



# MORTON COLLEGE BOARD POLICY

Illinois Community College District No. 527

**TITLE:** Comprehensive Non-Discrimination, Sex Based Harassment or Misconduct,

**NO.** 8.2.1

**SECTION:** Institutional

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## I. PURPOSE

Morton College is committed to providing a safe and secure working and learning environment free from Discrimination, Sex Based Harassment or Misconduct, Harassment and Retaliation for all college community members, employees and others in all educational programs and activities as those terms are defined below. This Policy authorizes the President or his designee to take all necessary actions to properly implement, administer and publish this Policy to all staff, students and others covered by its provisions.

## II. GENERAL PROVISIONS

- A. Working and Learning Environment:** It is the policy of Morton College to maintain a safe and secure working and learning environment in which all individuals are treated with dignity and respect. Each employee, student, and all other Covered Individuals shall enjoy the right to work and learn in an environment that is free of Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation. No person shall be required to endure Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation as a condition of employment or while engaged in an educational program or activity.
- B. Conduct Prohibited:** The Board prohibits Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation based on any Protected Categories, as defined below, in any aspect of employment or educational programs or activities.
- C. Covered Individuals:** No employee, student, contractor, consultant, vendor, volunteer, or member of the Board (collectively referred to as "Covered Individuals") shall be subjected to or engage in any form of Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation, as these terms are defined below, against another while employed, working for, attending school or participating in educational programs or activities.

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**DATE APPROVED BY BOARD OF TRUSTEES:** August 26, 2020

**DATES REVISED:** October 10, 2024

**REVIEWED DATES:** July 22, 2020



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**D. Scope:** This Policy covers all phases of employment and academic status, including, but not limited to, recruitment, hiring, evaluations, upgrading, rates of pay, the selection for training, promotions, demotions, transfers, layoffs, employment non-renewals, termination, benefits, discipline, expulsions, admissions, educational testing, extracurricular programs, and athletics.

**E. Limitations:** Nothing in this Policy is intended nor shall be construed to create a private right of action against Morton College or the Board or any of its employees or agents. Furthermore, no part of this Policy shall be construed to create contractual or other rights or expectations. Nothing herein is intended to affect the right of any person to file a charge or complaint of Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation with any agency with jurisdiction over such charge or complaint.

### III. DEFINITIONS

**A. Discrimination:** Unjust or prejudicial treatment, including harassment and sexual misconduct, towards an individual due to that person's real or implied membership in one or more of the Protected Categories as defined below.

**B. Educational Program or Activity:** Locations, events or circumstances over which Morton College exercises substantial control. Morton College exercises substantial control over: (1) premises that it owns or officially recognized student organizations that own or control the premises; (2) where it exercises oversight, supervision or discipline (e.g., a student's status in a Morton College course or program); or (3) where it has funded, sponsored, promoted or endorsed a certain event. Morton College specifically does not exercise substantial control over any event occurring outside the United States of America. Morton College 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 the recipient's education program or activity or outside the United States

**C. Harassment:** Unwelcome verbal, nonverbal, visual, and/or physical conduct that is the person's real or implied membership in one or more of the Protected Categories as defined below. Unwelcome conduct may include, but is not limited to, bullying,

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intimidation, offensive jokes, slurs, epithets or name calling, assaults or threats, touching, ridicule or mockery, insults or put-downs, offensive objects or pictures, messages sent via email, text or social media, or any other persistent, pervasive or severe conduct that interferes with work performance or a student's access to or participation in any educational program or activity.

- D. Protected Category:** Actual or perceived sexual orientation, gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, disability, age (40 and above), immigration status, marital status, registered domestic partner status, genetic information, political belief or affiliation (not union related), military status, unfavorable discharge from military service, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation.
- E. Retaliation:** Adverse employment action or adverse change in academic status, such as discipline or denial of or access to a service or benefit, against any person for having made a complaint or report of Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation, whether made internally, or externally with a federal, state, or local agency; or participating or aiding in an investigation of Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation, whether internal, or external with a federal, state, or local agency, is strictly prohibited.
- F. Sexual Assault:** A forcible or non-forcible sex offense in which any sexual act is directed against another person without the consent of the victim including instances where the victim is incapable of giving consent.
- G. Sex Based Harassment:** A form of sex discrimination and means Sex Based Harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, which includes:
- (1) Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient'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;
  - (2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that

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it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry.

(3) Specific offenses.

(i) Sexual assault as defined above;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a 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;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim;

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction;

(iv) Stalking as defined below

(v) inappropriate touching, or any misuse of a sexual nature of any Morton College information technology, as described in Board Policy 8.20.

**H. Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress.

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## IV. PROCEDURES

- A. For inquiries or complaints related to Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation based upon a Protected Category, please refer to the Morton College Guidelines for Addressing Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation instituted by the Board President or designee that shall be posted on the Morton College website. All such inquiries or complaints shall be filed with the Morton College Title IX Coordinator or any non-confidential Morton College official.
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## V. VIOLATIONS AND DISCIPLINE

**A. Violations:** It is a violation of this Policy for:

1. Any Covered Individual to engage in Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation, as defined above;
2. Any non-student Covered Individual to intentionally ignore Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation, as defined above, by a Covered Individual that occurs in their presence, by failing to properly report that conduct, regardless of whether or not the Covered Individual complains about the conduct;
3. Any non-student Covered Individual to fail to fulfill their duties and responsibilities as set forth with this Policy or any connected policies or guidelines;
4. Any non-student Covered Individual to refuse to participate, fully cooperate or provide truthful information in any investigation or hearing conducted in connection to this Policy; and
5. Any Covered Individual to intentionally bring allegations in bad faith, and which an investigation or hearing determines to be false, or knowingly making a false statement or knowingly submitting false information during any type of investigation or hearing pursuant to this Policy.

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## B. Discipline:

1. Employees who violate this Policy are subject to disciplinary action up to and including termination of employment.
2. Students who violate this Policy are subject to disciplinary action pursuant to the Morton College Student Handbook.
3. Contractors, consultants or vendors who violate this Policy are subject to remedies pursuant to their contract.
4. Volunteers who violate this Policy are subject to their authorization to serve as a volunteer being rescinded.

## VI. NOTICE AND TRAINING

All new employees shall receive information and training on this Policy. Additionally, this Policy will be prominently posted on the Morton College website and distributed regularly to all Covered Individuals. Moreover, notice to Covered Individuals regarding prohibited Discrimination, Sex Based Harassment or Misconduct, Harassment or Retaliation will be posted in prominent locations throughout Morton College

The Title IX Coordinator or their designee shall conduct annual training on this Policy to all employees and students. The training given to all employees and students shall be prominently posted on the Morton College website as well.

## VII. PUBLICATIONS

Beginning with the 2020-2021 school year, the following statement will be used in any new publication of the Morton College Student Handbook, Morton College Employee publication, on the Morton College website and any other prominent publication:

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"It is the policy of Morton College to prohibit discrimination, Sex Based Harassment or misconduct, harassment, or retaliation on the basis of any classifications protected by the Constitution of the United States, the Constitution of the State of Illinois and applicable federal, state or local laws or ordinances, including but not limited to discrimination on the basis of sexual orientation, gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age (40 and above), immigration status, marital status, registered domestic partner status, genetic information, political belief or affiliation (not union related), military status, unfavorable discharge from military service, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics."

The Title IX Coordinator's office address, phone number and email address shall be prominently displayed on Morton College's website and relevant publications.

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