and means a person other than a faculty member who receives compensation for work or services from funds controlled by the University, regardless of the source of funds, the duties of the position, or the amount of compensation paid

“Faculty” or “faculty member” means any individual who teaches or conducts research at or under the auspices of the University and includes students with teaching responsibilities and other instructional personnel.

“Off-Campus” means any property, building, facility, location, premise, or site that does not fall within the definition of “off-campus.”

“On-Campus” means (i) the CSU campus, and any property, building or facility, that is owned, leased, used, operated or controlled by the University, (ii) non-University property, buildings, facilities, locations, or sites, during the period of time when it is used for authorized University functions including, but not limited to, registration, classroom or laboratory instruction, lectures, concerts, receptions, assemblies, intramural activities or intercollegiate athletic events; and (iii) any property, building, facility, location, premise, or site where and during the period of time when a member of the University Community is attending, participating or engaged in a

University affiliated/sponsored activity, including, without limitation, internships, practica, field-placements, experiential-learning sites, community-placement sites, clinical service sites.

“Staff” or “Staff member” has the same meaning as “Employee” and means a person other than a faculty member who receives compensation for work or services from funds controlled by the University, regardless of the source of funds, the duties of the position, or the amount of compensation paid.

“Student” means a person who is currently, or was at the time of conduct at issue, matriculated and/or registered in any class or program of instruction or training offered by the University at any level, whether or not for credit.

“University” means Chicago State University (“CSU”) and all of its undergraduate, graduate, and professional schools, divisions and programs.

“University activity” means attending classes, classroom instruction, teaching, research, service, administrative functions, ceremonies, or educational or community programs conducted under the auspices of the University, including, without limitation, internships, practica, field-placements, experiential-learning, community-placement service, clinical service sites

“University community” or “member of the University community” means a student, faculty member, administrator, Trustee, Board member, member of any body advisory to the University, staff member, guest, invitee, employee, or agent of CSU.

## **POLICY**

Harassment of any member of the University community is prohibited.

Expressive conduct constituting Harassment subject to this policy includes:

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic harassment, engaged in while on-campus;

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic harassment, engaged in while participating in a CSU sponsored program or activity on-campus or off-campus;

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic harassment, engaged in while acting in an official capacity for CSU or while conducting business on behalf of CSU on-campus or off-campus;

Electronic speech and/or cyberbullying that is transmitted, received, or disseminated through use of University-owned information technology resources, computer networks or systems, or IT resources, computer networks or systems, access to which is made available to the University Community by CSU;

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic speech, on or off campus by a CSU employee that may reasonably be interpreted as making submission to unwelcome sexual advances, requests for sexual favors, and/or conduct of a sexual nature a term or condition of an individual's employment of education, or a factor in an individual's academic or employment status;

Expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic speech, on or off campus by a CSU employee that may reasonably be interpreted as making submission to or rejection of unwelcome sexual advances, requests for sexual favors, and/or conduct of a sexual nature by an individual a basis for employment or academic decision affecting such individual.

Off-campus expressive conduct (verbal, physical, aural, graphic, symbolic, or written), including, without limitation, cyberbullying and electronic speech, that is intended by the speaker to reach the CSU campus and does, in fact, reach the CSU campus and:

(A) creates (i) a material and substantial disruption of CSU's educational mission, operations, activities, or programs, or (ii) a reasonable foreseeable risk/likelihood of causing such a disruption;

(B) materially and substantially denies, limits, or interferes with another's ability to fully participate in or benefit from CSU's educational programs or activities, or creates a reasonable foreseeable risk/likelihood of causing any such effect;

(C) causes a material and substantial adverse impact on the work environment of a CSU faculty member or employee that amounts to a material and substantial change in the employee's terms or conditions of employment, or creates a reasonable foreseeable risk/likelihood of causing such adverse impact;

(D) is severe or pervasive, and objectively and subjectively has the effect of unreasonably interfering with another's work or equal access to education, or is severe or pervasive and creates a reasonable foreseeable risk/likelihood of causing such interference;

(E) is sufficiently severe, pervasive, or persistent that it interferes with work, educational performance, on-campus living, or participation in a University activity on or off campus, or is

severe or pervasive and creates a reasonable foreseeable risk/likelihood of causing such interference;

(F) communicates a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals and an objective, reasonable recipient of the expressive conduct would regard it as a serious expression of intent to harm;

(G) is directed to or at a University student because of his or her sex, is unwelcome to the recipient, and is so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victim's educational experience, that the victim-students are effectively denied equal access to the University's resources and opportunities, or creates a reasonable foreseeable risk/likelihood of causing such denial;

(H) is directed to or at a University employee because of his or her sex, is unwelcome to the recipient, and is so severe, pervasive, and objectively and subjectively offensive, and that so undermines and detracts from the victims' employee's performance of his or her employment-related duties or responsibilities, that the terms and conditions of the employee's employment are materially and substantially altered, or creates a reasonable foreseeable risk/likelihood of causing such alteration; or

(I) is (1) directed at an individual because of that individual's age, color, disability, sex, national origin, race, religion, sexual orientation, or veteran's status, (2) unwelcome to the individual at whom the conduct is directed; and (3) so severe, pervasive, and objectively offensive that a reasonable person with the same characteristics of the victim would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of University employment and/or a University activity, opportunity, or resource.

## **REPORTING HARASSMENT & COMPLAINT PROCEDURE**

### **Responsibilities**

Any member of the University community who believes he/she has been subjected to discriminatory harassment against may file a complaint with the Equal Employment Opportunity (EEO) Office. The EEO Office is responsible for conducting investigations of alleged discrimination and sexual harassment complaints. Any employee or student may at any time contact the EEO Office for purposes of advice, discussion of an alleged discrimination complaint and/or assistance in undertaking a formal or informal resolution of a complaint. An investigation leading to a formal determination will normally be undertaken by the EEO Coordinator or his/her designee upon receipt of a written complaint. If there are multiple reports of allegedly illegal harassment or discrimination or of a single allegation of particularly grievous harassment or discrimination, the EEO Coordinator may, after consultation with the President (or President's designee), initiate an investigation in the absence of receipt of a written complaint. Complaints should be submitted as soon as possible after the alleged discrimination has occurred in order to permit prompt and equitable resolution. In situations that require immediate action because of safety or other concerns, the University may take any necessary action (e.g. suspension with pay) in order to facilitate the investigation.

The investigation shall be completed as thoroughly and expeditiously as possible. Any University staff and/or faculty member in a supervisory role has the duty to report to the EEO Office any known alleged discriminatory harassment and/or discriminating behavior based on sex, race or other basis (referenced above) that creates a hostile environment, whether or not a complaint has been made by an alleged victim. A complaint of alleged discrimination, including sexual harassment, against the University President should be filed with the Chair of the University Board of Trustees. Complaints against the EEO Coordinator or Officer should be filed with the President, who will appoint a neutral party to carry out the role of the EEO Office as outlined below.

### **Complaint Procedures**

1. Complainant will be asked to complete an in-take form which will include a description of the alleged discrimination and the nature of the remedy desired. Any investigation may be assigned by the EEO Officer to the EEO Coordinator and/or any appropriate designee.
2. A private interview will be conducted by the Coordinator with the complainant.
3. The Coordinator will notify and interview the person(s) named in the complaint (respondent) to apprise them of the charges and afford them an opportunity to respond.

4. The investigation by the Coordinator will include interviewing witnesses, collecting documentation, and seeking any additional information necessary. In conducting the investigation, the Coordinator shall have unrestricted access to all pertinent materials, records, reports and documents in possession of any University personnel, and shall be afforded the opportunity to interview all persons possessing relevant information.
5. The Coordinator may assist in the informal resolution of the complaint. With the consent of both parties involved, the Coordinator will arrange for information to be shared between the parties regarding applicable issues and appropriate remedies. Failure to reach a resolution will result in the continuation of the investigation.
6. The Coordinator will prepare and forward a written report of the investigation and findings to the EEO Officer. The EEO Officer will then determine whether there exists substantial evidence to support the alleged complaint.
7. A final written determination, setting forth the EEO Officer's decision will be sent to both the complainant and the respondent.
8. If disciplinary action is required as a result of a finding against the respondent, procedures under the relevant collective bargaining agreements, Board of Trustees Regulations, State Universities Civil Service Status and Rules, or University Student Conduct Code will be followed.
9. A review of the final determination of the EEO Officer may be requested of the President.
10. Complainant has the right to file with the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) at any time during an investigation. Be aware that IDHR and EEOC have time limitations for filing a charge of discrimination. Any retaliatory action taken by a University employee against a complaining party as a result of that party's seeking redress under these procedures is prohibited and shall be regarded as a separate and distinct cause for complaint under these procedures. It is a violation of this policy for anyone to knowingly make false accusations of discrimination or harassment. Failure to prove a claim is not equivalent to a false allegation. Sanctions will be imposed for making false accusations of discrimination or harassment.



**RETALIATION**

Retaliation by any member of the University community against an individual based on the individual's reporting of conduct prohibited by this policy or the individual's filing of a complaint under this policy is prohibited. Any member of the University community who engages in such retaliation shall be subject to discipline up to and including expulsion from the University and/or termination of University employment.