


SPOON RIVER COLLEGE				Approved by: 
Policies and Procedures Manual				
Title:	<u>Sex Discrimination, Sexual Misconduct and Interpersonal Violence (Title IX)</u>			
Insert:	3.1.3	Date:	07/02/18	
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POLICY: Spoon River College (the "College") has established this Policy against Sex Discrimination, Sexual Misconduct and Interpersonal Violence ("Policy") that articulates the College's descriptions of prohibited conduct. The Policy and the related Investigation & Resolution Procedures for Allegations of Sex Discrimination, Sexual Misconduct, and Interpersonal Violence ("Procedures") outline the College's approach to addressing reports of sex discrimination, sexual misconduct, and interpersonal violence, and other suspected violations of the Policy. The College is committed to the prompt and equitable resolution of all alleged or suspected violations of the Policy about which the College knows or reasonably should know to the fullest extent possible under the circumstances.

SCOPE:

This Policy applies to all students, faculty, and staff, to other members of the College community, and to contractors, consultants and vendors doing business or providing services to the school.

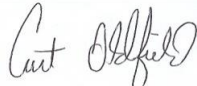
This Policy applies to on-campus and off-campus conduct, including online or electronic conduct, when the off-campus conduct: (i) occurs during a College sponsored employment or education activity or program; (ii) adversely impacts the education or employment of a member of the College community; or (iii) otherwise threatens the health and/or safety of a member of the College community.

DETAILS:

- 1. Applicable Federal and State Law:** This Policy supplements the general policy statement and addresses the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Violence Against Women Reauthorization Act of 2013 ("VAWA") and the Illinois Preventing Sexual Violence in Higher Education Act. Title IX is a federal law that prohibits sex discrimination in federally funded education programs and activities. The Illinois Preventing Sexual Violence in Higher Education Act is a state law that addresses student allegations of sexual violence, domestic violence, dating violence and stalking at higher education institutions. Title IX states as follows: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act are two other laws that also prohibit sex discrimination. In addition, VAWA requires colleges and universities to have particular policy statements and offer educational programming regarding domestic violence, dating violence, sexual assault, and stalking.

- 2. Sex Discrimination, Sexual Misconduct and Interpersonal Violence:** Spoon River College provides a work and educational environment free of all forms of sex discrimination. "Sexual misconduct," which includes sexual harassment, inducing incapacitation for sexual purposes,

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and sexual exploitation, is a form of sex discrimination and is prohibited by this Policy. "Interpersonal violence," including domestic violence, dating violence, and stalking, is also prohibited by this Policy.

3. Prohibited Sexual Misconduct: Spoon River College affirms its commitment to create and maintain an environment free from acts of sexual misconduct and to foster within that environment respect for the dignity of all members of the community. Accordingly, the College will not tolerate acts of sexual misconduct. The following offenses are considered sexual misconduct and are prohibited by the College:

- a. Sexual Harassment: Sexual harassment is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature, without regard to whether the parties are of the same or different genders or gender identities where:
- submission to or rejection of such conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity; or
 - such conduct is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
 - such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance.


In considering whether conduct constitutes sexual harassment, the College considers the totality of the circumstances. Examples of sexual harassment may include, but are not limited to: repeated comments about a person's physical appearance; sexually suggestive remarks or insults; displays of sexually suggestive material; unwelcome advances such as touching, patting, caressing, kissing or sexual propositions; and sexual advances accompanied by threat of punishment or promise of reward including the withholding or giving of grades and promotions.

- b. Sexual Assault: Sexual assault (also referred to as sexual violence) is a particular type of sexual harassment that involves actual or attempted sexual contact with another person when consent is not present or coercion and/or force is used. Coercion is to force a person to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation or the use of physical force. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Sexual assault includes, but is not limited to:

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- 1) Sexual Penetration without Consent: Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes any vaginal or anal penetration, however slight, with any body part or object, or oral penetration by a sex organ of another person, when consent is not present or coercion and/or force is used.
 - 2) Sexual Contact without Consent: Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the private or intimate parts of another person for sexual gratification, or disrobing another person when consent is not present or coercion and/or force is used. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else. Intimate parts may include the breasts, genitals, buttocks, mouth or any other part of the body that is touched in a sexual manner.
 - 3) Statutory Rape: Sexual intercourse with a person who is under the legal age of consent (17 years in Illinois). (For incidents that occur outside of the U.S. (e.g., study abroad programs), Illinois law will apply in determining a violation of this Policy.)
- c. Inducing Incapacitation for Sexual Purposes: Inducing incapacitation for sexual purposes includes using, or causing another person or person to use drugs, alcohol, or other means with the intent to affect the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) to sexual contact. Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction), and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings or the inability to communicate for any reason.

Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: decision-making capacity, awareness of

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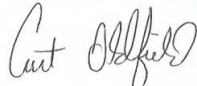
consequences and ability to make informed judgments, or capacity to appreciate the nature of the act. Whether a responding party reasonably should have known that a reporting party was incapacitated will be evaluated using an objective reasonable person standard. The question is whether the responding party knew, or a sober, reasonable person in the position of the responding party, knew or should have known, that the reporting party was incapacitated.

An individual may experience a blackout state in which they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication or impairment.

It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.


- d. **Sexual Exploitation Policy Against Sex Discrimination, Sexual Misconduct, and Interpersonal Violence:** Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for personal benefit, or to benefit anyone other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:
- Prostituting another person;
 - Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
 - Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
 - Exceeding the boundaries of consent;
 - Engaging in non-consensual voyeurism;

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- Knowingly transmitting an STI, such as HIV, to another without disclosing one's STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals; and
- Possessing, distributing, viewing or forcing others to view illegal pornography.

4. **Statement on Consent:** Consent to engage in sexual activity must be informed, freely agreed upon and mutual. Consent must be ongoing, throughout each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact.

- Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent may not be inferred from silence, passivity, lack of verbal or physical resistance or lack of active response alone. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent.
- Consent cannot be inferred by an individual's manner of dress. If at any time it is apparent to either party that the other party is hesitant, confused or uncertain, both parties should stop and obtain mutual consent before continuing sexual activity.
- A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Further, a person's consent to past sexual activity does not constitute consent to future sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent does not exist if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his/her own free will to choose whether or not to have sexual contact.
- Consent can be withdrawn at any time.


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- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
 - The individual is incapacitated due to drug or alcohol consumption, either voluntarily or involuntarily;
 - The individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring;
 - The individual is under age (17 years in Illinois). (However, if the Responding Party is 17 years of age or older and holds a position of trust, authority, or supervision in relation to the Reporting Party/victim, then the age of consent is 18 years old.); or
 - The individual has a mental disability that impairs his or her ability to provide consent.

A person commits a sex crime if that person knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.

A finding of a lack of consent can occur if: (a) the Responding Party's belief in affirmative consent arose from the intoxication or recklessness of the Responding Party, or (b) the Responding Party did not take reasonable steps, in the circumstances known to the Responding Party at the time, to ascertain whether the Reporting Party affirmatively consented.

- 5. Interpersonal Violence:** Spoon River College affirms its commitment to create and maintain an environment free from acts of interpersonal violence and to foster within that environment respect for the dignity of all members of the community. Accordingly, the College will not tolerate acts of interpersonal violence. The following offenses are considered interpersonal violence and are prohibited by the College.
- a. Stalking: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or to suffer substantial emotional distress. For the purposes of this definition:
 - 1) "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
 - 2) "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; and
 - 3) "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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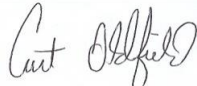
b. Dating Violence: Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It can include but is not limited to:

- Sexual abuse or the threat of such abuse;
- Battering that causes bodily injury;
- Purposely or knowingly causing reasonable apprehension of bodily injury; and
- Emotional abuse creating apprehension of bodily injury or property damage.

Dating violence does not include acts covered under the definition of domestic violence, below.

c. Domestic Violence: Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or 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.

6. **Non-Retaliation:** It is a violation of College's Policy to retaliate in any way against a person or persons because they have, in good faith, opposed any practices forbidden under this Policy or have filed a report, assisted or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempted to stop sex discrimination, sexual misconduct or interpersonal violence. Retaliation may take many forms, and may include intimidating, threatening, coercing or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. The College will take immediate and responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate. Individuals who engage in retaliation as defined by this Policy are subject to disciplinary action that may include, but is not limited to, the sanctions listed in Section H. 6. d. 1. of the College's Investigation and Resolution Procedures for Allegations of Sex Discrimination, Sexual Misconduct and Interpersonal Violence, up to and including dismissal or other separation from the College.

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7. Consensual Relationships:

- a. **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 or students over whom they exercise authority are referenced in the College’s Non-Fraternization Policy. 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.


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:

- 1) The subordinate party or student feels unwanted pressure to become involved and/or to continue the relationship.
- 2) The subordinate party or student feels compelled to change behavior and/or job duties because of the relationship.
- 3) 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);

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- 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 Investigation and Resolutions Procedure for Allegations of Sex Discrimination, Sexual Misconduct and Interpersonal Violence

- b. 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 item 4 above of this Policy.

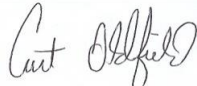
8. Changes in this Policy: The College reserves the right to make adjustments and changes in this Policy at any time.

PROCEDURE(S):

1. General Information About the Investigation and Resolution Procedures: These Investigation and Resolution Procedures (“Procedures”) are in place for all alleged violations of the Policy against Sex Discrimination, Sexual Misconduct, and Interpersonal Violence ("Policy"), including complaints involving students and those involving a faculty or staff member, or any other individual such as contractors, visitors or guests of Spoon River College (the "College").

The College has established the Policy to articulate the College's descriptions of prohibited conduct. Because the College's approach to resolving alleged or suspected violations of the Policy is grounded in its mission and purpose as an educational institution, its approach is educational, rather than legal or judicial. As a result, the College retains the discretion to exercise its academic and educational judgment in investigating and resolving alleged or suspected violations of the Policy in a manner that is consistent with the various anti-discrimination laws that apply to its programs.

The College is committed to the prompt and equitable resolution of all alleged or suspected violations of the Policy about which the College knows or reasonably should know, regardless of whether a complaint alleging a violation of the Policy has been filed and regardless of where the conduct at issue occurred. Under Illinois law, reporting parties have the right to request a prompt procedure, and the College is committed to providing a prompt resolution in all matters.

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In resolving a particular matter, the College may use some or all of the following processes: Initial Assessment, Voluntary Resolution, Investigation (a formal process leading to a finding), and Sanctioning. Regardless of the specific processes employed, the College will generally complete its Resolution Procedures (excluding any appeals) within 60 calendar days unless the College determines in its discretion that more time is required, in which case the parties will be notified and provided with an explanation of the reason for the extension of the 60-day period. The College will provide periodic updates as it deems appropriate.

The College's ability to investigate in a particular situation, or the extent of the Investigation in any given situation, may be affected by any number of factors, including whether the report is anonymous, whether the Reporting Party is willing to file a report or consent to an Investigation, the Reporting Party's request for confidentiality, the location where the alleged conduct occurred, and the College's access to information relevant to the alleged or suspected violation of the Policy. The College is nonetheless committed to investigating and resolving all alleged and suspected violations of the Policy to the fullest extent possible under the circumstances. In instances where the Reporting Party is unwilling or unable to file a report and participate in an investigation and resolution process, the College may elect to proceed and to seek resolution of the matter in accordance with the Procedures described below or other process that resolves the complaint in a manner consistent with applicable law and relevant U.S. Department of Education, Office of Civil Rights (OCR) regulations or other relevant government guidance. Similarly, the College may also proceed to seek resolution of the alleged or suspected Policy violation in cases in which the Responding Party does not wish to participate in the investigation and resolution process. In these cases, the College will serve as the Reporting Party in the Procedures described below.

These Procedures apply to all suspected or alleged violations of the Policy and will be used in place of any other investigating procedures which might be found in other College policies or procedures used to address other alleged misconduct. In addition, the College may at any time, upon finding of good cause, modify these Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of the Policy in accordance with applicable law.

2. Relevant Definitions:

- a. **Reporting Party:** is the party alleging sex discrimination, sexual misconduct or interpersonal violence or to whom sex discrimination, sexual misconduct or interpersonal violence was directed. The Responding Party is the party accused of sex discrimination, sexual misconduct or interpersonal violence. An individual who reports sex discrimination, sexual misconduct or interpersonal violence occurring between individuals other than him/herself is referred to as a Third Party Bystander or Witness.
- b. **Responsible Employee:** defined by the U.S. Department of Education, OCR as any employee with the authority to take action, an employee with reporting obligations, or

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any employee that a student would reasonably believe has the authority to report or take action. Victims have the option to, or not to, notify and seek assistance from local law enforcement or authorities of the College.

- Confidentiality:** To the extent permitted by law, the confidentiality of all parties involved in the resolution of alleged or suspected violations of this Policy will be observed, provided that it does not interfere with the College's ability to conduct an Investigation and take any corrective action deemed appropriate by the College. Consistent with the College's obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") and the Violence Against Women Reauthorization Act of 2013 ("VAWA"), identifying information regarding Reporting Parties will not be included in any timely warnings or other publicly-available records.


PROCEDURE FOR REPORTING ALLEGED OR SUSPECTED INCIDENTS OF SEX DISCRIMINATION, SEXUAL MISCONDUCT, OR INTERPERSONAL VIOLENCE

There are various reporting options and resources available to the College community for individuals who wish to make a complaint or report of an alleged or suspected violation of this Policy. The College encourages those who have experienced sex discrimination, sexual misconduct, or interpersonal violence to talk to one or more of the individuals or agencies identified below.

- Reporting to the College:** The College strongly encourages individuals, including Third Party Bystanders, to report incidents of sex discrimination, sexual misconduct or interpersonal violence to the Title IX Coordinator, Deputy Title IX Coordinator, or other College employees, all of whom do not have an obligation of confidentiality. (See below to make reports anonymously or speak with an individual confidentially.) All non-student College employees, except those identified in the Confidential Reporting section below, are obligated to share with the Lead or Deputy Title IX Coordinator any alleged violation of this Policy of which they become aware (including the identities of the parties) unless they are expressly prohibited by law from disclosing such information.

The College's Lead Title IX Coordinator and Deputy Title IX Coordinator are:

<u>Lead Title IX Coordinator</u>		<u>Deputy Title IX Coordinator</u>	
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 TitleIXCoordinator@src.edu	Email:	Missy.Wilkinson@src.edu TitleIXCoordinator@src.edu

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The College encourages individuals to report such incidents as soon as practically possible, but there is no time limit on reporting incidents of sex discrimination, sexual misconduct or interpersonal violence. The College will undertake an investigation of past events, but it cannot typically impose disciplinary sanctions on an individual who is no longer a member of the College community (e.g., a student who has graduated or an individual who is no longer in the employ of the College).

Reports may be submitted in person, in writing, or electronically, and may be submitted by Reporting Parties, Third Party Bystanders or other third parties.

- a. **Research Exemption to Reporting Responsibility of Employees.**
The College recognizes a narrow exception to the reporting responsibilities described above for specific types of research regarding sexual misconduct or interpersonal violence, as those terms are defined in the Policy. For research regarding sexual misconduct or interpersonal violence, the burden of reporting could have a negative impact on the ability for researchers to effectively study these topics. There are some systems in place to protect participants of studies: All researchers must conduct their research in accordance with the requirements of the College’s Ethical Review of Research with Humans Board (ERRHB), and, where applicable, any research sponsor requirements.

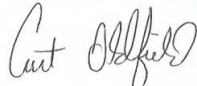
College employee and student researchers engaged in ERRHB-approved research and College employees and students who administer ERRHB-approved research about campus-based sexual misconduct or interpersonal violence will be exempted from their reporting responsibilities, so long as all of the following conditions are satisfied:

- The research must be approved by the College’s ERRHB.
- The exemption applies only when the individual is acting in their role as a researcher and when the information is formally gathered as part of the research project in question.

The researcher must have ERRHB-approved, trauma-informed training to provide to the research participants making the disclosure of sexual misconduct or interpersonal violence.

The consent form must explicitly explain the College’s general reporting obligations described above and this research exemption.

Research participants must be given a copy of the College’s Policy and these Procedures so that they have information about both confidential and non-confidential resources

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available on and off campus, including contact information for the College's Lead and Deputy Title IX Coordinator.

This research exemption does not apply to the following:

- Research participants under the age of 18.
 - Research participants over 18 who disclose violence involving a minor.
- b. Anonymous Witness Report: Individuals, including Third Party Bystanders, can submit an anonymous report of sex discrimination, sexual misconduct or interpersonal violence by completing the form found at: <http://www.src.edu/about/Pages/titleix.aspx>. These reports will be sent to the Title IX Coordinator who will make every effort to respond or take other corrective action, but the College's ability to respond or take corrective action following an anonymous report may be limited. This reporting mechanism is not a substitute for the obligation of all College employees, except for the Confidential Reporting resources identified below, to make a report as described above.
- c. Privacy of Reports: The privacy of all parties involved in complaints or reports of sex discrimination, sexual misconduct or interpersonal violence prohibited by this Policy will be respected to the extent permitted under relevant law. Information related to a complaint or report of a violation of this Policy will be treated with sensitivity and shared only with those College employees who need to know to assist in the investigation and/or resolution of the matter pursuant to the College's Procedures. The College will not disclose the identity of either party except as necessary to resolve the complaint or to implement interim protective measures and accommodations or when provided by state or federal law.

All College employees who are involved in the review, investigation or resolution of sex discrimination, sexual misconduct and interpersonal violence complaints will receive specific training regarding the safeguarding of private information. The College will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, to the extent permissible by law.

- d. Information Regarding the Rights of Reporting Parties: Upon receiving a report of an incident of sexual misconduct or interpersonal violence prohibited under this Policy, the College is obligated to provide the Reporting Party with a written document (separate from this Policy) listing, in plain, concise language, the


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Reporting Party's available rights, options and resources, as well as a description of the College's Investigation & Resolution Procedures.

- e. **Amnesty Policy:** The College encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The College recognizes that an individual who has been drinking or using drugs at the time of an incident of sexual misconduct or interpersonal violence may be hesitant to make a report because of potential disciplinary consequences. The College is obligated to include an amnesty provision in this Policy that provides immunity to any student who reports, in good faith, an alleged violation of the College's Policy involving sexual misconduct or interpersonal violence to a responsible employee. Accordingly, to encourage reporting, the College has determined that an individual who reports these incidents will not be subject to disciplinary action by the College for themselves or other students for prohibited activities, including but not limited to, personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not/do not endanger the health or well-being of any other individual. The College may, however, initiate an education discussion or pursue other educational remedies regarding alcohol or other drugs.

2. **Reporting to Law Enforcement:** Individuals who feel they have experienced an act of sexual misconduct or interpersonal violence have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College through its Investigation and Resolution Procedures or to pursue both processes consecutively or concurrently. A victim of sexual misconduct or interpersonal violence also has the right not to pursue any complaint to either the College or to a law enforcement agency. For more information regarding the option to pursue a criminal complaint, contact:

Canton Police Department 2 North Main Street B Canton, IL 61520 Phone: (309) 647-5131	Fulton County Sherriff's Office 268 West Washington Avenue Lewistown, IL 61542 Phone: (309) 547-2277
Havana Police Department 226 West Market Street Havana, IL 62644 Phone: (309) 543-3321	Macomb Police Department 120 South McArthur Street Macomb, IL 61455 Phone: (309) 833-4505
Rushville Police Department 220 West Washington Street Rushville, IL 62681 Phone: (217) 322-6633	

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The College's Title IX Coordinator is available to assist students with making contact with appropriate law enforcement authorities. (For more information on the extent of a particular law enforcement agency's reporting obligations to other entities or its ability to protect an individual's privacy or have confidential communications during the criminal complaint process, contact the appropriate law enforcement agency.)

In addition to having the option of pursuing a criminal complaint, individuals also have the right to request that law enforcement issue emergency protective restraining orders or to pursue such orders through the court process. The College can assist parties who wish to do so. Reporting parties who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator so that the College can work with the individual and the subject of the restraining order to manage compliance with the order on campus. For more information about such orders see:

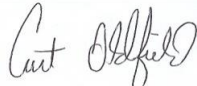
www.illinoisattorneygeneral.gov/women/victims.html

[#](http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=7163)

[#](http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=7152)

The Title IX Coordinator will assist individuals with transportation to a hospital if they so request, with making contact with appropriate law enforcement authorities upon request, and with accessing all appropriate resources and support, including on and off-campus confidential victim services and sexual violence crisis support.

Whether or not criminal charges are filed, the College will initiate an investigation as provided in this Policy, where appropriate. Section E, below, includes additional information regarding requests for confidentiality or requests that no investigation be conducted. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence or resume its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding. The College also may, in some circumstances, be required by law enforcement to defer the fact-finding portion of its investigation for a limited time while law enforcement gathers evidence. In such cases, the Title IX Coordinator shall inform the parties of the need to defer the College's fact-finding, provide regular updates on the status of the investigation and notify the parties when the College's fact-finding resumes. During this time period, the College will take any additional measures necessary to protect the reporting party and the College community.

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The College’s authority to sanction members of the College community applies only to the violation of College rules, policies and procedures.


Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

- a. **Medical Assistance:** The College also encourages all individuals who feel they have been victims of sexual misconduct or interpersonal violence to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence.

Seeking medical attention helps preserve the full range of options, including the options of working through the College's Procedures and/or filing criminal complaints. Medical personnel may be covered by federal and/or state privacy laws, such as the Health Insurance Portability and Accountability Act. Under Illinois law, medical personnel are required to alert police when it reasonably appears that the individual requesting the treatment has received an injury sustained as a victim of a criminal offense, including sexual violence. However, it is the individual’s choice whether they want to speak to the police. Local medical assistance can be obtained at:

<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 62644 (309) 543-4431	<u>Rushville Medical Facilities</u> Culbertson Memorial Hospital 238 S. Congress Rushville, IL 62681 (217) 322-4321

- b. **Preserving Evidence:** Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if they choose not to make a report to the police. In order to best preserve forensic evidence, it is suggested that an individual not

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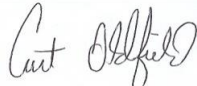
shower, bathe, douche, smoke, or change clothes or bedding before seeking medical attention, and that medical attention be sought as soon as possible. If the individual decides to change clothes, they can bring them unwashed to the hospital or medical facility in a paper bag.

Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient. Victims can obtain a free forensic medical examination at:

<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
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Individuals who have experienced sexual misconduct or interpersonal violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents.

2. **Confidential Reporting:** The College recognizes that individuals who feel they have been victims of sexual misconduct, interpersonal violence or stalking may require time and support in considering whether or how to participate in any College or law enforcement process. There are confidential resources on campus and in the community available to individuals as they make these decisions. These resources include:
 - a. **Campus Confidential Advisors:** Individuals wishing to obtain confidential assistance without making a report to the College may do so by speaking with one of the College's other confidential advisors. They can also help parties think through their options for filing a formal report, or provide support and information about the College's Policy and Procedures in a confidential setting. The College's Campus Counselor is also a confidential advisor who is available to discuss incidents of sexual misconduct or interpersonal violence in confidence. All of these individuals generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to confidential advisors *will not* trigger the College's investigation into an incident.


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Campus Counselor Contact Information:

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

All of the College's confidential advisors shall receive forty hours (40) of initial training regarding sexual violence and participate in six (6) hours of annual continuing education thereafter. In addition to providing confidential counseling, confidential advisors also provide emergency and ongoing support to individuals who have experienced sexual misconduct or interpersonal violence, including:

- The provision of information regarding the individual's reporting options and possible outcomes, including without limitation, reporting to the College's Title IX Coordinator pursuant to this Policy and notifying local law enforcement;
- The provision of resources and services, including, but not limited to, services available on campus and through community-based resources, such as, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- The provision of information regarding orders of protection, no contact orders or similar lawful orders issued by the College or a criminal or civil court;
- An explanation of the individual's right to have privileged, confidential communications with the confidential advisor consistent with state and federal law;
- Assistance in contacting campus officials, community-based sexual assault crisis centers and/or local law enforcement upon requested; and/or
- Assistance with securing interim protective measures and accommodations upon request.

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Additional Confidential Advisors Contact Information:

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

- b. Other Confidential Resources: The following off-campus agencies also employ individuals available to discuss incidents of sexual misconduct or interpersonal violence in confidence.

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
(309) 543-6706

Macomb & Rushville Rape Crisis Agency
Western Illinois Regional Council/Community Action Agency
Victim Services
2500 E. Jackson Street
Macomb, IL 61455
Phone: (309) 836-2148, x145

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Hotline: (309) 837-5555

<http://wirpc.org/>

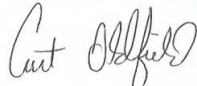
Disclosures to these entities *will not* trigger the College's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

4. Institutional Crime Reporting: The Clery Act requires institutions of higher education to compile and publish statistics on certain criminal offenses including sexual assault (i.e., non-consensual sexual intercourse), domestic and dating violence and stalking that occur on or adjacent to school properties. Although the College strongly encourages everyone to report any crime that occurs on or around campus, the Clery Act requires certain crimes reported to a Campus Security Authority (CSA) be included in those annual statistics. Specifically, the Clery Act defines a Campus Security Authority as:

- A campus police or security department;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department such as an individual who is responsible for monitoring entrance into institutional property;
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; or
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

All crimes reported and documented under the Clery Act will be recorded in an anonymous manner that neither identifies the specifics of the crime or the identity of the Reporting Party.


The College is also obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when the warning could potentially compromise law enforcement efforts or identify the victim/survivor). A Reporting Party under this policy will never be identified in a timely warning.

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- 5. Requesting Confidentiality (How Spoon River College Will Weigh the Request and Respond):** In some cases, an individual may disclose an incident of sexual misconduct or interpersonal violence to a non-confidential source but wish to maintain confidentiality or request that no investigation into a particular incident be conducted or disciplinary action be taken. The College has designated the Title IX Coordinator to evaluate requests for confidentiality or that no formal action be taken and oversee the College's response to reports of alleged sexual misconduct or interpersonal violence involving the College's students.

If a Reporting Party discloses an incident, but requests confidentiality or is unwilling to participate in any investigation or adjudication process, the Title IX Coordinator, in consultation with other College administrators, which may include representatives of the Office of the Dean of Students and the College's Title IX counsel, will weigh the request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the Reporting Party. When weighing a Reporting Party's request for confidentiality or that no investigation or resolution be pursued, the Title IX Coordinator will consider a range of factors, which may include but are not limited to, whether:

- a. The alleged Responding Party is likely to commit additional acts of sexual or other violence, such as:
 - Whether there have been other sexual misconduct or interpersonal violence complaints about the same alleged Responding Party;
 - Whether the alleged Responding Party has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the alleged Responding Party threatened further sexual misconduct or interpersonal violence or other violence against the Reporting Party or others;
 - Whether the sexual misconduct or interpersonal violence was committed by multiple perpetrators.
- b. The sexual misconduct or interpersonal violence was perpetrated with a weapon;
- c. The Reporting Party is a minor;
- d. The College possesses other means to obtain relevant evidence of the sexual misconduct or interpersonal violence (e.g., security cameras or personnel, physical evidence); and/or

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- e. The Reporting Party’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If none of these factors are present, the College is more likely to respect the Reporting Party’s request. If the College honors a Reporting Party’s request for confidentiality or request that no investigation or resolution be pursued, the College’s ability to investigate the incident comprehensively or pursue disciplinary action against the alleged Reporting Party(s) may potentially be limited.

The presence of one or more of the above factors could lead the College to investigate and, if appropriate, pursue action against the Responding Party even if the Reporting Party requests otherwise. If the Title IX Coordinator determines that the College cannot maintain a Reporting Party’s confidentiality, the Title IX Coordinator will inform the Reporting Party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College’s response. In all interviews and meetings held in connection with these Investigation and Resolution procedures, the College will protect the privacy of the participating parties and witnesses as required by FERPA and other applicable law.

- 6. **Initial Assessment/Interim Measures and Remedies:** Whatever the source, the College will make every effort to bring reports as quickly as possible to the Title IX Coordinator for preliminary assessment. The primary goal of the College’s response at this stage is to assist and support the Reporting Party, regardless of whether the Reporting Party chooses to report the incident to law enforcement. The Initial Assessment will also determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted.

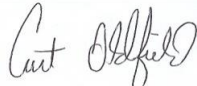
Upon receipt of a report, the Title IX Coordinator and/or designee will implement any appropriate Interim Measures and Remedies to protect the safety of the parties and the campus community and will seek to provide Interim Measures and Remedies for the parties that address their safety and well-being. Such measures and remedies may be requested by or provided to either party and may include, but are not limited to, counseling services, obtaining and enforcing campus orders of no contact; honoring an order of protection or no contact order entered by a State civil or criminal court; provision of escorts; changes to academic, living, dining, transportation, and campus work situations. The College is obligated to comply with a student’s reasonable request for a living or academic change. Interim Measures and Remedies will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the College to provide the interim measures.

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The College will provide Reporting Parties with information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims by the College and in the community. The College will also provide Reporting Parties with information about their options for, and available assistance in, changing academic, living, transportation, and working situations if requested and reasonably available, regardless of whether the Reporting Party chooses to report the crime to campus security or to local law enforcement. The College will facilitate such changes if the Reporting Party requests them and if they are reasonably available, regardless of whether the Reporting Party chooses to report the crime to campus security or local law enforcement.

In fairly assessing the need for a party to receive Interim Measures and Remedies, the College will not rely on fixed rules or operating assumptions that favor one party over another, nor will the College make such measures and remedies available only to one party. Interim Measures and Remedies will be individualized and appropriate based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of her or his education. The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout the investigation to ensure that any Interim Measures and Remedies are necessary and effective based on the student's evolving needs.

- a. Initial Assessment: The first step of the Initial Assessment will typically be a meeting between the Reporting Party and the Title IX Coordinator and/or designee. This meeting will allow the Title IX Coordinator and/or designee to:
- Assess the nature and circumstances of the allegation;
 - Address any immediate concerns about the physical safety and emotional well-being of the parties;
 - Notify the Reporting Party of the option to notify law enforcement and be assisted in doing so, as well as the option not to notify law enforcement;
 - Provide the Reporting Party with information about the range of available on- and off-campus resources and services, including confidential resources and services, and assist them in accessing these resources;
 - Describe the range of Interim Measures and Remedies for security and support, including orders of no contact, changes in academic, living, dining, transportation, and working situations, course adjustments and other forms of academic support. In addition, the College may, at its

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discretion, impose an interim suspension or leave of absence on the Responding Party in cases where the College believes there is risk of harm to others. Any Interim Measures or Remedies will be taken in a manner that minimizes the burden on the Reporting Party to the extent possible;

- The College is obligated to comply with a student’s reasonable request for a living or academic change;
- Discuss fully the options afforded to the Reporting Party, the rights and responsibilities of both parties (including the right to be accompanied during any meeting related to the matter by an advisor of their choice whose participation will be limited to consulting privately with the party they accompany), the Investigation and Resolution process, and the need to preserve any relevant evidence or documentation in the case. All parties will be informed that the College prohibits any retaliation against parties who have filed a report, assisted, or participated in any manner in an investigation or proceeding under this Policy;
- Assess whether there is a need for a timely warning or emergency notification under federal law.

At this time, a written complaint or statement may be submitted by the Reporting Party, but a written complaint or statement is not necessary; information provided by the Reporting Party in any form will be considered in resolving allegations reported to the College.

If the Reporting Party at any time requests that their identity remain confidential or that no formal action be taken, the College will balance this request along with its responsibility to take steps to foster an educational environment that is free of discrimination and harassment for all members of the campus community, as described above.

As soon as practicable after the initial meeting with the Reporting Party, the Responding Party will also be notified that a report or complaint alleging a violation of College Policy has been made unless the College determines that notifying the Responding Party is not necessary or appropriate under the circumstances. When notified of the report or complaint, the Responding Party will also receive parallel discussion of the options afforded to them, the rights and responsibilities of both parties (including the right to be accompanied during any meeting related to the matter by an advisor of their choice whose

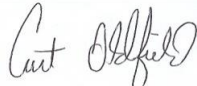
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participation will be limited to consulting privately with the party accompanied by the advisor), the Investigation and Resolution process, the prohibition against retaliation, the need to preserve any relevant evidence or documentation in the case, and the availability of interim measures and remedies. The Responding Party will also be provided with a written explanation of these rights.

The Responding Party may elect to accept responsibility for all or part of the conduct alleged by the Reporting Party at this stage or at any later stage throughout the process. In that case, the Title IX Coordinator and/or their designee may initiate an Investigation for the purposes of providing additional information that may be relevant to the College official charged with determining appropriate sanctions. If the Responding Party does not accept responsibility, the Investigation will proceed as described below. In addition, if the Responding Party withdraws a prior acceptance of responsibility, the process will continue as described below.

- b. Interim Measures and Remedies: Throughout the Investigation and Resolution process, the Title IX Coordinator will monitor the effectiveness of the interim measures or remedies described above and coordinate with the both parties on the provision and implementation of these measures.
- c. Conflict of Interest: The College requires any individual participating in the investigation, sanctioning or appeal of sexual misconduct or interpersonal violence matters to disclose any potential or actual conflict of interest. The Reporting and Responding Party will both receive notice of the individuals or individuals with authority to make a finding or impose a sanction before those individuals initiate contact with either party. If a party believes that an investigator has a conflict of interest, the party should submit a request to replace the investigator to the Lead Title IX Coordinator. If the Lead Title IX Coordinator is believed to have a conflict, the party should submit such request to the Vice President. In cases where a party believes that the sanctioning official has a conflict of interest, a request to replace the sanctioning official should be submitted to the Lead Title IX Coordinator. In cases where a party believes that a member of the Appeals Panel has a conflict of interest, a request to replace that member should be submitted to the Lead Title IX Coordinator. Any individual or individuals reviewing an appeal of the findings or imposed sanctions shall not have participated previously in the complaint resolution procedure.

- 7. **Advisors or Support Persons:** Both parties are entitled to bring an advisor of their choice to any meeting or interview in connection with the resolution of a report of sexual misconduct or interpersonal violence, provided that the involvement of the advisor

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does not result in undue delay of the meeting or interview. The role of the advisor of choice is limited to consulting privately with the party they accompany. If the advisor engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint, that advisor may be prohibited from further participation.

- 8. Option for Informal Resolution:** Where appropriate, the College will work to informally resolve allegations of sexual misconduct or interpersonal violence by taking immediate and corrective action to stop the conduct, address its effects, and prevent recurrence without a formal investigation and determination of a College Policy violation. Informal resolution may include the range of interim measures described above, as well as targeted and/or broad-based training and educational programming for relevant individuals and groups and/or any other remedy that will achieve the goals of the College’s Policy Against Sex Discrimination, Sexual Misconduct, and Interpersonal Violence. Informal resolution may also include a voluntary resolution, which produces an agreement designed to cease the conduct at issue and remedy its effects on the safety and welfare of the Reporting Party and the campus community, while respecting the preferences of the Reporting Party. In some circumstances, mediation or joint conflict resolution may be appropriate; however, mediation or face to face meetings will never be used to resolve allegations of sexual violence. Other alleged violations of this Policy may be resolved using mediation, overseen by the Title IX Coordinator in conjunction with one or more College representatives, if (i) the College determines, in its discretion, that such a process would be appropriate; and (ii) all parties agree to participate.

The parties to any informal process will not be required to deal directly with one another without the College’s involvement. Instead, the Title IX Coordinator in conjunction with one or more College representatives may arrange for or facilitate mediation or other informal resolution measures between the involved parties. A summary of the Initial Assessment by the Title IX Coordinator may be shared with both parties to help inform the process of informal resolution. Once an informal resolution is reached, it will be documented and both parties will be notified simultaneously/contemporaneously (to the greatest extent possible, and consistent with FERPA or other applicable law) of the resolution.

Any party may request that the informal resolution process be terminated at any time, in which case the formal resolution process (described below) would commence. The College may also commence the formal resolution process at any time. In addition, any party can pursue formal resolution if they are dissatisfied with a proposed informal resolution.

- 9. Formal Resolution:** When a report of sexual misconduct or interpersonal violence cannot be informally resolved, a formal resolution will be initiated. The formal resolution process involves the following steps.


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- a. Investigation: Formal resolution includes a prompt, thorough, impartial and fair investigation into the allegations of sex discrimination, sexual misconduct or interpersonal violence. The College is committed to treating all individuals with respect and sensitivity during this process. The Title IX Coordinator will appoint one or more internal or external investigators who have been trained in the investigation of, and other issues related to sex discrimination, sexual misconduct and interpersonal violence covered by this Policy. The investigator(s) shall not have a conflict of interest or bias for or against any parties involved in the potential Policy violation. In addition, all investigator(s) shall receive 8 to 10 hours of annual training regarding the investigation of, and other issues related to, sexual misconduct and interpersonal violence. The investigator(s) will undertake an Investigation for the purposes of adjudicating whether the Responding Party is responsible for the alleged violation(s) of the Policy.

As part of the Investigation and Resolution, the investigator(s) will review any information gathered during the Initial Assessment and will seek to interview both the Reporting and Responding Party, as well as identify and seek to interview with any other witnesses who can provide germane information. To help ensure a prompt and thorough investigation, the Reporting Party is encouraged to provide as much information as possible, including the following:

- The name of the person or persons allegedly engaged in the prohibited conduct;
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses;
- The alleged effect of the incident(s) on the reporting party's opportunity to benefit from the College's programs or activities;
- The names of other individuals who might have relevant information about the alleged actions and/or been subject to the same or similar acts of prohibited conduct;
- Although it is not required, any steps the Reporting Party has taken to try to stop the prohibited conduct; and
- Any other information the Reporting Party believes to be relevant to the alleged prohibited conduct.

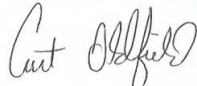
The Responding Party is also expected to provide as much information as possible in connection with the investigation.

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Interviews may take place in person, by phone or through electronic means. Investigations may also include the gathering and analysis of physical, documentary and/or other relevant evidence. Additionally, Reporting and Responding Parties may provide written statements, identify and/or present statements from fact witnesses or submit any other evidence that the investigator deems relevant. Reporting and Responding Parties may have their advisors or support persons present with them during interviews and meetings conducted during the investigation. Timely notice will be provided to Reporting and Responding Parties of all interviews/meetings at which they may/must be present, and both parties will be provided with timely and equal access to information. The College will maintain documentation of the investigation or other proceedings, which can take various forms (e.g., notes, written findings of fact, transcripts, or audio recordings, etc.).

In general, in a case where the Responding Party raises consent as a defense, any prior sexual or other relationship between the parties may be deemed relevant to the Investigation but not necessarily determinative. As noted in the Policy above, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, other prior sexual history of the Reporting or Responding Party will not be considered relevant to the Investigation. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of the Responding Party, assigning of a sanction. Additionally, a prior finding of responsibility for a similar act of sexual misconduct that remains following any appeals may be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

- 1) Title IX Investigative Report: Upon conclusion of the investigation, the Investigator(s) will produce a Title IX Investigative Report that summarizes and analyzes the allegations, the relevant facts, and any supporting documentation (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence). The Title IX Investigative Report will be provided to the Title IX Coordinator and shared with the parties (to the extent permitted by FERPA or other applicable law). Each party will have the right to provide to the Title IX Coordinator their comments on the Report identifying any factual inaccuracies or misunderstandings within five (5) calendar days of receipt of the Report. The Investigator will address any identified factual inaccuracies or misunderstandings as appropriate and based on this information, as well as all information gathered during the Investigation, the Investigator(s) will make a finding as to whether the College's Policy has been violated in the matter by the Responding Party.

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- 2) Standard of Proof: The Standard of Proof to be employed by the Investigator shall be the preponderance of the evidence: that is, based upon the information obtained during the investigation, is it more likely than not that one or more violations of the Policy occurred? The Final Title IX Investigative Report, including a finding of responsibility or non-responsibility for a Policy violation and a rationale for the finding, will be provided to the Title IX Coordinator and shared with the parties (to the extent permitted by FERPA or other applicable law) simultaneously/contemporaneously to the greatest extent possible.
- 3) Rights of Reporting and Responding Parties: Reporting and Responding Parties shall both be provided with the following in connection with the investigation and resolution of suspected or alleged violations of this Policy:
- The opportunity to speak on their own behalf;
 - The opportunity to identify or present witnesses who can provide information about the alleged conduct at issue;
 - The opportunity to submit other evidence on their behalf;
 - At the discretion and the direction of the individual or individuals resolving the complaint, the opportunity to suggest questions to be posed by the individual or individuals resolving the complaint and respond to the other party;
 - The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act (FERPA) or other applicable law), as well as timely and equal access to any other information that will be used during any informal or formal disciplinary proceedings;
 - The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law);
 - The opportunity to receive periodic status updates; and
 - The opportunity to appeal the outcome of the investigation.

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- 4) Sanctioning, Impact Statements, and Corrective Actions: If the Investigator(s) finds based on a preponderance of the evidence that the Responding Party is responsible for a violation of the Policy, the Final Title IX Investigative Report will be forwarded to the appropriate College official for determination of sanction(s). Both parties will then be afforded the opportunity to provide any additional written comments and statements as to the impact of the investigator's finding for consideration by the appropriate College official who will be assigning the sanction(s).

These comments and statements must be submitted to the sanctioning officer within seven (7) calendar days of receipt of the Final Investigative Report.


When the Responding Party is a student who has been found responsible for a violation of College Policy, the Dean of Students will determine the appropriate sanction and any other corrective actions.

When the Responding Party is a faculty member who has been found responsible for a violation of College Policy, the appropriate Instructional Dean will determine the appropriate sanction and any other corrective actions, unless a different process is required under a labor contract then in effect.

When the Responding Party is a staff member who has been found responsible for a violation of College Policy, the Human Resources Director will determine the appropriate sanction and any other corrective actions, unless a different process is required under any applicable collective bargaining agreement.

Each sanctioning official will receive 8-10 hours of annual training regarding issues related to sexual misconduct and interpersonal violence, as well as sanctioning guidelines consistent with relevant federal and state law and regulations.

Upon reviewing the Final Title IX Investigative Report and any additional comments or statements submitted by either party, the sanctioning official will determine what, if any, sanctions will be imposed and will notify each party, contemporaneously/simultaneously (to the greatest extent possible) of any sanctions or other corrective actions in writing, as well as the rationale for the sanctions or other corrective actions, to the extent permitted or required by law. Each party will be notified in writing of the decision regarding sanctions and any other corrective actions, including information regarding appeal rights, within seven (7) calendar days of the referral of the Report to the sanctioning official, unless the sanctioning official determines that additional time is

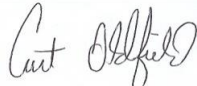
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required. This notification shall be issued simultaneously to both parties to the extent practicable. The sanctioning official will also provide a copy of the decision regarding sanctions and any other corrective actions to the Lead Title IX Coordinator.

The College will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the Reporting Party (and others, if appropriate). The potential disciplinary sanctions that may be imposed along with other corrective actions for a finding of a Policy violation include:

- Verbal or written warning;
- Mandatory educational programming or projects;
- Community service;
- Probation;
- Removal from campus programs / activities/ leadership positions;
- Restrictions regarding entering certain buildings or areas of campus;
- Performance improvement/management process (employees only);
- Suspension from school or employment (with or without pay, in the case of employees);
- Termination of employment with the College;
- Dismissal or other separation from the College;
- Loss of privileges; and/or
- Required activities such as drug or alcohol counseling.

Disciplinary sanction decisions will be made for the purpose of deciding how best to enforce the College's Code of Student Conduct while considering the impact of separating a student from her or his education.

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Additional corrective actions for the Reporting Party may include but are not limited to support services and accommodations such as escorts, counseling and medical services, and academic support. Corrective actions and remedies at the level of the institution may include but are not limited to providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations.


In no event will the Reporting Party in matters involving an alleged violation of the Policy be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome. In instances where the College is unable to take disciplinary or other corrective action in response to a violation of this Policy because a Reporting Party requests confidentiality or for some other reason, the College will nonetheless pursue other steps to limit the effects of the conduct at issue and prevent its recurrence.

10. Appeals

- a. Appeal of finding of Non-Responsibility: If there is a finding of non-responsibility, either party may appeal such a finding within seven (7) calendar days of receiving the Final Title IX Investigative Report. Appeals of such a finding may be submitted on two grounds: (i) new evidence or information sufficient to alter a decision; and (ii) allegations that the Investigator deviated from the Investigation and Resolution process outlined in the Policy in a way that substantially altered the outcome of the case. Appeals must be written and must state the grounds for the appeal, provide any supporting documentation, and include information and arguments relevant to the grounds for the appeal.

- b. Appeal of Finding of Responsibility and Sanctions/Corrective Actions: If there is a finding of responsibility, either party also has the right to submit an appeal of the finding and the sanctions/corrective actions within seven (7) calendar days of being notified of the sanction decision. Appeals of a finding or sanction may be submitted on three grounds: (i) new evidence or information sufficient to alter a decision; (ii) allegations that the Investigator deviated from the Investigation and Resolution process outlined in the Policy in a way that substantially altered the outcome of the case or influenced the nature of the sanction; and/or (iii) the sanction is disproportionate with the violation.

Appeals must be written and must state the grounds for the appeal, provide any supporting documentation, and include information and arguments relevant to the grounds for the appeal. The appeal must be submitted in writing to the Title IX Coordinator within seven (7) calendar days of receipt of the sanction notification. If the


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Responding Party wishes to have a sanction suspended pending the outcome of the appeal, they may so request at the time of the appeal. It is within the sole discretion of the Title IX Coordinator to grant a suspension of the sanction pending an appeal determination and to invoke necessary interim remedies and measures during this period.

- c. **Appeal Process:** The appeal process has two steps. First, within seven (7) calendar days of receiving an appeal of either finding or sanction, the Title IX Coordinator will determine whether the appeal satisfies the grounds for appeal and will notify the parties simultaneously/contemporaneously (to the greatest extent possible) in writing of their decision regarding this issue. The party that did not initiate the appeal will then have seven (7) calendar days to submit a written response to the appeal if the Title IX Coordinator determines that the appeal request satisfies the grounds for appeal. Appeals of either finding or sanction appeal will be reviewed by a three-person Appeal Panel of College officials trained in Title IX matters and appointed by the Title IX Coordinator. The Appeal Panel will review the Final Title IX Investigative Report and may interview the Investigator(s) or any other person who participated in the investigation or sanctioning process. The Appeal Panel may uphold the original finding, remand the case to the original Investigator(s) for reconsideration, convene an entirely new Investigation, or recommend reconsideration of the sanction or other corrective actions. The Appeal Panel will deliver its decision within fourteen (14) days of receiving the Appeal unless there are extenuating circumstances that require an extension. Within seven (7) days of the completion of the Appeal, the Title IX Coordinator will notify the parties contemporaneously/ simultaneously (to the greatest extent possible) in writing of the outcome of the appeal and the rationale for the decision. Appeal decisions by the Appeal Panel are final.

- 11. Records Maintenance:** The College will maintain documentation and records regarding alleged violations of the Policy and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act (FERPA), and to the extent possible excludes personally identifiable information of victims of sexual misconduct, interpersonal violence, and stalking.

All files relating to the Final Title IX Investigative Report, Initial Assessment, Informal Resolution, Investigation, Sanctions and Appeals will be maintained by the Lead Title IX Coordinator. If a student has been found responsible for violating the Policy, this finding remains a part of that student's conduct record.

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12. Educational Programming: The College will provide the following education programming designed to promote the awareness of Discrimination, Harassment, Sexual Misconduct, Interpersonal Violence and Stalking.

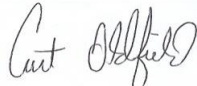
13. Officials with Responsibility for Investigating or Adjudicating Alleged Violations of this Policy:

The College will provide officials responsible for the investigation or adjudication of misconduct under this Policy with annual training regarding sexual misconduct and interpersonal violence, including:


- The College’s Policy;
- The relevant federal and State law concerning sexual violence, domestic violence, dating violence, and stalking;
- Training on at least an annual basis on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- The roles of the College, medical providers, law enforcement, and community agencies in ensuring a coordinated response to a reported incident of sexual violence;
- The effects of trauma on a survivor;
- The types of conduct that constitute sexual violence, domestic violence, dating violence, and stalking, including same-sex violence;
- Consent and the role drugs and alcohol use can have on the ability to consent;
- Cultural sensitivity and compassionate communication skills for dealing with persons reporting sexual misconduct; and
- Reporting Party-centered and trauma-informed response training.

14. Primary Prevention and Awareness Program: The College will provide primary prevention and awareness programs for all incoming students and new employees that include the following:

- A statement that the College prohibits the offenses of discrimination, harassment, sexual misconduct, interpersonal violence and stalking, and a description of the College's policies that prohibit this conduct;

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- The definition of consent and inability to consent, in reference to sexual activity and sexual misconduct or violence, as defined in this Policy and under Illinois law;
- The definition of sexual misconduct, including sexual assault and interpersonal violence (or similar offenses) in this Policy and under Illinois law;
- The definition of retaliation as it relates to sexual misconduct and interpersonal violence;
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of discrimination, harassment, sexual misconduct, interpersonal violence and stalking against a person other than such individual;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- The procedures that a reporting party should follow if sexual misconduct or interpersonal violence as described in this Policy, has occurred;
- The Reporting Party's options for reporting such incidents to the College, to College law enforcement, and to local law enforcement;
- The Reporting Party's options for reporting such incidents to a confidential advisor or other confidential resource;
- Available survivor services;
- The possible sanctions and protective measures that the College may impose following a final determination of a violation of College policy regarding discrimination, harassment, sexual misconduct, interpersonal violence and stalking;
- The procedures for College disciplinary action in cases of alleged discrimination, harassment, sexual misconduct, interpersonal violence and stalking, as described in this Policy, including the standard of proof that is used;
- Information about how the College will protect the confidentiality of Reporting Parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the Reporting Party, to the extent permissible by law;

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- Information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for student and employee accusers and victims both on-campus and in the community; and
- Information about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the Reporting Party and if such accommodations are reasonably available, regardless of whether the Reporting Party chooses to report the crime to campus security or local law enforcement.

15. Ongoing Prevention and Awareness Campaigns: The College will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs.

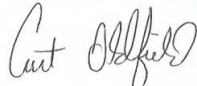
16. Annual Survivor-Centered and Trauma-Informed Response Training: The College will provide annual survivor-centered and trauma-informed response training to any employee of the College who is involved in:

- the receipt of a student report of an alleged incident of sexual violence, domestic violence, dating violence, or stalking;
- the referral or provision of services to a survivor; or
- any campus complaint resolution procedure that results from an alleged incident of sexual violence, domestic violence, dating violence, or stalking.

Employees falling under this description include without limitation the Title IX coordinators, investigators, and confidential advisors. An enrolled student at or a contracted service provider of the College with the employee responsibilities outlined in clauses (i) through (iii) of Scope Section of this Policy shall also receive annual survivor-centered and trauma-informed response training.

The College shall design the training to improve the trainee's ability to understand

- the College's Policy;
- the relevant federal and State law concerning survivors of sexual violence, domestic violence, dating violence, and stalking at higher education institutions;
- the roles of the College, medical providers, law enforcement, and community agencies in ensuring a coordinated response to a reported incident of sexual violence;

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- the effects of trauma on a survivor;
- the types of conduct that constitute sexual violence, domestic violence, dating violence, and stalking, including same-sex violence; and
- consent and the role drugs and alcohol use can have on the ability to consent. The training shall also seek to improve the trainee's ability to respond with cultural sensitivity; provide services to or assist in locating services for a survivor, as appropriate; and communicate sensitively and compassionately with a survivor of sexual violence, domestic violence, dating violence, or stalking.

17. Changes in These Procedures: The College reserves the right to make adjustments and changes in these procedures at any time.