


SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

POLICY: It is the policy of the Spoon River College to provide an educational, employment and business environment free of discrimination, harassment, and retaliation based on protected criteria. Students and employees are responsible for maintaining an educational environment free of discrimination, harassment, retaliation and complying with all policies. Spoon River College is committed to promoting the goals of fairness and equity in all aspects of its operations and educational programs and activities. The policies addressed in this document are subject to resolution using the Civil Rights Complaint and Resolution Procedure listed below, regardless of the status of the parties involved, whether members of the campus community, board of trustees, students, student organizations, faculty, administrators, or staff.

SCOPE:

This policy applies to all Spoon River College employees and students during work, class, or during any activity involving the College. In addition, visitors, vendors, contractors and all other non-employees are expected to recognize and comply with this Policy.

DEFINITIONS:

Affirmative Action/Equal Opportunity Officers (AA/EOO) / Title IX Coordinator: The Human Resources Director (309) 649-6209 for employees and the Dean of Student Services (309) 649-6329 for students responsible for investigating a complaint. Individuals may also email TitleIXCoordinator@src.edu.


College Days: College Days or any references to "days" used in this policy will mean days in which the College is open for business.

Confidential advisor: A person who is employed or contracted by Spoon River College to provide emergency and ongoing support to students, including survivors of sexual violence, with the training, duties, and responsibilities described in Section 20 of the Preventing Sexual Violence in Higher Education Act ([110 ILCS 155/10](#)). The confidential advisor cannot be the responsible employee or investigator. Where a conflict exists, another individual will be assigned to remediate the conflict.

Substantial College Interest: A substantial College interest is defined to include any action that constitutes a criminal offense as defined by federal or Illinois law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the county or municipality where the College is located.

DETAILS:

1. Spoon River College reserves the right to act immediately under the following circumstances:
 - a. Any incidents occurring on premises owned or controlled by the College District or off-

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campus when the off-campus conduct could have an on-campus impact or impact on the mission or interest of Spoon River;

- b. Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others at Spoon River College;
- c. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- d. Any situation that is detrimental to the educational interests or goals of the College; and/or;
- e. Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g., not on Spoon River College networks, websites or between Spoon River College email accounts) when those online behaviors can be shown to cause a substantial on-campus disruption or misrepresent that the communication was authorized by Spoon River College.

2. **Title IX/VII/ADA/504 Coordinator(s):** The Title IX/VII/ADA/504 Coordinators oversee implementation of Spoon River College's Affirmative Action and Equal Opportunity plan, disability compliance, and the Spoon River College policy on discrimination, harassment, and retaliation. Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act, and Section 504 of the Rehabilitation Act of 1973, all as amended, are federal civil rights law that prohibit discrimination, harassment, and retaliation on the basis of a protected class. Sex and gender discrimination and sexual harassment are expressly prohibited.


Reports of discrimination, harassment and/or retaliation should be made to the Title IX/VII/ADA/504 Coordinators promptly, but in no event more than 90 days after the event constituting the discrimination, harassment, or retaliation. Investigation by Spoon River College does not revive any limitations period that apply to a complaint by law. Reporting is addressed more specifically the Civil Rights Complaint and Resolution Procedure below. Inquiries about this policy and procedure may be made internally by employees and students to:

Title IX/VII Coordinators			
Name:	Michelle Bugos, SPHR	Name:	Melissa Wilkinson
Position:	Human Resources Director	Position:	Dean of Student Services
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6209	Telephone:	(309) 649-6329

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Email:	Michelle.Bugos@src.edu	Email:	Missy.Wilkinson@src.edu
	TitleIXCoordinator@src.edu		TitleIXCoordinator@src.edu
Confidential Advisors			
Name:	Andrea White (<i>lead confidential advisor</i>)	Name:	Jill Olson
Position:	Advisor / Disability Services & Probation	Position:	Director, Student Support Services Grant (TRIO)
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	208 S. Johnson Street Macomb, IL 61455
Telephone:	(309) 649-6305	Telephone:	(309) 833-6029
Email:	Andrea.White@src.edu	Email:	Jill.Olson@src.edu
ADA/Section 504 Coordinator			
Name:	Andrea White		
Position:	Advisor / Disability Services & Probation		
Address:	23235 N. County Hwy 22 Canton, IL 61520		
Telephone:	(309) 649-6305		
Email:	Andrea.White@src.edu		
	Inquiries may be made externally to:		
	Office for Civil Rights (OCR) U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-1100 Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012 TDD#: (877) 521-2172 Email: OCR@ed.gov Web: http://www.ed.gov/ocr		

3. **Investigators:** The Title IX/VII/ADA/504 Coordinators will establish a pool of qualified employees who are trained annually to investigate complaints of civil rights discrimination, harassment, retaliation and sexual violence. Investigators will provide timely investigation results to support the complaint resolution process. Investigators are also trained and may be asked to serve as advocate for the complainant or accused party to a complaint. The pool of qualified investigators will include faculty, staff, and administrators.


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4. **College District Policy on Equal Opportunity and Nondiscrimination:** Spoon River College adheres to all federal and state civil rights laws banning discrimination, harassment, and retaliation in public institutions of higher education and the workplace. Spoon River College will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, any other protected category under applicable local, state or federal law, or persons who have opposed discrimination or participated in any complaint process on campus or before a government agency. Students and employees are required to comply with this policy. Retaliation in any form for having brought a complaint or report of discrimination or harassment based on any protected criteria, including sex and gender, is expressly prohibited.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College District policy on nondiscrimination.

When brought to the attention of the College District, any such discrimination, harassment, or retaliation will be investigated and appropriately remedied by the College District according to the procedures in the Civil Rights Complaint and Resolution Procedure. Complaints or reports of discrimination, harassment, and retaliation should be addressed to:

Title IX/VII Coordinators			
Name:	Michelle Bugos, SPHR	Name:	Melissa Wilkinson
Position:	Human Resources Director	Position:	Dean of Student Services
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6209	Telephone:	(309) 649-6329
Email:	Michelle.Bugos@src.edu	Email:	Missy.Wilkinson@src.edu
Confidential Advisors			
Name:	Andrea White (<i>lead confidential advisor</i>)	Name:	Jill Olson
Position:	Advisor / Disability Services & Probation	Position:	Director, Student Support Services Grant (TRIO)
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	208 S. Johnson Street Macomb, IL 61455
Telephone:	(309) 649-6305	Telephone:	(309) 833-6029
		Email:	Jill.Olson@src.edu

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Email:	Andrea.White@src.edu		
ADA/Section 504 Coordinator			
Name:	Andrea White		
Position:	Advisor / Disability Services & Probation		
Address:	23235 N. County Hwy 22 Canton, IL 61520		
Telephone:	(309) 649-6305		
Email:	Andrea.White@src.edu		

5. **College District Policy on Disability Discrimination and Accommodations:** Spoon River College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity, such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.


The Spoon River College ADA/504 Coordinator is responsible for coordinating efforts to comply with disability laws, including investigation of any employee or student complaint alleging noncompliance, denial of a reasonable accommodation, or excluding or denying individuals with disabilities from an equal opportunity to educational programs, benefits and services.

Complaints or reports should be addressed to:

ADA/Section 504 Coordinator	
Name:	Andrea White
Position:	Advisor / Disability Services & Probation
Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6305
Email:	Andrea.White@src.edu

- a. **Students with Disabilities:** Spoon River College is committed to providing students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the Colleges.

All accommodations are made on a case-by-case basis. A student may request an accommodation or disability services by first contacting the Student Services Office located at the campus the student attends or will be attending. Student Services

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coordinates services for students with disabilities. Student Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations and services are appropriate to the student's particular needs and academic programs.

Student Services then issues a Letter of Accommodation for each of the student's instructors to give notice of the accommodation or service to be provided.


- b. **Employees with Disabilities:** Pursuant to the ADA and Section 504, Spoon River College will provide reasonable accommodation(s) to all qualified employees with known disabilities to enable them to perform the essential functions of the job, unless the requested reasonable accommodation would result in undue hardship to the College.

Employees requesting accommodation may be required to provide medical certification from the employee's health care provider that includes: (1) identification of the health care provider; (2) the health care provider's diagnosis of the disabling condition; (3) specific limitations and/or suggested restrictions and their relation to the disability; and (4) suggested accommodations. Requests for accommodations should be submitted on the forms provided by Human Resources. Human Resources will engage in an interactive process with the employee to determine the reasonable accommodation(s).

6. **College District Policy on Discriminatory Harassment:** Students, staff, administrators, and faculty are entitled to a respectful working and educational environment, and Spoon River College is committed to providing a work and educational environment free of harassment based on protected class. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Spoon River College's policy. Retaliation for having made a complaint about discrimination or harassment or participating in an investigation is strictly prohibited.

- a. **Discriminatory and Bias-Related Harassment:** Harassment constitutes a form of discrimination that is prohibited by law. Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or other protected class. Harassment as to employees becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment as to students becomes unlawful where it interferes with the access or participation in the educational process and programs at Spoon River College.


A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent or pervasive so as to interfere with, limit or deny the

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ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. Merely offensive speech of a generic nature and not on the basis of a protected status does not rise to the level of unlawful harassment.

Spoon River College prohibits and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law.

- b. **Sexual Harassment:** Federal and Illinois law regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Sexual harassment consists of:
 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual/gender nature constitute harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the conduct by an individual is used as a basis for making educational, academic, or employment decisions affecting such individual; or, (3) the conduct has the purpose or effect of substantially interfering with an individual's educational, academic, or work performance or creating an intimidating, hostile, or offensive educational, academic, or working environment. [775 ILCS 5/2-101 (e)].
 Sexual harassment generally falls in one of the following categories:
 - a. **Quid Pro Quo:** Offers of sexual favors, advances, or subtle pressure for sexual activity to secure favorable employment conditions or educational conditions (promotions, salary increases, admission into an educational institution, favorable grade) or to avoid unfavorable ones (poor performance reviews, layoff, demotion, and so on);
 - b. **Demand for Sexual Favors:** Demand or suggestion for sexual favors that is accompanied by implied or overt promises or threats with regard to an individual's employment status;
 - c. **Hostile Environment:** Any unwelcome action that creates an abrasive or hostile environment (graffiti, posters, calendars, wolf whistles, cat calls, jokes, verbal innuendoes, physical contact, and so on).

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Examples of Sexual Harassment may include:

- Cyber harassment,
- Sexual innuendoes,
- Sexual remarks about one's clothing or body,
- Sexual violence (as defined below),
- Suggestive or insulting sounds,
- Implied or overt sexual propositions, invitations, or pressure for sex,
- Obscene gestures,
- Patting or pinching or other inappropriate touching or feeling,
- Actual attempts of sex,
- Any other examples under 775 ILCS 5/5A-101 (E).

c. **Consensual Relationships:**


- 1) **Employees, Officials:** The College seeks to maintain a professional educational and work environment. Romantic or sexual relationships between individuals in unequal positions are inherently problematic and potentially inconsistent with the College's mission. Employees in positions of authority must be sensitive to the potential for sexual harassment as well as conflicts of interest in personal relationships with their subordinates or with their students.

The very existence of such a relationship exposes the College to potential claims under Title VII and other laws. Romantic or sexual relationships between trustees and students or between employees in positions of authority and their subordinates or students over whom they exercise authority are prohibited. A violation of this policy is extremely serious, may be considered a gross neglect of professional responsibilities, and may be cause for disciplinary action up to and including termination of employment.

Also refer to the College's Policy on Nepotism and Non-Fraternization.

When disparities in authority are present between two individuals involved in a romantic or sexual relationship, what may appear to be a consensual relationship to one of the parties may not in fact be consensual. Examples of such relationships that might be deemed to be sexual harassment include, but are not limited to:

- The subordinate party or student feels unwanted pressure to become involved and/or to continue the relationship.
- The subordinate party or student feels compelled to change behavior and/or job duties because of the relationship.

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- The relationship has the purpose or effect of creating a work or academic environment in which others are negatively affected by the existence of the relationship.

Romantic or sexual relationships between trustees and students and between employees and their subordinates or students over whom they exercise authority are prohibited whether or not they result in sexual harassment. Such relationships can create problems of actual or perceived conflicts of interest, exploitation, Favoritism, bias, and low morale, and these relationships undermine the integrity of the educational, supervisory and evaluation processes.

A prohibited romantic or sexual relationship shall be deemed to exist when the relationship is between:


- A trustee and a student (including work-study students);
- An employee and a student (including work-study students) when the employee is a student’s instructor, advisor, counselor, tutor, or is otherwise supervisory to or in the direct chain of supervision over the student; or
- Employees when one employee is in the direct line of authority of the other.

In the event of a factual dispute about whether a relationship between an employee and a student may impact the student, the matter will be resolved through the Civil Rights Complaint and Resolution process.

2) **Between Students:** Consensual Relationships that conform to the policies of the College, Student Code of Conduct and the specific provisions of this policy regarding consent are permitted. Consent is defined in section 4.c. of this policy.

d. **Sexual Misconduct:** Sexual misconduct is a broad term used to encompass unwelcome conduct of a sexual nature that is prohibited by Title IX and Spoon River College. Sexual Misconduct includes, but is not limited to, behaviors often described as sexual harassment, sex/gender discrimination, sexual assault, rape, stalking, and relationship violence (including domestic and dating violence). It is a violation of this policy and the law, including Title IX, to commit these acts or to attempt to commit them, Sexual Misconduct can occur in any sex or gender configuration (i.e., between the opposite sex or same sex) regardless of sex and gender identity. Sexual Misconduct on the part of employees and students is strictly prohibited by Spoon River College.

Illinois law defines various violent and/or non-consensual sexual acts as crimes for which a person may be prosecuted. Additionally, Spoon River College has defined

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categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Spoon River College considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions/disciplinary actions, including suspension or expulsion for students and termination for employees. However, Spoon River College reserves the right to impose any level of sanction/discipline, up to and including suspension or expulsion/termination for any act of sexual misconduct or other gender-based offenses based on the facts and circumstances of the particular complaint. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Acts of sexual misconduct which constitute violations of the law and Spoon River College policy include the following:

- 1) Sexual Harassment (as defined above).


- 2) Non-Consensual Sexual Intercourse: Non-Consensual Sexual Intercourse refers to any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object or part of the body, by a person upon another person, that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact. Non-Consensual Sexual Intercourse has been commonly referred to as "rape." Non-Consensual Intercourse is a crime and punishable under the Illinois Criminal Code 720 ILCS 5/12-12 through 12-16.

- 3) Sexual Violence/Non-Consensual Sexual Contact: Sexual violence refers to physical acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because of an intellectual or other disability prevents the student from having the capacity to give consent). Sexual Violence is defined as: any intentional sexual touching, however slight, with any object or part of the body, by a person upon another person that is without consent and/or by force. Or other intentional bodily contact of a sexual nature.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner. Sexual violence is a form of sexual harassment, and sexual harassment is prohibited by Title IX, Title VII, and state law.

- 4) Sexual Exploitation: Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and the conduct

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does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:


- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the knowledge or consent of the person observed).
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution.
- Sexual Exploitation also includes engaging in sexual intercourse with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

5) Consent: Consent is a freely given agreement to sexual activity and can be withdrawn at any time. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

None of the following constitutes consent:

- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force;
- A person's manner of dress;
- A person's consent to past sexual activity does not constitute consent to future sexual activity;
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another;

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs, or is under age. An individual who engages in sexual activity when the individual knows, or should know, that the other person is

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physically or mentally incapacitated has violated this policy.


It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

For purposes of the Illinois (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13), a person commits criminal sexual assault if that person commits an act of sexual penetration and:

- (1) uses force or threat of force;
- (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent;
- (3) is a family member of the victim, and the victim is under 18 years of age; or
- (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

7. **College District Policy on Other Civil Rights Offenses:** The following conduct is prohibited the College:
 - a. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class;
 - b. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;

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Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

- c. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, joining, or any other group-affiliation activity (as defined further in the Student Code of Conduct the basis of actual or perceived membership in a protected class).

- d. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class or other class, including sex/gender and sexual orientation. Cyberbullying is bullying that takes place using electronic technology. Bullying sometimes overlaps discriminatory harassment under Title VII and Title IX. Bullying is prohibited by this policy and other laws which prohibit harassment on the basis of protected criteria.


- e. Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, domestic and/or relationship violence);

- f. The Illinois Domestic Violence Act, 750 ILCS 60/, domestic violence means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

- g. Stalking involves an intentional course of repeated conduct or behavior over a period of time, directed at a specific person, or member of the specific person's family or household or an individual with whom the specific person has a dating relationship which causes the person to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property to feel harassed, annoyed, alarmed, abused, tormented, embarrassed or offended. Stalking and cyber stalking are behaviors prohibited by Illinois law and the College.

- h. Hate Crimes are defined by the Illinois law as crimes that are motivated by prejudice, hatred, or advocacy of violence and defined by the Federal Hate Crime Act as crimes that manifest evidence of bias or prejudice against a group identified by race, color, disability, religion, national origin, ancestry, age, gender, or sexual orientation. Hate crimes include offenses such as murder, assault, kidnapping, arson, criminal mischief, and graffiti. Hate crimes are prohibited by Illinois and federal law and this policy.


- i. Violation of any other College rules, when the violation is motivated by the actual or perceived membership of the victim in a protected class, may be pursued using this

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

policy and process.


8. **Retaliation:** Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a complainant or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX/VII/ADA/504 Coordinators and will be promptly investigated. Spoon River College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

9. **Statement of Complainant's Rights, Whether Employee or Student:** A complainant is the person who makes a complaint of civil rights discrimination, harassment or retaliation under this policy.
 - a. A complainant has the right to file a criminal complaint.
 - b. A complainant has the option to, or not to, notify and seek assistance from law enforcement and/or Spoon River College authorities.
 - c. A complainant and the College have the right to seek restraining, judicial no-contact and protective orders, internal no contact orders, and criminal trespass warnings to ensure personal safety and maintain a safe campus and work environment.
 - d. A complainant has the right to have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures a fair, prompt, and equitable process for both parties.
 - e. A complainant has the right to present his or her case, including the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure for complainant and respondent.
 - f. A complainant has the right to be treated with respect by College officials.
 - g. A complainant has the right to take advantage of Spoon River College support resources (such as EAP services for employees or counseling referrals or other resources in Student Services).
 - h. A complainant has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment other conduct


SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

occurred).

- i. A complainant has the right to have an adviser, attorney, or other advocate of the complainant's choice and at the complainant's cost present during the Civil Rights Appeal Procedure.
 - j. A complainant has the right to refuse to have an allegation resolved through conflict resolution procedures.
 - k. A complainant has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
 - l. A complainant has the right to be free from retaliation for engaging in protected activity.
 - m. A complainant has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and procedures and to participate in the process whether the injured party or the College District is the complainant.
 - n. A complainant has the right to be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible. A complainant has the right to challenge any finding, decision, determination, sanction, or action taken and the right for Student Code of Conduct procedures to be followed where applicable.
9. **Statement of Respondent's Rights, Whether an Employee or Student:** A Respondent is the person against whom a complaint is lodged or made under this policy.
- a. A respondent has the right have a prompt, fair, and impartial Civil Rights Complaint and Resolution Procedure that ensures an equitable process to both parties.
 - b. A respondent has the right to be advised of the complaint against him or her and to the same due process rights as the complainant.
 - c. A respondent has the right to an adequate, reliable, and impartial investigation of complaints, the right to an equal opportunity to present witnesses and other evidence, and the right to the same appeal procedure as the complainant.
 - d. A respondent has the same right as a complainant to present his or her case, to present witnesses and other evidence, and to challenge the complaint made against respondent.

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

- e. A respondent has the right for the complaint to be decided using a preponderance of the evidence standard (i.e., more likely than not the harassment or other conduct occurred).
 - f. A respondent has the right to have an adviser, attorney, or other advocate of the respondent's choice and at the respondent's cost present during the Civil Rights Appeal Procedure.
 - g. A respondent has the right to be considered for amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
 - h. A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint and Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant. A respondent has the right to be treated with respect by College officials.
 - i. A respondent has the right to take advantage of campus support resources (such as Counseling, College Health Services for students, or EAP services for employees).
 - j. A respondent has the right to refuse to have an allegation resolved through conflict resolution procedures.
 - k. A respondent has the right to have complaints heard in substantial accordance with the Civil Rights Complaint Resolution Procedure and to participate in the process whether the injured party or the College District is the complainant.
 - l. A respondent has the right to be informed in writing of the outcome/resolution of the complaint, any sanctions imposed against the respondent, and the rationale for the outcome.
 - m. A respondent has the right to challenge any finding, decision, determination, sanction, or action taken against respondent and the right for Student Code of Conduct procedures to be followed where applicable.
9. **Recognizing the Signs of Abusive Behavior and How to Avoid Potential Attacks:** Spoon River College is committed to a safe and supportive learning and working environment for all students, staff, faculty, and visitors. We are dedicated to creating an environment that fosters safety for all by preventing and responding to incidents that are disruptive, threatening, abusive or violent.

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

The entire college community has a role in changing knowledge and attitudes and shares responsibility for recognizing and ending abusive behavior and its devastating impact. In order to accomplish this, the College has adopted strategies to respond to violence and seeks to develop comprehensive, collaborative approaches to ultimately prevent the behaviors from happening. These strategies, referred by the Spoon River College in partnership with community medical, mental health and social services, include:


- Identify and/or provide early options for individuals experiencing abuse or violence prior to the need for crisis intervention services.
- Identify and/or institute incentives, core competencies, and resources for health, mental health, and social service professionals to promote and sustain the prevention, identification, and intervention of abusive or violent behavior.
- Establish criteria and guidelines to ensure that all victims have access to comprehensive, culturally sensitive and victim centered services, including health care and social services.
- Identify and support effective recommendations for appropriate identification, intervention, and consequences for those who commit abusive or violent acts.

a. **Recognizing Abusive Behavior:** Abusive behavior can manifest in many forms and often escalates from threats and verbal abuse to violence. While physical injury is the most obvious danger, the emotional and psychological consequences of abuse are also severe. The abuse can include belittling or controlling behaviors that lead to feelings of self-loathing, helplessness, and desperation. The most telling sign of an unhealthy and abusive relationship is fear of the person committing the acts. To recognize the telltale signs and symptoms of emotional abuse and violent behaviors, the situation should be assessed for the following:

- 1) **General warning signs of abuse:** Persons who are being abused may:
 - Seem afraid or anxious to please their partner;
 - Go along with everything their partner says and does;
 - Check in often with their partner to report where they are and what they're doing;
 - Receive frequent, harassing phone calls from their partner;
 - Talk about their partner's temper, jealousy, or possessiveness.

- 2) **Warning signs of physical violence:** Persons who are being physically abused may:
 - Have frequent injuries, with the excuse of "accidents;"
 - Frequently miss work, school, or social occasions, without explanation;
 - Dress in clothing designed to hide bruises or scars (e.g. wearing long sleeves in the summer or sunglasses indoors).

- 3) **Warning signs of isolation:** Persons who are being isolated by their abuser may:

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

- Be restricted from seeing family and friends;
- Rarely go out in public without their partner;
- Have limited access to money, credit cards, or the car.

- 4) **Psychological warning signs of abuse:** Persons who are being abused may:
- Have very low self-esteem, even if they used to be confident;
 - Show major personality changes (e.g. an outgoing person becomes withdrawn);
 - Be depressed, anxious, or suicidal.

Spoon River College advisors are available for consultation, resources and referrals to medical and social services. Students and situations of concern may be reported to any college official named specifically or anonymously at TitleIXCoordinator@src.edu.


10. **Safe and Positive Options for Bystanders:** A bystander is someone who sees a situation but may or may not know what to do, may think others will act or may be afraid to do something. Intervening in abusive or potentially violent behavior first requires an ability to identify the warning signs and then consider whether the situation demands action. Before getting involved, the priority is to evaluate safe and positive ways to act to prevent or intervene. *If the situation is already violent or is escalating quickly, do not directly intervene. Call the police.*

Bystander intervention is a nonviolent one. Trying to “rescue” a victim or fight off an abuser can endanger the intervener as well as the victim. If choosing to get involved, evaluate the best way to intervene:

- **Distract** – use an *indirect and non-confrontational way to intervene with a goal to prevent a situation from escalating*
- **Delegate** -ask someone who knows the victim or abuser to intervene or alert someone in authority
- **Direct** -subtly make your presence known, *keeping an eye on the situation* while communicating your concern through body language.

Annual bystander training on how to safely intervene in instances where there is risk of an incident or when one may be occurring is provided to students, faculty and staff. Contact the Title IX Coordinator(s) for training opportunities.

11. **Civil Rights Harassment/Discrimination and Sexual Violence Training, Education, and Primary Prevention and Awareness:** The Spoon River College Board of Trustees recognizes that prevention is a primary tool to help eliminate complaints of civil rights based harassment, discrimination; and retaliation conditions. Therefore, the President or designee shall take all


SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

necessary steps to prevent and eliminate sexual harassment including, but not limited to:

- a. Publishing this policy and the related policy for all present and future employees and students;
- b. Conducting prevention and awareness campaigns for faculty, staff, administrators and students;
- c. Creating an information brochure;
- d. Providing notice of the non-discrimination policy;
- e. Providing clear grievance procedures;
- f. Identifying the contact information for the Title IX Coordinator(s);
- g. Demonstrating a prompt and effective response protocol;
- h. Seeing that mandatory annual in-house training workshops on civil rights and sexual harassment, discrimination, and sexual violence are established and performed;
- i. Publishing harassment prevention and response materials, where appropriate;
- j. Supplementing, where appropriate, employee and student handbooks to include the College policy and procedure on civil rights and sexual harassment, discrimination, and sexual violence.
- k. Annually affirming Spoon River College's commitment to a safe campus and workplace environment that is free of sexual and civil rights harassment, discrimination and sexual violence.

12. **Title IX/VII/ADA/504 Coordinator Contact List:** A complaint of certain or potential discrimination, harassment or retaliation may be made to any of the following Coordinators or filed online at:


Title IX/VII Coordinators			
Name:	Michelle Bugos, SPHR	Name:	Melissa Wilkinson
Position:	Human Resources Director	Position:	Dean of Student Services
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6209	Telephone:	(309) 649-6329
Email:	Michelle.Bugos@src.edu	Email:	Missy.Wilkinson@src.edu

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

Confidential Advisors			
Name:	Andrea White (<i>lead confidential advisor</i>)	Name:	Jill Olson
Position:	Advisor / Disability Services & Probation	Position:	Director, Student Support Services Grant (TRIO)
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	208 S. Johnson Street Macomb, IL 61455
Telephone:	(309) 649-6305	Telephone:	(309) 833-6029
Email:	Andrea.White@src.edu	Email:	Jill.Olson@src.edu
ADA/Section 504 Coordinator			
Name:	Andrea White		
Position:	Advisor / Disability Services & Probation		
Address:	23235 N. County Hwy 22 Canton, IL 61520		
Telephone:	(309) 649-6305		
Email:	Andrea.White@src.edu		
Inquiries may be made externally to:			
Office for Civil Rights (OCR)			
U.S. Department of Education 400 Maryland Avenue, SW			
Washington, DC 20202-1100			
Customer Service Hotline #: (800) 421-3481			
Facsimile: (202) 453-6012			
TDD#: (877) 521-2172			
Email: OCR@ed.gov			
Web: http://www.ed.gov/ocr			

13. **Annual Affirmation:** The President will issue an annual affirmation of the College's prohibition of Civil Rights Discrimination, Harassment, Retaliation, and all forms of Sexual Violence and Sexual Misconduct (including dating, domestic, and stalking) on behalf of Spoon River College.

14. **Task Force:** Spoon River College shall either establish its own campus-wide task force or participate in a regional task force. The task forces shall be composed of representatives of campus staff, campus students, community-based organizations, and law enforcement. The task force shall work toward improving coordination between community leaders and service providers to prevent sexual violence, domestic violence, dating violence, and stalking and to ensure a coordinated response both in terms of law enforcement and victim services. At a

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

minimum, each task force shall meet twice annually to discuss best practices, policies and procedures, as well as collaboration and information-sharing among stakeholders.

15. **Victim Resources:** The following resources are not managed by SRC but may be helpful to you, especially in assisting you with a variety of needs that you may have beyond your campus experience.

Local Hospitals:

<u>Canton Medical Facilities</u> Graham Hospital 210 W Walnut Street Canton, IL 61520 (309) 647-5240	<u>Macomb Medical Facilities</u> McDonough District Hospital 525 East Grant Street Macomb, IL 61455 (309) 833-4101
<u>Havana Medical Facilities</u> Mason District Hospital 615 N Promenade St. Havana, IL (309) 543-4431	<u>Rushville Medical Facilities</u> Culbertson Memorial Hospital 238 S. Congress Rushville, IL 62681 <u>(217) 322-4321</u>

Victims Assistance Agencies:

Off-Campus/Community

National: National Domestic Violence Hotline: 800-799-SAFE (7233) www.thehotline.org

National: National Sexual Assault **RAINN** 800-656-HOPE (4673) www.rainn.org

Illinois Coalition Against Sexual Assault

100 North 16th Street

Springfield, IL 62703

(217) 753-4117

www.icasa.org

Fulton Mason Crisis Service

1330 E Ash


Canton, IL 61520

(309) 647-8311

Fulton Mason Crisis Service

227 S Harpham St.

Havana, IL 62644

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

(309) 543-6706

Macomb & Rushville Rape Crisis Agency
 Western Illinois Regional Council/Community Action Agency
 Victim Services
 P.O. Box 157
 Macomb, IL 61455
 Phone: (309) 836-2148, x145
 Hotline: (309) 837-5555
www.wirpc.org/victimservices

COMPLAINT/REPORTING PROCEDURE:


Spoon River College seeks to maintain a healthy academic and working environment that is free from Civil Rights discrimination, harassment, and retaliation. This procedure is established to ensure an environment that affords equal educational and employment opportunity to all students, employees, and other members of the Spoon River College community.

The College District takes all reports and complaints of Civil Rights discrimination, harassment, and retaliation seriously. Every report will be fully and fairly investigated. Prompt remedial action will be taken whenever discrimination, harassment, or retaliation is found. This procedure is established to ensure complaints are promptly and effectively resolved with respect for all parties.

1. **Confidential Reporting:** If an individual desires that details of the incident be kept confidential, he or she should speak with a confidential advisor or off-campus rape crisis resources, who can maintain confidentiality. Confidential advisors are:

Confidential Advisors			
Name:	Andrea White (<i>lead confidential advisor</i>)	Name:	Jill Olson
Position:	Advisor / Disability Services & Probation	Position:	Director, Student Support Services Grant (TRIO)
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	208 S. Johnson Street Macomb, IL 61455
Telephone:	(309) 649-6305	Telephone:	(309) 833-6029
Email:	Andrea.White@src.edu	Email:	Jill.Olson@src.edu

A campus counselor is available to help you free of charge and can be seen on an emergency basis. Campus counselor contact information is provided below:

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	


Campus Counselor	
Name:	Andrea White (<i>lead confidential advisor</i>)
Position:	Advisor / Disability Services & Probation
Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6305
Email:	Andrea.White@src.edu

An additional resourced are available under the Victim Resources section of this policy.

2. **Complaint and Resolution Process to Non-Confidential Persons:** The complaint and resolution process is designed to receive, investigate, evaluate, and resolve a complaint or report of civil rights discrimination, harassment, or retaliation within sixty (60) days and will be conducted with that in mind. A procedure diagram outlining the process steps and roles is attached to this procedure (see Attachment B).


The primary steps in the complaint and resolution process are:

- a. Victim or witness notifies the Title IX/VII/ADA/504 Coordinator, or Administrator of a violation or potential violation.
- b. Title IX/VII/ADA/504 Coordinator helps reporter prepare a formal complaint or report.
- c. Title IX/VII/ADA/504 Coordinator notifies local law enforcement if the matter is also a potential police matter.
- d. Title IX/VII/ADA/504 Coordinator establishes any interim remedies required to protect campus and/or workplace safety (such as suspension of employee or student).
- e. Title IX/VII/ADA/504 Coordinator designates a trained Investigative Panel to conduct complaint resolution.
- f. Coordinator provides concurrent official notice of the complaint to the complaining and accused parties and the senior College Administrator for the parties.
- g. Investigative Panel launches an investigation to include interviewing witnesses and collecting evidence.
- h. Investigative Panel concludes the investigation.

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

- i. Investigative Panel provides concurrent preliminary findings to all parties with a five (5) day opportunity for complainant and accused to provide any additional information for consideration by the Panel.
 - j. Investigative Panel considers and may investigate any additional information provided.
 - k. Investigative Panel Chair prepares and issues a Final Report of Investigative Findings to the Coordinator.
 - l. Coordinator renders an appropriate resolution of the complaint based on the Investigation Panel's Final Report of Investigative Findings and the preponderance of all evidence collected by the Panel.
 - m. Coordinator provides a written resolution concurrently to the complainant accused and College Administrator.
 - n. Coordinator refers any recommendations for employee discipline and/or student sanctions to the responsible College Administrator for evaluation and action.
 - o. The responsible College Administrator implements appropriate discipline and sanctions, separate and apart from the Complaint Resolution Procedure but within, or as close to sixty (60) day resolution period as possible.
 - p. Complainant and accused each have the opportunity to accept the resolution or submit an appeal to the Title IX/VII/ADA/504 Coordinator.
3. **Providing Notification/Filing a Complaint:** Any student, employee, or other member of the Spoon River College community, guest or visitor who believes the policy on Equal Education and Employment Opportunities or the policy on Civil Rights Civil Rights Discrimination, Harassment, or Retaliation has been violated should notify the Spoon River College Title IX/VII/ADA/504 Coordinator, or Spoon River College Administrator.

Title IX/VII Coordinators			
Name:	Michelle Bugos, SPHR	Name:	Melissa Wilkinson
Position:	Human Resources Director	Position:	Dean of Student Services
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6209	Telephone:	(309) 649-6329
Email:	Michelle.Bugos@src.edu	Email:	Missy.Wilkinson@src.edu

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
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Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

ADA/Section 504 Coordinator	
Name:	Andrea White
Position:	Advisor / Disability Services & Probation
Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6305
Email:	Andrea.White@src.edu

Several alternate resources are available to facilitate notification:


- Attachment A. of this procedure contains the name and contact information of the Title IX/VII/ADA/504 Coordinators and Confidential Advisors. Notification can be made to any individual named in Attachment A.
- A police report may be filed with local law enforcement. In the event of a sexual assault or violence, the reporter should not hesitate to contact law enforcement immediately.
- Notice can be provided to a College Administrator (such as an academic Dean) who will, in turn, immediately notify the Title IX Coordinator.
- Notice can be provided by filing an online report to the Title IX/VII/ADA/504 Coordinator at <http://www.src.edu/about/jobs/Pages/equal-opportunity.aspx>

As with all discrimination, harassment, and retaliation complaints and reports, the complainant or reporter is encouraged to provide contact information to enable the College District to proceed with an investigation of the charges and take any remedial action.

4. **Notification Processing:** Any individual receiving a notification, complaint, or report of alleged discrimination, harassment, retaliation, or sexual violence shall notify the Title IX/VII/ADA/504 Coordinator within 24 hours. The reporter or Title IX/VII/ADA/504 Coordinator will immediately notify local law enforcement of any immediate or potential threat to an individual, campus or workplace safety.

Title IX/VII/ADA/504 Coordinator, or a representative of the Human Resources office will assist the complainant in preparing a formal written complaint, which shall include the date, time, place, and a specific description of the alleged conduct that constitutes the alleged discrimination, harassment, retaliation, or sexual violence.

Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
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Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

5. **Confidentiality:** All initial contacts will be treated with the maximum possible confidentiality, but specific information on any complaints received by any part must be reported to the Title IX/VII/ADA/504 Coordinator.

Victims of sexual misconduct or other crimes should be aware that local law enforcement must issue timely warnings when reported incidents pose a substantial threat of bodily harm or danger to members of the campus community. The College District will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger. Spoon River College is prepared to take appropriate steps to protect individuals who fear they may be subjected to physical or other retaliation.

To the extent possible, complaints will be treated as confidential. Limited disclosure may be necessary as required by law, to complete a thorough investigation. Confidentiality cannot be guaranteed if the complaint becomes the subject of an administrative, arbitral, or court proceeding or subpoena.


In all cases, the College District will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right to investigate and pursue a resolution even when an alleged victim chooses not to initiate or participate in a formal complaint.

Victims of sexual assault shall not be identified by name in the College District Clery Report.

6. **Duty to Investigate and Correct Violations:** Spoon River College will act on any formal or informal complaint or notice of violation of the policy on Civil Rights discrimination, harassment, and retaliation that is received by the Title IX/VII/ADA/504 Coordinator, or College Administrator.

Because the law makes the College District responsible to investigate and, if appropriate, take corrective action as soon as management and supervisors become aware of an allegation of sexual or other civil rights based harassment, discrimination, or retaliation, any student, employee, and "responsible employee" including a supervisor, who becomes aware that a student or employee is being sexually harassed, harassed, or discriminated against on the basis of any protected criteria, or retaliated against by a College employee or student or third party shall promptly report alleged violation as required in this procedure.

"Responsible Employee" is defined by the U.S. Department of Education, Office of Civil Rights as any employee with the authority to take action, an employee with reporting obligations, or any employee that a student would reasonably believe has the authority to report or take action.

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Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	


Victims have the option to, or not to, notify and seek assistance from local law enforcement or authorities of Spoon River College.

7. **Freedom from Retaliation:** Retaliation is defined as any materially adverse action taken against a person for who has filed or reported a complaint of discrimination, harassment, or retaliation with Spoon River College or an administrative agency; who has participated or testified in an investigation or proceeding; or who has reported a discriminatory practice in violation of a federal or statute prohibiting such conduct. Retaliation against an individual for alleging discrimination or harassment, supporting a complaint, assisting in providing information relevant to a claim of harassment, or engaging in conduct protected by law is a serious violation of College policy and may be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX/VII/ADA/504 Coordinator and will be promptly investigated.

In the event retaliation is determined, appropriate disciplinary action or sanctions shall be initiated. The College reserves the right to decline or indemnify or defend any employee who engages in violation of this procedure.

8. **Interim Remedial Action:** If, in the judgment of the Title IX/VII/ADA/504 Coordinator, the safety and well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the Title IX/VII/ADA/504 Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination, and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustment to academic deadlines, course schedules, etc.

Spoon River College may interim suspend a student, employee, or organization pending the completion of investigation and procedures. In all cases in which an interim suspension is imposed, the student employee or student organization will be given the opportunity to meet with the Title IX/VII/ADA/504 Coordinator prior to such suspension being imposed or as soon thereafter as reasonably possible to show cause why the suspension should not be implemented. Depending on whether the offending party is an employee or student, the Title IX/VII/ADA/504 Coordinator or appropriate administrator at the college where the student is enrolled has sole discretion to implement or stay an interim suspension under this policy, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

SPOON RIVER COLLEGE				Approved by: 
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Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	


During an interim suspension, an employee or student will be denied access to Spoon River College facilities and events. As to a student, this restriction may include classes and/or all other College activities and privileges for which the student might otherwise be eligible. In addition, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

Victims and the College have the right to seek restraining, judicial no-contact and/or protective orders, and internal no-contact and criminal trespass warnings to maintain individual and campus safety.

9. **Coordinator's Obligations:** The Title IX/VII/ADA/504 Coordinator shall coordinate a prompt investigation of all complaints and allegations of discrimination, harassment, and retaliation based on protected class, including the reporting of sexual assaults and sexual misconduct. Upon receipt of a civil-rights based complaint, the Title IX/VII/ADA/504 Coordinator shall:
 - a. Immediately appoint two members to the investigative panel from the available trained panel members. If either party to the complaint is a faculty member, the investigative panel may include at least one faculty member. If either party to the complaint is a staff member, the investigative panel may include at least one staff member.
 - b. Within five (5) College days, notify the accused (respondent) and complainant of the complaint and investigation by hand delivering the notice to the respondent (accused) with a copy of the notice to the complainant. Title IX/VII/ADA/504 Coordinator or designee may extend the time allotted for delivering the notice to the accused in writing before the expiration of the original deadline under extraordinary circumstances. A break between semesters may constitute an extraordinary circumstance.
 - c. During this period (between filing of the complaint and notification of the respondent (accused), the investigative panel shall be appointed, briefed, and begin the investigation.

10. **Investigation:** An investigative panel shall have the authority to interview witnesses and gather documentation. Interviews will be the primary method of collecting information as part of the fact-finding investigation. Attorneys, representatives, and advocates are not allowed at internal interviews. Witnesses and the respondent are expected to be cooperative and truthful.

At all times, the investigative panel shall take steps to ensure privacy and confidentiality for witnesses, complainant and the respondent (accused) during the investigation, including without limitation, requiring all parties to agree, in writing, that information disclosed during the investigation shall not be disclosed to others unless required by law, court order, subpoena, or to defend the College in legal or administrative proceedings, including appeals of the decision on

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Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

the complaint. A violation of privacy or confidentiality shall be grounds for disciplinary action up to and including termination. The rights of the complainant, as state in the College Policy on Civil Rights Discrimination, Harassment, and Retaliation shall be observed.


In most cases, the investigative process will take approximately sixty (60) days, but the investigation of more complex cases may take longer. The investigation shall be conducted as expeditiously as possible, and where necessary, the administration shall provide panel members with substitutes for pre-assigned responsibilities. A break between semesters may constitute an extraordinary circumstance that justifies an extension of the sixty (60) day period for investigation and resolution, however, the summer term will not be considered an appropriate period to forgo the investigation and resolution.

Because the investigative panel has a serious responsibility to ascertain the facts, the College has an interest in the accuracy and reliability of the information the investigative panel receives. For that reason, if any witness or alleged violator of this policy is later found to have knowingly provided false information to the investigative panel, the College reserves the right not to indemnify or defend any employees who knowingly provides false information to the investigative panel in violation of this procedure and the right to take appropriate disciplinary action.

11. **Investigative Panel Findings:** Once all facts and evidence are gathered from all parties and witnesses; and, the investigative panel concludes that the fact finding is complete; the investigative panel will issue a Final Report of Investigative Findings.

Before issuing a Final Report of Investigative Findings to the Title IX/VII/ADA/504 Coordinator or designee, the investigative panel will provide their conclusions concurrently to the complainant and accused parties and the administrator(s) in a Preliminary Report of Findings. The complainant and accused will be given an opportunity to comment and respond to the information presented and provide any additional information that may have not been reviewed by the investigative panel but should be considered prior to a decision and final report being issued regarding the complaint. Any additional information must be provided to the investigative panel within five (5) college days.

Within the next five (5) college days, the investigative panel will consider any additional information provided and render a Final Report of Investigatory Findings to the Title IX/VII/ADA/504 Coordinator. The Final Report of Investigatory Findings will include the factual findings and the panel's conclusion whether the preponderance of the evidence obtained in the investigation establishes a violation of College policy. The final report shall be dated and signed by all members of the investigative panel.

SPOON RIVER COLLEGE				Approved by: 
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Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

12. **Resolution of Complaint:** The Title IX/VII/ADA/504 Coordinator assigned to conduct the complaint resolution process will determine the appropriate resolution of the complaint based on the factual evidence provided in the Final Report of Investigative Findings and the preponderance of evidence presented in the report.

The Title IX/VII/ADA/504 Coordinator assigned to conduct the complaint resolution process will provide a formal written Notice of Complaint Resolution to the complainant and administrator(s) concurrently in writing, within five (5) college days from receiving the report form the investigative panel. The notice of resolution will identify any findings of policy violation by any party and indicate which Spoon River College Administrator is responsible for determining the appropriate action or sanctions to be taken.

The Complaint Resolution Notice will include information about the timeline for initiating sanctions and/or disciplinary actions as well as the Civil Rights Process that is available to the complainant and accused.


13. **Disciplinary Actions or Sanctions:** When the Complaint Resolution refers to employee discipline and/or student sanction considerations to an Administrator(s), the Administrator or designed will have ten (10) college days to render a determination to be taken. Student sanctions may be referred by the Administrator to the Dean of Student Services for action. Employee Discipline may be referred to the employee's supervisor and Human Resources for determination and action.

Complaints against an employee may result in disciplinary action up to and including discharge in accordance with the Progressive Discipline Policy 3.5.13.

Complaints against students may result in sanctions up to and including expulsion in accordance with Spoon River College Code of Conduct.

In the event of policy violations, a number of factors will be considered in determining appropriate discipline or remedial action, including the nature of the violation, the severity and pervasiveness of the conduct.

Nothing in this procedure limits or delays the College's right to take appropriate disciplinary actions, up to and including termination, when an employee's behavior warrants the action, and nothing in this procedure shall prevent the College from taking appropriate action against a person who knowingly makes a false accusation.

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Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

Once the appropriate disciplinary action or sanctions have been determined, the complainant and accused respondent will be notified concurrently in writing of the decision by the Title IX/VII/ADA/504 Coordinator or designee(s).

14. **Appeals:** Both the complainant (complaining party) and the respondent (accused party) may opt to accept the decision and determination of the action or sanctions imposed or submit an appeal to proceed before an Appeal Hearing Panel within ten (10) college days of the date of the letter communicating the decision of the investigative panel and the determination of disciplinary action or sanctions. The appeal procedure is stated below.

APPEAL PROCEDURE:

Purpose: When a Notice of Resolution (decision) has been issued to resolve a Civil Rights Complaint through the established Civil Rights Complaint Procedure (as referenced above), either party may Appeal the decision. This procedure is established for students, employees, including staff, administrators and faculty members and any other members of the college community who were a party to a Civil Rights Complaint Resolution decision (either complainant or respondent/accused) who wish to appeal.


This procedure is not intended for appeals of student sanctions or employee discipline issued subsequent to a Civil Rights Complaint Resolution decision. See *Appealing Student Sanctions or Employee Disciplinary Action* below.

Any party (complainant or respondent/accused) may appeal, but appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the original civil rights complaint resolution process (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original civil rights complaint resolution process that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included in the written notice of appeal.

1. **Filing an Appeal:** An appeal of a Civil Rights Complaint Notice of Resolution (decision) that was issued under the Compliant Procedure above must be submitted in writing to the Title IX/VII/ADA/504 Coordinator within five (5) college days of the delivery of the written Complaint Notice of Resolution (Decision) or within five (5) college days of the issuance of employee discipline or student sanctions, whichever is later.

An Appeal form is posted at <http://www.src.edu/about/jobs/Pages/equal-opportunity.aspx>. The form may be submitted online through the website or to:

SPOON RIVER COLLEGE				Approved by: 
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Insert:	3.1.3	Date:	07/29/16	
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Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	


Title IX/VII Coordinators			
Name:	Michelle Bugos, SPHR	Name:	Melissa Wilkinson
Position:	Human Resources Director	Position:	Dean of Student Services
Address:	23235 N. County Hwy 22 Canton, IL 61520	Address:	23235 N. County Hwy 22 Canton, IL 61520
Telephone:	(309) 649-6209	Telephone:	(309) 649-6329
Email:	Michelle.Bugos@src.edu	Email:	Missy.Wilkinson@src.edu
ADA/Section 504 Coordinator			
Name:	Andrea White		
Position:	Advisor / Disability Services & Probation		
Address:	23235 N. County Hwy 22 Canton, IL 61520		
Telephone:	(309) 649-6305		
Email:	Andrea.White@src.edu		

2. **Civil Rights Appeal Hearing Panel:** A three-member Civil Rights Appeal Hearing Panel (none of whom were involved in the complaint resolution process previously) will be designated by the Title IX/ ADA/504 Coordinator from the pool of trained Title IX/VII/ADA/504 Investigators. One of the Panel Members will be designated as the Panel Chair. If a student appeals any sanctions imposed as a result of the civil rights complaint resolution process, the appeal process in the Student Code of Conduct will be followed.

3. **Civil Rights Appeal Process:** The primary steps in the process are:
 - a. Complainant or Respondent (accused) in a Civil Rights Complaint Resolution decision submits a timely written appeal of the decision to the Title IX/VII/ADA/504 Coordinator (see Filing an Appeal, above).


 - b. Title IX/VII/ADA/504 Coordinator appoints a trained Hearing Panel and Hearing Panel Chair. If the appeal is by a student, the Title IX/VII/ADA/504 Coordinator refers the appeal to the proper college administrator for processing hearing under the Student Code of Conduct.

 - c. The Coordinator will issue a written acknowledgment of the Appeal and Notice of Hearing to all parties to the original Civil Rights Complaint Resolution decision at least five (5) college days before the hearing but not later than three (3) weeks following receipt of the written appeal. The written notification shall state the findings. The notice of hearing shall state the time, date, and location of the hearing. If any party does not appear at the scheduled hearing, the hearing will be conducted in the party's absence. The Notice of Hearing shall provide the deadlines for submission of Witness Lists and

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Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

exhibits to the Coordinator for compelling, substantiated reasons, the Appeal Hearing Panel may re-schedule the hearing. The Notice of Hearing shall also notify the appealing party of the following:

- 1) The appeal hearing is a confidential, internal administrative proceeding.
 - 2) Parties to the appeal hearing may appear by themselves or with an adviser. The name of any advisor must be provided to the Coordinator at least 48 hours prior to the scheduled commencement of the hearing.
 - 3) Both parties may call (present) witnesses at the hearing. Both parties must notify the Coordinator in writing of the identity of any persons who will be called as witnesses at least 48 hours prior to the scheduled commencement of the hearing. The parties are responsible for getting their witnesses to appear at the hearing.
 - 4) Each party may present their case, offer evidence, examine witnesses, and argue on their own behalf at the hearing.
 - 5) All parties may question all witnesses.
 - 6) The Appeal Hearing Panel may pose questions to the parties and the witnesses.
 - 7) All parties to the Appeal will submit Witness Lists and exhibits to the Coordinator at least two (2) college days prior to the scheduled Appeal Hearing. The Coordinator will immediately provide copies of all witness lists and all exhibits to all parties.
- d. The Appeal Hearing will be conducted before the Hearing Panel. All evidence and witnesses will be presented.
- e. The Appeal Hearing Panel Chair will lead the Panel in deliberation continuously during normal business hours until a decision is reached on the appeal.
- f. The Hearing Panel Chair will issue a written decision to the Coordinator. The decision may include a finding to overturn a sanction or employee discipline that the appeal decision renders inappropriate. The decision may also include a recommendation for further discipline or sanction considerations by the Administrator to support the appeal decision.
- g. The Coordinator will provide a written Appeal Determination to all parties and Administrator(s) for the student and/or employee parties. The decision is final, and no further appeals are permitted.
- h. The Administrator(s) will take action to promptly amend prior disciplinary actions or sanctions as necessary to reflect the results of the Appeal Determination.

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Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

4. **Decisions on Appeal:** The Civil Rights Appeal Hearing Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Appeals decisions by the Civil Rights Appeal Hearing Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so;

Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Sanctions and disciplinary action imposed are implemented immediately and remain in place during an appeal unless the Title IX/VII/ADA/504 Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal;


Once an appeal is decided, the outcome is final: further appeals are not permitted.

5. **Sanction and Progressive Discipline Actions Resulting from or Amended by an Appeal:** The responsible Administrator notified of the Appeal Determination or designee, will complete the process to issue appropriate Student Sanctions or Employee Discipline appropriate to the Appeal Determination or, if necessary, modify or remove the Sanctions or Discipline issued in response to the original Complaint Determination.

All respondents are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the Title IX/VII/ADA/504 Coordinator. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the Alamo Colleges and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX/ADA/504 Coordinator.


6. **Appealing Student Sanctions and Employee Disciplinary Actions:** This procedure is not intended for appeals of a student sanctions or employee discipline issued subsequent to a Civil Rights Complaint Resolution decision.

Student Sanctions issued by College Administration in response original Civil Rights Complaint Resolution decision are issued under the Student Code of Conduct. Any appeal of student sanctions must be made and processed under the provisions of Non-Academic Misconduct

SPOON RIVER COLLEGE				Approved by: 
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Title:	<u>Equal Opportunity, Civil Rights Discrimination, Harassment, and Retaliation</u>			
Insert:	3.1.3	Date:	07/29/16	
Replace:	3.1.3 / 3.1.2 / 3.1.1	Date:	03/01/16	
Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

Disciplinary Process, not under this Civil Rights Appeal Procedure.

Progressive Discipline issued by Administration to employees in response a Civil Rights Complaint Resolution decision are issued under the Progressive Discipline Policy.


SPOON RIVER COLLEGE				Approved by: 
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Insert:	3.1.3	Date:	07/29/16	
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Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

Attachment A

Spoon River College Title IX/VII/ADA/504 Coordinator and Confidential Advisor Contact List

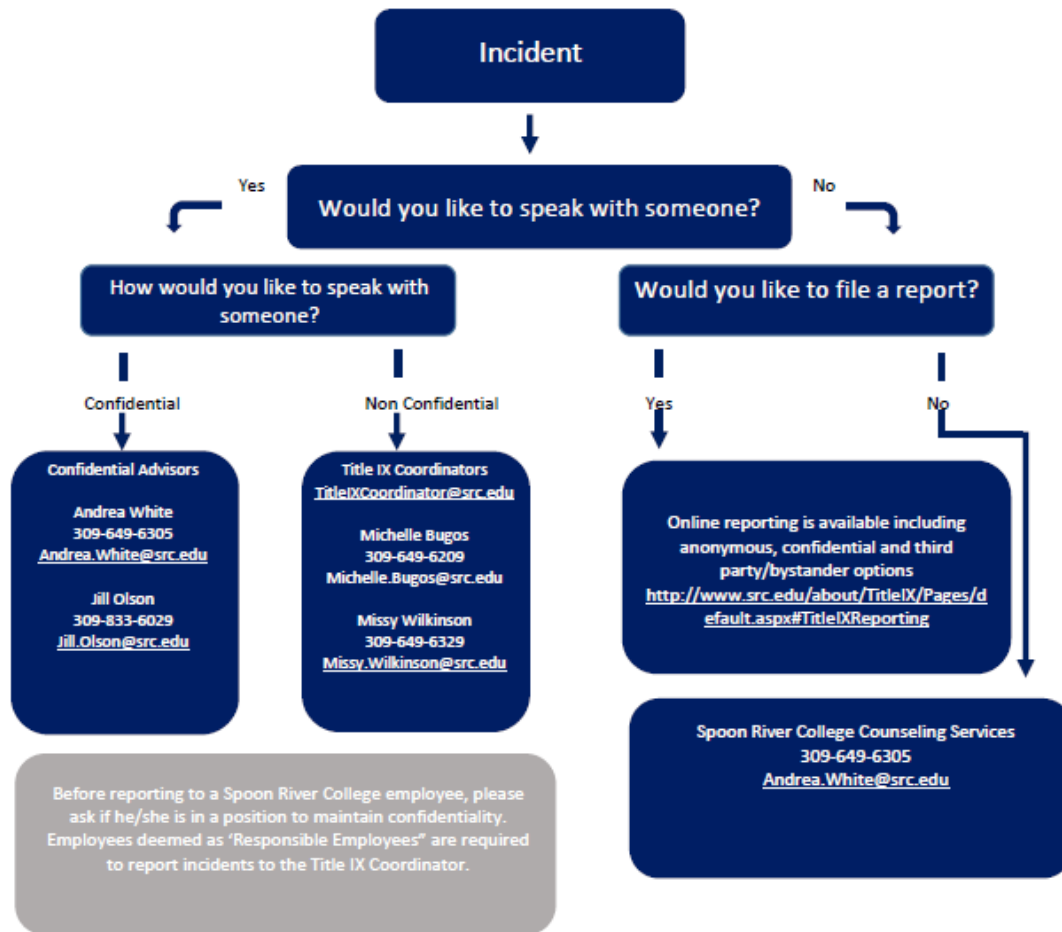
A complaint of certain potential discrimination, harassment, or retaliation may be made to any of the following Coordinators or filed online at <http://www.src.edu/about/TitleIX/Pages/default.aspx>.

Role	Name	Telephone	Email
Title IX/VII Coordinator	Michelle Bugos	(309) 649-6209	michelle.bugos@src.edu
Title IX Coordinator	Missy Wilkinson	(309) 649-6329	missy.wilkinson@src.edu
Confidential Advisor	Andrea White	(309) 649-6305	andrea.white@src.edu
Confidential Advisor	Jill Olson	(309) 833-6029	jill.olson@src.edu
ADA/504 Coordinator	Andrea White	(309) 649-6305	andrea.white@src.edu

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Reviewed:		Date:	07/27/16	
Remove:	3.1.2 / 3.1.1	Date:	11/01/15 & 03/01/16	

Attachment B
Spoon River College Complaint Procedure

How to file a report



If a report is made to the College the complainant has the right to request interim protective measures and accommodations. Spoon River College will provide assistance to implement such measures for survivors including:

1. Changing classes, an on-campus work assignment, transportation or other arrangements related to attendance or employment at the College;
2. Obtaining a campus or state mandated no contact order,

Upon a survivors request the College will provide assistance accessing and navigating campus and local health and mental health services, counseling and advocacy services.