



## **Prohibition of Sex Discrimination, Sexual Harassment, Sexual Violence, and Relationship Violence**

**Statement of Policy.** The College does not discriminate on the basis of sex in the education programs and activities it operates and is committed to maintaining a safe and healthy educational and working environment that is free from discrimination and harassment on the basis of sex, sexual orientation, gender identity, and gender expression (“Sex Discrimination”), and free from Sexual Violence (to include sexual assault) and Relationship Violence (to include domestic violence, dating violence and stalking). The College prohibits Sex Discrimination, Sexual Violence and Relationship Violence (hereinafter collectively referred to as “Prohibited Conduct”), as set forth herein, and is committed to taking action, to the extent possible (i) to stop behavior that violates this policy; (ii) to take remedial action to overcome the effects of said conduct and ensure equal access to its educational programs and activities; (iii) to prevent its recurrence; and (iv) to prevent and respond to retaliation against anyone who, in good faith, reports or is involved in the investigation into or resolution of allegations of Prohibited Conduct. In so doing, the College will administer prompt, fair and impartial investigations and disciplinary proceedings to respond to reports of Prohibited Conduct, provide equal and timely access to information that will be used in any informal and formal proceedings and meetings related to said reports, and offer and implement interim measures to protect and support those directly involved and affected by the alleged behavior, to include the survivors/victims of Prohibited Conduct (“Complainants”) and those accused of said behavior (“Respondents”). In implementing this policy, the College acknowledges that every Complainant has the right to be taken seriously and every Respondent has the right to know that guilt is not presumed.

**Definitions.** For purposes of this Policy, the following terms shall have the meanings set forth below:

- **Prohibited Conduct.** Prohibited Conduct includes the following conduct, as further defined herein: (1) Discrimination On The Basis Of Sex; (2) Sexual Harassment; (3) Dating Violence; (4) Domestic Violence; (5) Sexual Assault; (6) Sexual Violence; and (7) Stalking.
- **Discrimination On The Basis Of Sex.** Discrimination On The Basis Of Sex means an individual’s exclusion from participation in or denial of the benefits of any educational program or activity on the basis of sex.
- **Sexual Harassment.** Sexual harassment includes conduct on the basis of sex that satisfies one or more of the following: (1) an Employee conditioning the provision of an aid, service or benefit of the College on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College’s education program or activity; and/or (3) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined herein.
- **Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant based on the reporting party’s statements, with consideration given to the length of the relationship, type of the relationship, and the frequency of interaction between persons in the relationship. Dating Violence

includes, but is not limited to sexual or physical abuse or threat of such abuse, but does not include acts covered as Domestic Violence (defined below).

- **Domestic Violence.** A felony or misdemeanor crime of violence committed by a: (1) current or former spouse or intimate partner of the victim; (2) person with whom the victim shares a child in common; (3) person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (4) person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Sexual Assault.** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.
- **Sexual Violence.** Physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.
- **Consent:** Consent means a freely given agreement to sexual activity, and consent may be withdrawn at any time. A lack of verbal or physical resistance, or submission resulting from the use or threat of force does not constitute consent. A person's consent to past sexual activity does not constitute consent to future sexual activity. A person's consent to sexual activity with one person does not constitute consent to sexual activity with another person. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent under the circumstances, which includes, but is not limited to, situations where: (1) the person is incapacitated due to drug or alcohol use or influence; (2) the person is asleep or unconscious; (3) the person is underage; and/or (4) the person is incapacitated due to a mental disability.
- **Complainant:** The person(s) alleged to have been directly affected by the Prohibited Conduct (i.e., the alleged victim), whether or not that person is the one who reports the conduct or files a Formal Complaint related to the conduct.
- **Confidential Advisor:** A person who is employed or contracted by the College to provide emergency and ongoing support to student survivors of Sexual Violence with the training, duties and responsibilities described in section 20 of the Illinois Preventing Sexual Violence in Higher Education Act. The duties and responsibilities of a Confidential Advisor include, but are not limited to informing Complainants of reporting options, possible outcomes, available resources and services, and their rights and responsibilities regarding orders of protection and similar orders; providing confidential services to the Complainant; and serving as a liaison between the Complainant and others to secure supportive and protective measures and accommodation, or as appropriately requested by a Complainant.

- **Pastoral Counselor:** A Person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselor:** A person whose official responsibilities include providing mental health counseling to members of the College's community and who is functioning within the scope of the counselor's license or certification.

**Implementation & Oversight.** The Board, or the President at the direction of the Board, shall designate one or more Employees, as Title IX Coordinators, who will be charged with oversight of this Policy for the College. The Title IX Coordinator(s) shall be responsible for:

1. Overall coordination and oversight of reports and complaints alleging Prohibited Conduct to ensure consistent practices and standards in the handling of said reports/complaints;
2. Overall coordination and oversight of investigations into allegations of Prohibited Conduct;
3. Effective implementation of any remedies and interim supportive and protective measures;
4. Coordination of recordkeeping that ensures that the College can and will resolve recurring problems and identify students or employees who have multiple complaints filed against them;
5. Promoting a College environment free from Prohibited Conduct;
6. Ensuring that there are no other policies or publications that state that the College treats applicants, students or employees differently on the basis of sex, except as such treatment is permitted by law; and
7. Developing and implementing Procedures consistent with this Policy and relevant state and federal laws, including without limitation:
  - a. Definitions of Prohibited Conduct described above and of Consent;
  - b. Responsibilities of and contact information for the College's Title IX Coordinator(s) and Department of Human Resources;
  - c. Options for assistance following an incident of Prohibited Conduct;
  - d. Procedures for reporting and confidentially disclosing Prohibited Conduct;
  - e. Complaint investigation, resolution, and appeal procedures;
  - f. Awareness, prevention and education programming provided to College students and employees; and
  - g. Training and education provided to the Title IX Coordinator; Department of Human Resources; College Police; victim advocates; and employees or anyone else involved in responding to, investigating or adjudicating reports of Prohibited Conduct.

**Reporting & Investigating.** The Title IX Coordinator(s), in consultation with the President and the Chief of the College Police Department, shall be responsible for developing, promulgating, and publishing comprehensive Procedures for the reporting and investigation of acts of Prohibited Conduct which shall include, at a minimum:

1. Meeting with the Complainant to take a report, privately and at a local place and time of his/her choice;

2. Identifying and locating witnesses to the alleged acts;
3. Assisting and interviewing the Complainant;
4. Contacting and interviewing the Respondent;
5. Contacting and cooperating with law enforcement, where applicable;
6. Providing information regarding the importance of preserving physical evidence of Sexual Violence; and
7. Providing information regarding the availability of a medical forensic examination at no charge for victims of sexual violence.

Such procedures shall be published on the College's website and made available in hard copy form at the College Police Department, the Student Affairs Office, the Student Counseling and Advising Center, and the office of the Title IX Coordinator(s).

The College encourages anyone who believes they have been a victim of or witness to Prohibited Conduct to talk to someone regarding the incident so that they can receive support and the College can investigate and address the incident appropriately. Written or verbal reports (in person, by phone, via mail, etc..) of Prohibited Conduct can be made by anyone and should be directed to one of the College's Title IX Coordinators(s) utilizing one of the reporting mechanisms described on the College's website. The College offers options for:

**Confidential Reporting:** The ability to report prohibited conduct to an individual who has a duty to protect, to the extent permitted by law, the identity of and information about the persons reporting or directly involved in the incident. Those individuals who can provide confidentiality do not have a duty to disclose personally identifiable information to the Title IX Coordinator or others unless there is an immediate danger to the reporting individual or others.

**Anonymous Reporting:** The ability to make a report without including personally identifiable information such as the name or contact information for the reporter.

**Electronic Reporting:** The ability to submit a report electronically through the College's website.

In addition to making reports to the College, Complainants have a right to file or refuse to file: (i) claims of Sexual Violence and Relationship Violence to campus or local law enforcement; (ii) claims of Sex Discrimination, Sexual Harassment, and Retaliation to the U.S. Department of Education Office for Civil Rights; and (iii) claims of Sex Discrimination, Sexual Harassment, and Retaliation to the Illinois Department of Human Rights.

**Notice of Rights.** Upon receipt of a report of Prohibited Conduct, the College will provide the Complainant, if known, written notification of his/her rights and options to include the following:

1. The procedures the individual should follow if a crime has occurred, including: (a) the importance of preserving evidence that may assist in proving a crime or may be helpful in obtaining a protective order; and (b) how and to whom a report may be made.
2. A statement regarding how the institution may protect the confidentiality of Complainants and other parties including how it will handle requests for confidentiality and the effect confidentiality may have on the school's ability to respond.

3. A list of resources, including all of the following: (a) list of and links to existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the College and surrounding community; (b) the right to request and receive assistance navigating these services; (c) the name, address and telephone number of the medical facility nearest campus where a victim of sexual violence can receive a no cost medical forensic exam; (d) the name, address, telephone number, and website, if available, of community-based, State and/or national sexual assault crisis centers.
4. The Complainant's rights regarding notifying other school officials, law enforcement and College Police Department, including the right to: (a) notify or decline to notify; (b) privacy and methods for confidential reporting; and (c) request and receive assistance when notifying law enforcement.
5. The rights of Complainants and the responsibilities of the College regarding no contact orders, restraining orders, orders of protection or other similar orders issued by the court or the College.
6. The right to request accommodations and supportive and protective measures including: (a) a description of the range of Supportive and Protective measures available; (b) the process for requesting these measures and the right to receive assistance in making these requests; (c) a statement that these measures are available even if the Complainant refuses to report to law enforcement or file a formal complaint through one of the College's complaint resolution procedures; and (d) an explanation of how the privacy of the Complainant and other parties involved can be protected.
7. A summary of the College's complaint resolution procedures following a report of Prohibited Conduct, including the range of sanctions up to and including suspension, expulsion or removal of any student or termination of any employee found to be in violation of this Policy.
8. A statement about the College's policy on Amnesty (as defined herein).
9. A statement prohibiting Retaliation (as defined herein).
10. The contact information for the College's Title IX Coordinator(s), Confidential Advisors, community-based sexual assault crisis centers, campus law enforcement, and local law enforcement.

**Complaint Resolution.** The College shall treat reports of Prohibited Conduct and the parties involved with courtesy, dignity, sensitivity, understanding, respect and professionalism. The Title IX Coordinator(s), in consultation with the President and the Chief of the College Police Department, shall be responsible for developing, promulgating, and publishing Procedures for the investigation and resolution of reports of Prohibited Conduct that takes these principles into consideration and also ensures that the guilt of a Respondent is not presumed. Such procedures shall include, at a minimum, the following provisions:

1. The method by which a Complaint may be made;
2. The party's right to request that the complaint resolution process begin promptly and proceed in a timely manner;

3. A requirement that all individuals whose duties include response to, investigation of, or resolution of complaints of Prohibited Conduct receive training as required by law;
4. Any rights the parties may have to request a substitution of an investigator, decision-maker or facilitator, and the circumstances under which that may be appropriate;
5. The right of Complainant and Respondent to receive notice of the identity of the individual(s) designated to make findings or impose sanctions prior to any meeting or hearing on allegations that may lead to findings, sanctions or remedies;
6. The College's procedures for requesting and receiving Supportive and Protective measures and accommodations before, during or after the complaint resolution process;
7. Any proceeding, meeting, or hearing shall protect, to the extent allowed by law, the privacy of the participating parties and witnesses;
8. The Complainant and Respondent shall have a fair and equal opportunity to provide or present evidence and witnesses on their behalf during the complaint resolution process;
9. The method by which the parties will be allowed to pose questions to other parties or to witnesses and the right of the parties to request that testimony occur in a separate rooms so long participants may simultaneously hear and see each other;
10. The right of both parties to have an advisor of their choice accompany them to any meeting or proceeding relating to a complaint of Prohibited Conduct as well as any rules associated with the advisor's involvement;
11. The parties' appeal rights;
12. The extent to which the College shall protect the identity of the Complainant, the Respondent, and any witnesses

**Sanctions & Remedies.** Individuals found to be responsible for Prohibited Conduct, Retaliation, or to have knowingly made a false report of Prohibited Conduct, may be subject to disciplinary action up to and including termination and/or expulsion from the College, as determined by Board or administrative action consistent with state and federal law, Policy, Administrative Procedures, and/or applicable collective bargaining agreement procedures. Multiple sanctions may be imposed for any single violation. In addition, an individual may be required to participate in educational seminars or activities, restorative justice, and/or encouraged to seek counseling or medical attention, in lieu of or in addition to the imposition of sanctions. In the event of suspension, withdrawal from classes, or expulsion, the sanctioned student is not entitled to a refund of tuition or fees.

Complainants are entitled to remedies that are designed to restore and preserve equal access to the College's educational programs and activities.

### **Resources.**

**Medical Forensic Examination.** The College encourages anyone who believes they have been a victim of Sexual Assault, Sexual Violence, Dating Violence, or Domestic Violence to seek immediate assistance from a medical provider, including the treatment of any injuries, testing for and treating of sexually transmitted infections, and collecting and preserving of physical and other evidence. Under Illinois law, certain medical providers are required to alert police when an individual requesting

treatment appears to have sustained injury as a result of a criminal offense. The victim may choose whether to speak with police and is not required to do so. The College's website has information about the facilities closest to campus where an individual may have a medical forensic exam performed at no cost.

**Supportive & Protective Measures.** The College recognizes the importance of Complainants as well as Respondents to feel safe and secure on Campus. Accordingly, a Complainant or a Respondent is entitled to request, receive assistance in requesting, and receive (to the extent reasonably available) Supportive and Protective Measures regardless of whether or not the Complainant chooses to file a Formal Complaint. These measures include, but are not limited to:

1. Changes to academic, living, dining, financial, transportation, and working situations; and
2. Assistance with obtaining and enforcing Campus no-contact orders, orders of protection, no-contact orders, and/or any other order entered by a State civil or criminal court.

The Title IX Coordinator should be contacted to assist with requests and ensure implementation.

### **Protections.**

**Amnesty.** The College encourages reporting of Prohibited Conduct, and it recognizes that students and employees may be hesitant to report an act of Prohibited Conduct in certain circumstances, such as when the reporter's own conduct may violate other College policies (e.g., underage drinking or drug use). To balance that concern and provide for the safety of the College community, no disciplinary action will be taken against an individual making a good faith report of Prohibited Conduct for the individual's own violation of other College policies that is revealed in the course of making such a report, unless the College determines that the violation was egregious (such as placing the health and safety of others at risk).

**False Reporting or Testimony.** Reports of Prohibited Conduct made pursuant to this Policy (and any corresponding procedures) that are later found to be intentionally false, made maliciously, or made with reckless disregard for the truth, or knowingly providing false or misleading testimony or evidence by a party or witness, shall constitute a violation of this Policy. This section does not apply to reports made or testimony given in good faith, even if the final disposition pursuant to the College's investigation and resolution procedures find that the reported conduct does not constitute Prohibited Conduct.

**Retaliation Prohibited.** Retaliation against an individual who makes a good-faith report alleging Prohibited Conduct, or who participates in the investigation or resolution of such a complaint is strictly prohibited. Retaliation includes, without limitation, threats, coercion, intimidation, or discrimination for the purpose of interfering with any right or privilege secured by law and this policy, and any materially adverse action taken against an individual as a result of the individual's participation in or assistance with the making of a good faith report of Prohibited Conduct, participation in or cooperation with or refusal to participate in or cooperate with the investigation and/or resolution of a report of Prohibited Conduct, and/or providing or refusing to provide testimony in connection with a report of Prohibited Conduct. Retaliation should be promptly reported to the Title IX Coordinator(s). Any acts of retaliation shall be grounds for disciplinary action, independent of any disciplinary action or interim measures imposed in response to the underlying report, and shall include the same potential penalties and disciplinary measures as those listed above. Whistleblower protections may be available to those reporting a violation of this Policy, including those provided under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Department of Human Rights Act. Methods for reporting Retaliation may be found on the College's website.

**Training.** The College will provide annual training to all College employees, students, and contracted service providers who are involved in: (1) the receipt of reports of Prohibited Conduct; (2) the referral or provision of services related to Prohibited Conduct; or (3) the College's investigation and complaint resolution procedures for reports of Prohibited Conduct.

**Sexual Violence Task Force.** The President or his/her designee shall establish a Campus-wide task force for the purpose of improving coordination between the College and the community to prevent Sexual Violence, and shall appoint members to the task force as provided in the Illinois Campus Security Enhancement Act, 110 ILCS 12/10(b).

### **Additional Information.**

The following information shall be made available on the College's Website:

1. Contact information for the College's Title IX Coordinator(s), College Police Department, local law enforcement and community-based sexual assault crisis centers;
2. The various methods of reporting Prohibited Conduct;
3. Individuals to whom reports may be made and the extent of the person's obligation to disclose that report to others (e.g., to the Title IX Coordinator), including the identity of the person who made the report. (Note that different types of employees have different abilities and obligations to maintain reports of Prohibited Conduct in confidence);
4. The name, title and contact information for any College offices or employees that ensure Confidential Reporting, including Professional Counselors, Pastoral Counselors and Confidential Advisors, along with a description of what confidential reporting means;
5. Information about the process for responding to reports;
6. Information about the rights of the Complainant and Respondent following a report;
7. Information about the College's investigation and complaint resolution procedures following a report, including the range of sanctions and remedies; and
8. Information about a range of resources available to those directly affected by the alleged conduct, to include: interim supportive and protective measures; the name, address and phone number for the medical facility closest to campus that can provide a no-cost medical forensic exam; and community-based, State and National sexual assault crisis centers.

Authority: Title IX of the Educational Amendments of 1972 ("Title IX"), 20 U.S.C. §§1681 *et. seq.*; Title IX Implementing Regulations, 34 CFR Part 106; Illinois State Officials and Employees Ethics Act, 5 ILCS 430/5-65, 70-5; Illinois Campus Security Enhancement Act of 2008, 110 ILCS 12/1, *et seq.*; Illinois Preventing Sexual Violence in Higher Education Act, 110 ILCS 155/1, *et seq.*; The Violence Against Women Act, 42 U.S.C. §§ 13701-14040.

### **History:**

- Adopted 3/19/09
- Amended 2/19/15
- Amended 1/21/21