

Article II - Equal Educational Opportunity

Section 1 - Nondiscrimination

A. Policy

John A. Logan College is committed to equal access and equal opportunity for all students. Admission, financial aid, student employment, curriculum requirements, extracurricular participation, counseling, placement service, athletic programs or any other service or program of the College; shall be provided without regard to race, religion, color, national origin, disability, age, sexual orientation, or gender orientation when such College activity is consistent with applicable laws and regulations. The admission and retention of (as well as services, programs and activities for) students with identified disabilities will be in accordance with applicable laws and regulations.

Questions in reference to educational opportunities in relation to sex equity (Title IX), handicapped (Section 504), and minorities (Title VI) should be directed to:

College employees should contact:

John A. Logan College
Director of Human Resources
700 Logan College Road, Room C116
Carterville, Illinois 62918
Telephone: (618) 985-2828, Ext. 8589,
or TTY (618) 985-2752

Students should contact:

John A. Logan College
Vice-President for Administration
700 Logan College Road, Room A20
Carterville, Illinois 62918
Telephone: (618) 985-2828, Ext. 8358,
or TTY (618) 985-2752

B. Procedure for Resolving Accommodation Issues

When a student requests accommodations, the Student Success Center shall be responsible for determining whether or not a disability is impeding his or her educational access or progress. A student anticipating the need for accommodations should contact the Student Success Center at least six weeks prior to the start of the semester to allow adequate time for preparations to be made. When a student is determined to have a disability impeding educational access, the center plans a program of service for him or her consistent with the disability. In combination, program modifications, auxiliary services and academic adjustments are referred to as “academic accommodation.” When a person (student or employee) has information that a student with a disability is being (or has been) denied an accommodation, such information is to be reported to the director of the Student Success Center. The director and the College’s affirmative action officer will meet with the student and/or the employee alleged to have denied the accommodation for the purpose of discussing any necessary corrective action. If the matter is not resolved, it will be referred to the appropriate vice-president for action. Nothing contained in this section shall be deemed to prohibit a student from filing a grievance pursuant to Article II, Section 3B.

Section 2 - Harassment

A. General

John A. Logan College does not tolerate harassment of or by a student at any time. In addition to being against federal and state law, harassment runs counter to the College's objective of providing an academic atmosphere free of exploitation or intimidation.

B. Definition of Sexual Harassment

For the purpose of this policy, sexual harassment means:

1. any unwelcome sexual advances or requests for sexual favors made by a student of the College to another student in connection with any academic, educational, extracurricular, athletic, and other programs of the College whether those programs take place in a school's facilities where the College has a contractual agreement for housing, transportation, or training programs sponsored by the College at another location, or elsewhere; or
2. any unwelcome sexual advances or requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature made by a representative of the College to a student; or
3. any conduct of a sexual nature exhibited by a College student toward another student or College employee in an educational setting, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive atmosphere; or
4. any conduct of a sexual nature exhibited by a College employee toward a student, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive atmosphere, including offensive gender-based comments in the classroom; or
5. when a College representative explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct, as a basis for determining any right or benefit accruing to him or her as the result of being a student, including such things as admission, performance, assignments, fees, extra-curricular activities, etc.; or
6. sexual violence is a form of sexual harassment and is prohibited by Title IX. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

Section 3 - Corrective Actions

The College will take whatever action is necessary to stop, correct, prevent or discipline behavior that violates nondiscrimination and sexual harassment policies. Disciplinary action may include, but is not limited to, oral or written warnings, demotion, transfer, expulsion, suspension, probation, reprimand, remedial warning or dismissal for cause.

A. Student Referral

Any student who alleges he or she has been discriminated against by any faculty or staff member will be referred to the dean for instruction.

This referral will be made in writing by the respective faculty or non-teaching professional who heard the complaint directly from the student involved or witnessing the incident.

B. Grievance Procedure Regarding Student Behavior

1. Any student who believes that she or he has been a victim of illegal discrimination or sexual harassment by a student should contact the vice-president for administration. She or he will weigh the allegation in terms of the nature of the complaint and standards set forth in this document, Rights and Responsibilities: A Student Code of Conduct, and shall attempt to settle the matter.
2. If attempts to settle the matter informally are unsuccessful, the vice-president for administration will initiate hearing procedures as described in Article IV, Section 4E.

C. Grievance Procedure Regarding Employee Behavior

Any student who believes that she or he has been a victim of illegal discrimination or sexual harassment by an employee is encouraged to report such conduct directly to the dean for instruction or an associate dean for instruction. The dean or the associate/assistant dean will confer with the student in reference to any additional appropriate steps that need to be accomplished in order to alleviate any alleged conduct, and to take appropriate disciplinary action.

The following grievance procedure is designed to provide a student with a prompt and equitable resolution of a complaint involving discrimination or sexual harassment. This grievance procedure shall be available to any applicant, as well as any full-time or part-time student who believes that he or she has been a subject of prohibitive discriminatory, or harassing, conduct by an employee of the College.

1. Informal Grievance Against an Employee

Prior to filing a formal written grievance, students who believe that they have been the victim of discriminatory or harassing conduct by a College employee should:

When feasible, first seek to clarify or resolve the matter informally with the John A. Logan College employee. If the student does not wish to meet with the John A. Logan College employee, he or she shall have the option to meet with the employee's immediate supervisor. At this time, all efforts will be made by the student, faculty or staff member and the immediate supervisor to resolve the issue.

Should the student complaint not be resolved through the informal complaint procedures specified above, the student may then file a formal grievance in accordance with the procedures established below.

2. *Formal Grievance*

- A. If the informal process has not resolved the issue, the aggrieved student may, within ten (10) calendar days after conclusion of the informal process, file a Formal Student Complaint Form with the vice-president to whom the College employee cited in the complaint reports.
- B. The formal grievance shall be in writing and must include:
 - 1. Name, address, student identification number and telephone number of the aggrieved student.
 - 2. Name and employment position held by the employee the complaint is filed against.
 - 3. Date(s) of the alleged incident(s) involving the College employee.
 - 4. A brief written description of the alleged improper conduct, along with any supporting documents or statements.
 - 5. Names of persons who are witnesses to the conduct, or names of persons who have evidence to support the student's grievance.
 - 6. Remedy sought.
 - 7. Date submitted.
 - 8. Complainant's signature.
- C. The appropriate vice-president shall, upon receipt of the grievance:
 - 1. Provide a copy of the formal grievance to the John A. Logan College employee who is mentioned in the grievance, and direct him or her to file a written response to the same within ten (10) calendar days. Upon receipt of the response to the grievance, the vice-president shall provide a copy of the same to the student.

2. Conduct an impartial investigation of the complaints.
 3. Convene an impartial committee appointed by the appropriate vice- president for the purpose of considering the student grievance.
 4. Establish a date for the Grievance Committee to hear the evidence on the grievance.
- D. The chairperson of the College's Grievance Committee shall act as the hearing officer on the formal grievance.
- E. The following hearing procedures will normally be used:
1. In order for the College to comply with Title IX standards, the College will use a preponderance of evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred) when resolving complaints.
 1. The hearing shall be closed to the public or general student body.
 2. The student and the John A. Logan College employee shall both be allowed to be present throughout the taking of evidence, and shall be entitled to have an advisor or representative present throughout the same.
 3. The hearing officer and the Grievance Committee shall accept all relevant evidence, including testimony and/or documents, presented first by the student and then by the John A. Logan College employee.
 4. Formal rules of evidence shall not be used.
 5. Witnesses by either party shall be excluded from the hearing except when called to present evidence.
 6. The hearing officer shall have the College's attorney present throughout the hearing.
 7. Conduct disruptive to the hearing process will not be tolerated. The hearing officer may terminate or recess any hearing that becomes disruptive to the process.

The hearing officer and the Grievance Committee, after receipt of all relevant evidence, shall close the hearing and render a recommendation in writing to the appropriate vice-president within five (5) calendar days. The recommendation shall include the reason(s) for the committee's recommendation and any corrective action to be implemented.

- F. The appropriate vice-president will render a decision in writing to the student and to the John A. Logan College employee within five (5) calendar days after receiving the recommendation from the John A. Logan College Grievance Committee.
- G. Either the student or the John A. Logan College employee shall have the right to appeal any decision to the president of the College, in writing, within ten (10) calendar days of the receipt of the vice-president's decision.
- H. The president's decision shall be final and binding, and shall be based upon the record from the previous decision appealed and not based upon the taking of additional evidence, unless he or she determines that additional evidence is necessary. Unless otherwise agreed upon, or unless the president determines additional evidence is necessary, he or she shall render a decision, in writing, to the parties within thirty (30) calendar days of the receipt of the appeal.
- I. No student shall be adversely affected by filing a grievance. Any student who feels he or she has experienced retribution resulting from a complaint should contact the Vice President for Administration.