



Faculty Policy Prohibiting Discrimination, Harassment, and Retaliation

This policy is effective August 14, 2020; Revised December 22, 2023; Revised March 28, 2024; Revised August 1, 2024

A. Policy

The Art Institute of Chicago ("AIC"), including the School ("SAIC"), the Museum and Central Administration is committed to maintaining an educational and working environment that is free from any form of prohibited discrimination. SAIC prohibits discrimination or harassment based on race, color, gender, religion, national origin, disability, age, actual or perceived sexual orientation, gender-related identity, marital status, parental status, military or former military status, or any other basis protected by federal, state, or local law. AIC also prohibits retaliation against anyone reporting or participating, or thought to have reported or participated in, an allegation, an investigation, or proceeding regarding discrimination or harassment, regardless of whether any discrimination or harassment is substantiated. For purposes of this Policy, the term "AIC" includes all trustees, officers, governors, faculty, staff, and volunteers.

Members of the AIC community are expected to provide truthful information in any report, meeting, or proceeding under this policy.

Relationship with Other Policies.

Consensual Romantic or Sexual Relationship Policy. The Faculty Policy Prohibiting Discrimination, Harassment, and Retaliation addresses conduct that is unwelcome and not conduct based on consent. AIC has an additional, separate policy that applies to consensual romantic or sexual relationships with students. See Consensual Romantic or Sexual Relationship Policy found at https://www.saic.edu/sites/default/files/SAIC_CRSR_Policy.pdf.

Title IX Policy Prohibiting Sex Discrimination. The Title IX Policy Prohibiting Sex Discrimination uses the definitions of discrimination on the basis of sex, and sex-based harassment, including sexual harassment, required under the Title IX regulations. Those definitions differ from the definitions provided in this Policy. Allegations of discrimination on the basis of sex and sex-based harassment that (i) arise in the context of an SAIC educational program or activity occurring within the United States and (ii) will be governed by the Title IX Policy Prohibiting Sex Discrimination. . All other allegations of sex-based discrimination, sex-based harassment and sexual harassment will be governed by this Policy.

Except as noted above, where an allegation of misconduct implicates more than one policy, AIC reserves the right to determine the specific resolution process that will be followed.

B. Definitions

Discrimination is defined as unequal, adverse treatment of an individual because of their protected legal status. This means that unequal, adverse treatment is prohibited if it is because of a person's race, color, gender, religion, national origin, disability, age, actual or perceived sexual orientation, gender-related identity, marital status, parental status, military or former military status, or any other basis protected by federal, state, or local law.

Harassment is one form of discrimination and is defined as unwelcome, hostile, or inappropriate conduct directed toward an individual because of their status protected by law. The determination of what constitutes illegal harassment varies with the particular circumstances, but it must be so severe, or pervasive that it affects an employee's ability to work or a student's ability to participate in or benefit from an educational program or activity, or it creates an intimidating, threatening or abusive educational or working environment. It must include something beyond mere expression of opinions, views, words, symbols, or thoughts that someone finds offensive.

Sexual harassment is a form of harassment prohibited by this Policy and it is illegal in the City of Chicago. Sexual harassment includes the following:

- (i) any unwelcome sexual advances or unwelcome conduct of a sexual nature; or (ii)

requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct made either explicitly or implicitly a term or condition of employment or obtaining an education; or
- Submission to or rejection of such conduct by an individual is used as a factor affecting that individual's employment or education; or
- Such conduct has the purpose or effect of substantially interfering with an individual's employment or education, e.g., it is so severe, pervasive, or persistent that it creates an intimidating, threatening, offensive, or hostile living, educational, or employment environment under both an objective (a reasonable person's view) and subjective (the complainant's view) standard; or

(iii) any behavior of a sexual nature that involves coercion, abuse of authority, or misuse of an individual's employment position.

Examples of sexual harassment include, but are not limited to, offering access to facilities, equipment, higher grades or promotion in exchange for sexual favors; making repeated comments of a lewd nature; and forwarding graphic images of a sexual nature.

An extreme form of sexual harassment includes sexual assault. If a report involves a student or an employee and includes allegations of sexual assault, then the policies and procedures set forth in the Policy Prohibiting Sexual Assault, Domestic Violence, Dating Violence, and Stalking will be followed in the assessment, investigation, and resolution of the report. In no event shall a report proceed simultaneously through more than one procedure.

Retaliation is defined as adverse or negative action (or threats of an adverse or negative action) against an individual because that individual (1) in good faith, reported discrimination, harassment, or retaliation; (2) participated as a party to or witness in an investigation or a proceeding relating to such allegations; or (3) is thought to have participated in a good-faith report of discrimination, harassment, or retaliation, or is thought to have participated as a party to or witness in an investigation or proceeding relating to such allegations.

Confidentiality, as used in this Policy, refers to a legal obligation not to disclose information without the express, written permission of the individual who provided the information, with certain exceptions, such as if there is a continuing threat of serious harm to self or others or another legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor).. Various off-campus resources available to anyone, such as counselors, advocates, and health care providers, will also generally maintain

confidentiality and not share information with SAIC unless the individual providing the information requests disclosure and signs a consent form. The Employee Assistance Program (800.311.4327), which is available to faculty and staff, is considered a confidential off-campus resource even though it is paid for by SAIC.

Privacy generally means that information related to a report will be shared only with those School employees who “need to know” in order to assist in the review, investigation, or resolution of the report. While not bound by confidentiality, these individuals who receive private information will be discreet and do their best to respect the privacy of all individuals involved in the process. If an investigation is required, the information may also be shared with the alleged offender(s) or others as required to conduct a complete and fair investigation. Although SAIC manages private information with discretion, it is not possible to maintain confidentiality for any information other than information provided to the Confidential Resources.

C. General Reporting Obligations

All AIC and SAIC staff (excluding Confidential Resources), SAIC student Teaching Assistants and Resident Advisors, and volunteers are required to report incidents or allegations of discrimination, harassment, and retaliation to SAIC's Director of Title IX, EEO, and Employee Relations. This requirement applies to all faculty members and is not limited to faculty members in management positions. Required reporting allows SAIC to provide resources and support to those who have experienced discrimination, harassment, and retaliation and to take consistent action to respond to reports of such conduct.

Individual faculty members are not expected to be experts on issues such as discrimination and harassment. However, that is not a reason to fail to report behavior that appears to be (or is perceived by others to be) discriminatory or harassing. It is to everyone's benefit that behavior that is thought to be discriminatory or harassing is reported promptly.

Because of these legally-imposed reporting requirements, faculty members who learn of discrimination, harassment, and retaliation may commit to maintaining **privacy** for the information they receive but cannot commit to maintaining **confidentiality**. (See Section B above for the definitions of “privacy” and “confidentiality.”)

D. Reporting for Faculty Claiming Discrimination, Harassment, or Retaliation

Faculty members who believe they were subjected to discrimination, harassment, or retaliation in violation of this Policy should promptly report the matter to the Director of Title IX, EEO, and Employee

Relations. The Director of Title IX, EEO, and Employee Relations will notify the Department Chair or Department Head if appropriate. The Director of Title IX, EEO, and Employee Relations may also notify the Faculty Liaison if appropriate. The Faculty Liaison may be particularly important in facilitating informal resolutions, providing an understanding of the Faculty Handbook and serving as an Advisor of choice for faculty members.

If a faculty member alleges that the Director of Title IX, EEO, and Employee Relations is responsible for a violation of this Policy, they should report that only to the Faculty Liaison, and the Faculty Liaison will inform the Chief Human Resources Officer.

Please note that in some cases, SAIC may determine that it has an obligation to investigate a report even if the faculty member who was allegedly subjected to the discrimination, harassment, or retaliation does not seek to do so themselves. The faculty member is encouraged to participate in the process in such cases, but the extent of the faculty member's participation, if any, is ultimately up to the faculty member.

E. Applicable Procedures and Responsible Administrators

After learning of a report of discrimination, harassment, or retaliation, the Director of Title IX, EEO, and Employee Relations will determine which procedures apply and who is responsible for implementing those procedures. The Director of Title IX, EEO, and Employee Relations will also oversee the process. This determination will be made based on the identity of the person alleged to have violated the Policy, who is referred to as the "Respondent." The person making the allegations will be referred to as the "Complainant."

- If the Respondent is a faculty member, the Dean of Faculty and Vice President for Academic Affairs will decide whether a Policy violation occurred and if so, the appropriate sanction. **The investigation and resolution of matters in which the Respondent is a faculty member are governed by Section G below, and anyone with a report that a faculty member engaged in discrimination, harassment, or retaliation should refer to those provisions.**
- If the Respondent is a student, the Vice President and Dean of Student Affairs will decide whether a Policy violation occurred and if so, the appropriate sanction. **The investigation and resolution of matters in which the Respondent is a student are governed by the Discrimination, Harassment, and Retaliation Policy found in the Student Handbook. Anyone with a report that a student engaged in discrimination, harassment, or retaliation should refer to that Policy. It may also be found at saic.edu/student-handbook.**

- If the Respondent is a staff member, the Chief Human Resources Officer will decide whether a Policy violation occurred and if so, the appropriate sanction. **The investigation and resolution of matters in which the Respondent is a staff member are governed by the Policy Prohibiting Discrimination, Harassment, and Retaliation** found in the Employee Guidelines. Anyone with a report that a staff member engaged in discrimination, harassment, or retaliation should refer to that Policy.
- If the Respondent is a third party on AIC premises, or has dual status with AIC, such as student employee or a staff member who also teaches, the Director of Title IX, EEO, and Employee Relations will determine the appropriate process to be used, including who will conduct the investigation and who will decide the matter (including appeals). If there is a cross complaint, where the Respondent also alleges that the Complainant also violated an AIC Policy, the Director of Title IX, EEO, and Employee Relations may use one of the processes outlined above or may combine or coordinate processes as appropriate to the circumstances. The Director of Title IX, EEO, and Employee Relations will notify both the Complainant and the Respondent of the process to be used.

1. Initial Evaluation of Report that a Staff Member Engaged in Prohibited Conduct

Upon reviewing the report and, if appropriate, conducting a preliminary inquiry, the Director of Title IX, EEO, and Employee Relations may suggest an informal resolution, described in Section 2 below. Alternatively, the Director of Title IX, EEO, and Employee Relations may determine that the matter requires a formal resolution, described in Section 3 below. Upon reviewing the report and, if appropriate, conducting a preliminary inquiry, the Director of Title IX, EEO, and Employee Relations will assess the allegations on their face, meaning that there is an assumption that all information in the report is true and would be supported by available evidence. If the Director of Title IX, EEO and Employee Relations determines that some of or all of the allegations on their face would not constitute a violation of the Policy, the Director of Title IX, EEO, and Employee Relations may close the matter or dismiss allegations that would not on their face constitute a violation of the Policy. The Director of Title IX, EEO, and Employee Relations may determine in certain cases that the report, even if substantiated, is insufficient to constitute a violation of the Policy and will notify the Complainant that the matter will be closed without a referral for either informal or formal resolution.

2. Informal Resolution

In a diverse community, disagreements and conflicts of various degrees of seriousness are inevitable. In many instances, informal resolution can be useful in resolving various forms of conflict.

An informal resolution is a flexible approach to resolving disagreements. Consequently, there is no fixed format. It can involve a meeting between the two parties to facilitate an informal discussion, arranging to channel communications through a third party if the parties do not want to meet, or some other approach suitable to the circumstances.

If both parties are willing to pursue an informal process, the Director of Title IX, EEO, and Employee Relations or the Faculty Liaison will facilitate it. In some cases, both parties have to agree to the informal resolution process.

For example, if an outcome of the informal resolution could result in an adverse employment action (such as a written reprimand), the Respondent must also agree to engage in the informal resolution process. Counseling or coaching a member of the AIC community on AIC's policies and expectations is not considered an adverse employment action.

If the parties engage in an informal process and the parties and the Director of Title IX, EEO, and Employee Relations are satisfied the issue has been resolved, no further action will be taken. If an informal process ends without a satisfactory resolution, then the Complainant may choose to pursue a formal resolution, described in Section 3 below.

An informal process is voluntary; a Complainant does not have to agree to an informal process and if they do pursue an informal resolution, either the Complainant, Respondent, or the facilitator may end it at any time.

3. Formal Resolution

If an informal process is not used or fails to resolve the matter, the Director of Title IX, EEO, and Employee Relations will promptly initiate an investigation.

During the investigation, each party will be offered equitable opportunities to present information, including but not limited to the opportunity to participate in an interview and offer any additional information that they believe is relevant to the investigation.

Upon completion of the investigation, the Dean of Faculty shall be responsible for determining, based on the available information, whether a policy violation occurred. The determination shall be made on the basis of whether it is more likely than not that the Respondent violated this Policy. To assist in reaching a determination, the Dean of Faculty may, in their sole discretion, meet with the parties, and/or request additional investigative steps.

Violations of this Policy can lead to corrective action ranging from a written reprimand, up to and including termination. In cases where the Dean of Faculty determines that termination is the appropriate action, they must first advise the President of the School. If the President agrees, the faculty member will be terminated immediately, except those faculty members with tenure or whose term appointment has not expired. For those faculty, the matter will proceed in accordance with Section 9.C. AAUP Statements on Academic Due Process Procedures, in the Faculty Handbook Supplement. If the President disagrees with the Dean of Faculty's determination that the Respondent should be terminated, the Dean will determine an appropriate alternative sanction.

Once the Dean of Faculty has decided the sanction, both the Complainant and the Respondent will be notified, in writing, whether discrimination, harassment, or retaliation in violation of this Policy was found to have occurred. In a matter regarding an alleged violation of discrimination based on sex or sexual harassment, the Complainant will also be notified of any individual remedies offered or provided to the Complainant or any sanction that is imposed on the Respondent that directly relates to the Complainant, and other steps SAIC has taken to eliminate the hostile environment, if SAIC finds one to exist, and prevent recurrence.

4. Timeframe

SAIC strives to complete its investigation and resolution of reports of discrimination, harassment, or retaliation reasonably promptly, taking into consideration factors such as the complexity of the investigation, the severity and extent of the alleged conduct, the timing of school breaks, and the timely participation of people involved in the investigation. SAIC strives to complete the investigation and resolution (excluding any appeal) within ninety (90) calendar days, though that timeframe may be extended based on factors such as those just noted. In cases where the investigation may be lengthy, SAIC endeavors to give the Complainant and the Respondent periodic updates on the anticipated time frame for resolution.

5. Appeals of Formal Resolutions Decisions

Either the Complainant or the Respondent may appeal the decision of the Dean of Faculty within five (5) business days after receiving notice of the decision. The Dean of Faculty has the discretion to decide whether any sanction that may have been imposed will be carried out, revised, or held in abeyance during this five (5) day period and also while an appeal is being considered and decided.

An appeal must be made in writing, must be submitted to the Dean of Faculty, and must state the basis for appeal. Upon receiving an appeal, the Dean of Faculty will promptly notify the Director of Title IX, EEO and Employee Relations. Appeals are only permitted to proceed if the written notice of appeal identifies new information that was not available at the time of the investigation and resolution, and the new information would substantially change the outcome. If the notice indicates that there is such new information, the Dean of Faculty will notify the Complainant and the Respondent of the need to follow up on the new information. The Dean of Faculty may undertake any inquiries that they deem appropriate, including but not limited to requesting the Director of Title IX's office to conduct additional investigation.

Following their examination of the matter, the Dean of Faculty may grant or deny the appeal or take any action that they deem appropriate. The Dean of Faculty will provide written notification of their final decision to the Complainant and the Respondent.

F. Title IX Information

Title IX of the Education Amendments of 1972, as amended, is a comprehensive federal law that prohibits discrimination on the basis of sex as well as retaliation for making a Title IX report in any

federally-funded education program or activity. The Director of Title IX is responsible for coordinating SAIC's efforts to comply with its obligations under Title IX and the Title IX regulations. The Director Title IX's duties and responsibilities include: monitoring and oversight of overall implementation of Title IX at SAIC, including coordination of training, education, communications, and administration of report procedures for faculty, staff, students, and visitors. The Director of Title IX is available to meet with any party to discuss the School's policy or any Title IX-related concerns.

SAIC's Title IX Coordinator is:

Jacqueline Hennard

116. S. Michigan Ave.,

12th floor Chicago, IL

60603

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Sex discrimination includes sexual harassment and sexual assault. For SAIC's Policy Prohibiting Sex Discrimination

G. Local, State, and Federal Resources

In addition to the process set forth in this Policy, if you believe that you have been subjected to discrimination, harassment or retaliation, you may seek other recourse by contacting:

- Chicago Commission on Human Relations
740 North Sedgwick Street, suite 400, Chicago, IL 60654;
- The Illinois Department of Human Rights (IDHR)
James R. Thompson Center, 100 West Randolph Street, 10th floor, Chicago, IL 60601;
- The Office for Civil Rights/Chicago—U.S. Department of Education Citigroup Center, 500 West Madison Street, suite 1475, Chicago, IL 60661;
- The United States Equal Employment Opportunity Commission 500 West Madison Street, suite 2000, Chicago, IL 60661; and/or
- U.S. Department of Education Office for Civil Rights 400 Maryland Avenue SW, Washington, D.C. 20202-11