



**ANNUAL SECURITY AND FIRE SAFETY REPORT**  
**CALENDAR YEAR: 2024**

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## INTRODUCTION

Illinois college prepares this report in compliance with the Jeanne Clery Campus Safety Act (“the Clery Act”) and the State of Illinois Campus Security Enhancement Act. This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain non-campus buildings or property owned or controlled by Illinois College; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies on campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, domestic violence, dating violence, stalking and other matters. This report is provided to prospective students, matriculated students, prospective employees, and current employees. It is our goal to provide an accurate assessment of the crime situation on campus.

Safety and security issues are extremely important concerns of parents, students, faculty, staff, and visitors to our campus. As an academic community made up of approximately 900 students plus a faculty and staff population of around 250, Illinois College understands this concern. We accept the responsibility for providing a learning and living environment that is as free as possible from any threats to the safety or well-being for all of us who live and work here.

Jacksonville is a rural community with a population of around 20,000 residents, and Illinois College is located in a residential neighborhood on the west side of the city. Historically Jacksonville has been described as a pleasant place to live where crime statistics are low. However, being aware of the potential for criminal activity provides us with the opportunity to be proactive in our approach to the safety and security of our campus.

We know we must be vigilant and attentive to ensuring that our campus continues to be safe and the members of the academic community are instrumental in enabling us to be the kind of campus and community where criminal activity will not be tolerated.

## DEPARTMENT OF PUBLIC SAFETY

Campus safety and security procedures are coordinated by the Department of Public Safety, consisting of five full-time officers. Our Public Safety officers are unarmed, have no official police or arrest powers, and are assigned to the Division of Business Affairs. They have high visibility and are known by name by most of the College’s faculty, staff, and students. The Department of Public Safety office is located on the ground floor of Gardner Hall.

Public Safety officers conduct foot, golf cart, and vehicle patrols of the campus 24 hours a day when school is in session. The Public Safety Officers enforce all policies and procedures included in the Student Handbook (Blue Book). Officers carry a cellular phone which allows students and staff to immediately contact the Public Safety officers. This also allows our Public Safety personnel to be in contact with the police department, fire department and/or emergency services when needed. Officers also carry a digital radio transceiver that allows instant contact with other officers, campus staff, and the Jacksonville Police Department.

Illinois College maintains a good working relationship with the Jacksonville Police Department and

Morgan County Sheriff's Department. Officers from both departments are used by the College for larger events where extra security is needed. The Jacksonville Police Department is called to investigate all major criminal offenses. Currently, the College has a written memorandum of understanding with this agency and the Morgan County State's Attorney.

Department of Public Safety  
Gardner Hall 016  
217-245-3111

## **Public Safety Services and Programs**

### **Patrol**

The Department of Public Safety provides 24-hour coverage for the campus by foot, cart, and vehicle patrols.

### **Escort**

An escort to any location on campus may be obtained by calling the Department of Public Safety, and a member of the office will provide this service.

### **Parking**

The Department of Public Safety is responsible for parking enforcement on campus. Parking permits are required to park anywhere on campus.

### **Lighting**

Outside lighting is checked regularly and improperly working or burned out lights are reported to Facilities Management for repair. The Facilities Management department has staff on call 24-hours a day to provide emergency repairs that pose a safety or security concern.

### **Room Lockouts**

If a student is locked out of his or her residence hall room and cannot locate a member of the Residential Life staff or the Department of Public Safety will assist in gaining room access.

### **Vehicle Services**

The Department of Public Safety will provide referrals for roadside service from local automotive road service companies for jump-starts and vehicle lock-outs.

### **Other Services**

The Department of Public Safety will also provide help in obtaining emergency and medical assistance and assist with filing police reports if needed.

## REPORTING A CRIME

### Prompt Reporting of a Crime or Emergency

Community members, students, faculty, staff, and visitors are encouraged to accurately and promptly report all crimes and public safety-related incidents to the Department of Public Safety or the appropriate police agency when the victim of a crime elects to, or is unable to, make such a report.

Call any of the following authorities, 24 hours a day:

- **Dial 911:** Report emergencies or non-emergency criminal violations by dialing 911.
- **Dial 217.245.3111:** Report non-emergency requests for Public Safety by dialing 217-245-3111.
- **Rape Crisis 24-hour Hotline:** Call the community Rape Crisis 24-Hour Hotline at 217-753-8081 to request crisis services.
- **Crime Stoppers:** Report information about a crime anonymously by calling 217-243-7300.

For general information, contact the Department of Public Safety at 217-245-3111 (non-emergencies), dial 911 (emergencies only), or contact the Jacksonville Police Department at 217-479-4630 (non-emergencies). Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings, or around residence halls should be reported to Public Safety.

Crimes should be reported to the Department of Public Safety or a Campus Security Authority for the purpose of making timely warning reports to the community and for inclusion in the annual statistical disclosure.

Crimes involving sexual misconduct may also be reported to the Title IX Coordinator by emailing [angela.valuck@ic.edu](mailto:angela.valuck@ic.edu) or submitting a report online at <https://www.ic.edu/sexualmisconduct/report>.

Victims of a crime are encouraged to file a police report along with reporting to the above persons or organizations. The Department of Public Safety will assist with this if requested. Criminal incidents reported to the above persons or organizations will be used for preparing the annual disclosure of crime statistics. The College has a policy for voluntary confidential reporting for inclusion in the annual disclosure of crime statistics concerning sexual misconduct violations.

### Campus Security Authorities

All Clery Act crimes reported to a Campus Security Authority (CSA) will be evaluated for the purposes of making timely warning notifications to the campus community and for inclusion in the annual disclosure of crime statistics.

A person may be a CSA if they fall into one or more of four categories:

1. Department of Public Safety personnel.
2. Officials with significant responsibility for student and campus activities. This category is defined broadly to ensure complete coverage and thorough reporting of crimes. To determine which individuals or organizations are CSAs, consider job functions that involve relationships with students. Look for officials (not support staff) whose functions involve relationships with students. An official is defined as any person who has the authority and the duty to take action

or respond to particular issues on behalf of the College. If someone has significant responsibility for student and campus activities, they are a CSA. Some examples of CSAs in this category include, but are not limited to: deans, student affairs professionals, student housing staff, athletic staff, student activities coordinators, Title IX coordinator, student judicial officers, faculty/staff advisers to student organizations, director of the health center, victim advocates, and faculty/staff who lead College-sponsored overnight student travel.

3. 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.

When a CSA is made aware of a Clery Act-qualifying crime, they are required to report it to the Clery Compliance office. CSAs need to gather incident information that would provide sufficient detail to properly classify the incident. CSAs should not investigate the crime or attempt to determine whether a crime, in fact, took place.

The Director of Public Safety, working in conjunction with the Clery Compliance Officer, reviews CSA reports and makes a determination if an incident warrants timely warning and/or emergency notification of the university community and whether it is a reportable crime in the Annual Security and Fire Safety Report. The Clery Compliance Officer will consolidate crime data from multiple sources, report qualifying crime data to the federal Department of Education, publish campus security reports, and inform the campus community when and where Annual Security and Fire Safety Reports are available.

## **Medical Amnesty**

Illinois College is committed to keeping members of its community safe and wants to reduce any barriers to someone getting the assistance they need. If an individual becomes severely intoxicated or experiences a serious injury after consuming alcohol and/or drugs, it is imperative that someone call for medical assistance. To increase the likelihood that someone will call for medical assistance when faced with an alcohol/drug related emergency, the College will forgo all College disciplinary actions toward the person in need of medical assistance and to those who assist the person in obtaining this medical assistance. To learn more about this policy visit <https://catalog.ic.edu/medical-amnesty>.

## **CRIME STATISTICS**

### **About the Crime Statistics**

These are the crimes that have been reported to the Department of Public Safety by victims who have filed a report, by Campus Security Authorities who have been made aware of a criminal incident, by witnesses to events, or by other law enforcement agencies. Some categories include footnotes below each table. More specific information about crime definitions and how these statistics are counted is available in the section titled "Annual disclosure of crime statistics." These statistics are reported to the Department of Education annually.

### **Criminal Offenses Reported by Hierarchy**

The tables include Clery Act crimes reported by hierarchy, meaning that each incident is counted only once even if multiple crimes occurred. For example, if an aggravated assault and murder occurred in the same incident, only the murder would be reflected in these statistics. However, sex offenses are



always counted — so if a rape and murder occurred in the same incident, both crimes would be reflected in these statistics. Additionally, the campus residential facilities category is a subset of the on-campus property category. The on-campus property category lists crimes that occurred on any campus property, including campus residential facilities. The campus residential category reflects only those crimes which occurred in student housing. The tables below do not reflect unknown location crimes reported to the Department of Public Safety.

### Criminal Offenses Not Reported by Hierarchy

Offenses not reported by hierarchy include Violence Against Women Act (VAWA) offenses; arrests and student disciplinary referrals for liquor, drug, and weapon-related violations; hate crimes; and unfounded reports of crime. If one of these offenses occurred in the same incident as a hierarchical criminal offense, both crimes would be reflected in the statistics.

The Illinois College Clery Compliance Officer, in conjunction with the Department of Public Safety will continue to update the Annual Crime Report as guidelines are updated. The following is a listing of crimes occurring on or near campus which have been reported to Public Safety or the Jacksonville Police Department for the past three calendar years.

### Campus Crime Statistics

Yearly Crime Statistics - 2024				
Crime reported	Campus residential facilities	Total on campus*	Non-campus buildings or property	Public property
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Manslaughter by negligence	0	0	0	0
Murder & non-negligent manslaughter	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Robbery	0	0	0	0
Sex offence: Rape	1	1	0	0
Sex offense: Fondling	2	2	0	0
Sex offence: Incest	0	0	0	0
Sex offence: Statutory Rape	0	0	0	0
<b>VAWA:</b>				
Dating Violence	4	4	0	0
Domestic Violence	0	0	0	0
Stalking	1	1	0	0
<b>Arrests:</b>				
Liquor law	0	1	0	0
Drug law	0	0	0	0
Weapons violations	0	0	0	0
<b>Disciplinary Referrals:</b>				
Liquor	61	67	0	0

Drugs	4	9	0	0
Weapons possession	0	0	0	0

\*This category includes all campus incidents, including those listed in the category “campus residential facilities.” Therefore, the two categories are not cumulative, but duplicative.

Yearly Crime Statistics - 2023				
Crime reported	Campus residential facilities	Total on campus*	Non-campus buildings or property	Public property
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	3	3	0	0
Manslaughter by negligence	0	0	0	0
Murder & non-negligent manslaughter	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Robbery	0	0	0	0
Sex offence: Rape	1	1	0	0
Sex offense: Fondling	0	0	0	0
Sex offence: Incest	0	0	0	0
Sex offence: Statutory Rape	0	0	0	0
<b>VAWA:</b>				
Dating Violence	1	1	0	0
Domestic Violence	0	0	0	0
Stalking	0	2	0	0
<b>Arrests:</b>				
Liquor law	0	0	0	0
Drug law	0	0	0	0
Weapons violations	0	0	0	0
<b>Disciplinary Referrals:</b>				
Liquor	21	30	0	0
Drugs	9	18	0	0
Weapons possession	0	0	0	0

\*This category includes all campus incidents, including those listed in the category “campus residential facilities.” Therefore, the two categories are not cumulative, but duplicative.

Yearly Crime Statistics - 2022				
Crime reported	Campus residential facilities	Total on campus*	Non-campus buildings or property	Public property
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	1	0
Manslaughter by negligence	0	0	0	0
Murder & non-negligent manslaughter	0	0	0	0
Motor Vehicle Theft	0	0	0	0

Robbery	1	1	0	0
Sex offence: Rape	0	0	0	0
Sex offense: Fondling	0	2	0	0
Sex offence: Incest	0	0	0	0
Sex offence: Statutory Rape	0	0	0	0
<b>VAWA:</b>				
Dating Violence	1	1	0	0
Domestic Violence	0	0	0	0
Stalking	0	0	0	0
<b>Arrests:</b>				
Liquor law	0	0	0	0
Drug law	0	0	0	0
Weapons violations	0	0	0	0
<b>Disciplinary Referrals:</b>				
Liquor	28	33	0	0
Drugs	2	23	0	0
Weapons possession	0	1	0	0

\*This category includes all campus incidents, including those listed in the category "campus residential facilities." Therefore, the two categories are not cumulative, but duplicative.

## Hate Crime Statistics

2024: 1 Total on Campus; 0 Campus Residential Facilities-Vandalism, sexual orientation bias

2023: No hate crimes reported.

2022: No hate crimes reported.

## Uniform Crime Reporting (UCR) Definitions

### Murder

The willful (non-negligent) killing of one human being by another.

### Manslaughter by Negligence

The killing of another human being through gross negligence.

### Sexual Assault (Sex offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

#### Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females

#### Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving

consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

**Statutory rape**

Sexual intercourse with a person who is under the statutory age of consent.

### Robbery

The taking or attempting to take anything of value from the control, custody or care of another person or persons by force or threat of force or violence and/or by putting the victim in fear.

### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

### Burglary

The unlawful entry of a structure to commit a felony or a theft.

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

### Arson

The unlawful and intentional setting of a fire to any form of property. The malicious or fraudulent burning of property.

### Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

### Domestic Violence

A felony or misdemeanor crime 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 in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

## Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition

- 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.
- Reasonable person: means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress: means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

## Hazing

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

1. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
2. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
  - a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
  - b. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - c. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - d. causing, coercing, or otherwise inducing another person to perform sexual acts;
  - e. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - f. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
  - g. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

For purposes of this definition

- **Student organization:** means an organization at Illinois College (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the College, whether or not the organization is established or recognized by the College.

### Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

### Drug Law Violations

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

### Weapons Possession

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

### Hate Crimes

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion:** A pre-formed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A pre-formed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Gender:** A pre-formed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or

gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

- **Ethnicity:** A pre-formed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- **National Origin:** A pre-formed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability:** A pre-formed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias.

- Murder and Non-negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny/Theft - The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another
- Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack
- Destruction/Damage/Vandalism of Property: to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

The first seven offenses are defined and discussed in the UCR Definitions section earlier. In addition to those offenses, Larceny/Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included Clery Act statistics only if they are Hate Crimes.

## NOTIFICATION ABOUT IMMEDIATE THREATS

All members of the Illinois College community are required to notify the Department of Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve a serious, ongoing, or immediate threat to the health and safety of the students and/or employees on campus.

In the event of a serious incident which poses an immediate threat to members of the Illinois College community, the College has various systems in place for communicating information quickly to those individuals.

### IC Alert

IC Alert is an emergency notification system that sends important messages from the College to mobile phones and email as well as pop-ups messages to campus computers. It is only used during an active emergency or unexpected closing of the College or its activities. Illinois College employs this text and email messaging service as another solution for communicating swiftly and effectively with our campus community in the event of an active emergency. It is only used to send emergency/life-threatening or unexpected campus closure alerts. To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through (insert link here, if possible).

### Timely Warning Notices

To aid in the prevention of similar crimes, Timely Warning notifications will be distributed as soon as pertinent information is available, in a manner that withholds the names of the victims as confidential. Timely Warnings are usually distributed for crimes of murder and non-negligent manslaughter, negligent manslaughter, robbery, burglary, motor vehicle theft, and arson that are reported to a campus security authority or local police and are considered by the College to represent a serious or ongoing threat to students and staff. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Department of Public Safety. For example, if an assault occurs between two students who have a disagreement, there may not be an ongoing threat to the other campus community members and a Timely Warning would not be issued. In cases involving sexual assault, they are often reported long after the incident occurred, thus, there is no ability to issue a “timely” warning to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the Department of Public Safety. The College is not required to provide Timely Warnings with respect to crimes reported to a pastoral or professional counselor.

The Director of Public Safety or designee reviews all reports to determine if there is a serious or ongoing threat to the community and if the distribution of a Timely Warning is warranted. If a Timely Warning is needed, the Director of Public Safety or designee drafts the communication for review/approval by the Vice President of Business Affairs/CFO or the Clergy Compliance Officer. Upon approval, the Director of Public Safety or designee will issue the Timely Warning. The Director of Public Safety or designee may send follow-up communications with additional information, if determined appropriate.



Timely Warnings are distributed through all-campus email, and may be supplemented by one or more of the following means: Illinois College Department of Public Safety homepage, flyers on red paper (red paper is reserved for emergency messages), and IC Alert.

## Emergency Notifications

In the event of an emergency, the College will initiate and provide, without delay, immediate notifications to the campus community or the appropriate segments of the community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors. Emergency notifications are issued for incidents such as an active threat, major hazardous materials release, major fire, extended power outage, infectious disease outbreak or a tornado that would directly impact campus.

The College gives authority to the Director of Public Safety or designees to confirm a significant emergency or dangerous situation. Upon confirmation The Director of Public Safety or designee, in consultation with the Vice President of Business Affairs or Clery Compliance Officer will, without delay, and taking into account the safety of the community, determine the appropriate segment or segments of the campus community to receive a notification, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of the responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Notification will be made by using some or all of the following methods depending on the type of emergency: IC Alert, fire alarm (where available), outdoor warning siren, public broadcast systems (where available), social media, digital signage (where available), emergency messages on network computer screens, local media, webpage and/or in-person communication. If any of these systems fail or the College deems it appropriate, in-person communication may be used to communicate an emergency. The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the College homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the College must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the College must provide adequate follow-up information to the community, as needed. Follow-up notification will be distributed using some or all of the identified communication systems listed above (except fire alarm).

## Emergency Response

The Illinois College Incident Management Team (IMT) is composed of members from the Office of the President, Residential Life, Information Technology, Health Services, Facilities Management, Athletics, Marketing and Communications, Human Resources, and Public Safety. The IMT has the responsibility of responding to and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. The Department of Public Safety and/or Jacksonville Police Department has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the campus community.

The College participates in a monthly tornado warning test with the National Weather Service and tests the emergency response and evacuation or shelter in place procedures at least once per calendar year. The Department of Public Safety documents a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. Emergency procedures are published annually in the Illinois College Blue Book.

### **Notification of Missing Students Who Reside in Campus Housing**

If a member of the campus community has reason to believe that a student who resides on-campus is missing, he or she must immediately notify the Department of Public Safety at 217.245.3111. Public Safety will generate a missing person incident report and initiate an investigation. After investigating the missing person report, should the Department of Public Safety determine that the student is missing and has been missing for 24 hours or more, Illinois College will notify the Jacksonville Police Department and the student's confidential contact\* within 24 hours. If the missing student is under the age of 18 and is not an emancipated individual, Illinois College must notify the student's parent or legal guardian immediately after the Department of Public Safety has determined that the student is missing.

\*In compliance with the Higher Education Opportunity Act of 2008, students living in any on-campus housing facility will be given the option of registering a confidential contact person, in addition to their emergency contact. This confidential contact option allows all residential students to identify a significant other, close friend, roommate, or other person who may have more information about their day-to-day whereabouts than their standard emergency contact. The accuracy of this information, like all emergency contact information, is the responsibility of each student. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement, as needed and appropriate.

## **SAFETY AND SECURITY POLICY STATEMENTS**

### **Security and Access to Academic, Administrative, and Recreational Campus Buildings**

Students, faculty, and employees at Illinois College have access to academic, recreational and administrative facilities on campus. The public can attend cultural and recreational events on campus with their access limited to the facilities in which these events are held.

### **Security and Access to Residence Halls**

Access to residence halls is limited to students and their guests. Access to the residence halls by College employees is on an "as needed" basis and incorporates strict access control procedures.

Residence hall safety measures include:

- Locked entrance doors with card access
- Security cameras on all entrance/exit doors
- Locking room doors and windows
- Door peepholes
- Trained residential life staff
- Fire alarm systems with smoke detectors in bedrooms monitored by an off-campus monitoring company

- Emergency procedures and fire evacuation plans posted on the door of each resident's room
- Carbon monoxide detectors where required by law
- Requirement that students always escort their guests
- Designated shelter areas

## **Safety of Buildings and Grounds**

The College's buildings and grounds are monitored and patrolled by Public Safety. The Facilities Management department maintains the buildings and grounds with a concern for safety and security. They inspect campus facilities to provide prompt repair service and respond quickly to reports of potential hazards. The campus lighting is normal for the size and nature of the College and the Facilities Management staff monitor campus safety as well as lighting improvements when needed and/or recommended. The Facilities Management staff maintains an after-hours call out schedule whereby maintenance personnel can be called to campus after hours to address and repair any safety concerns that need immediate attention.

## **Student and Staff Responsibilities**

The cooperation and involvement of students and staff themselves in a campus safety program are necessary. Students and staff must accept responsibility for their own personal safety and the security of their belongings by taking simple common-sense precautions. For example, any student or staff may feel more comfortable using the escort service when traveling around campus late at night. Room and office doors should be locked at night or when the room or office is left unoccupied. Outside doors should never be propped open. Bicycles should be secured with a sturdy lock to the provided bike racks. Students and staff with motor vehicles must have a parking permit enabling them to park in designated parking lots on campus. Vehicles always need to be locked and any valuables should be locked in the trunk. Students should report any suspicious looking individuals who do not belong in their residence halls or any unusual incidents in and around the residence halls or elsewhere on campus to the Department of Public Safety at 217-245-3111.

## **Public Safety and Security for Non-Campus Locations and Student Organizations**

The College has two non-campus properties that are used primarily for biology field trips. These locations are monitored by the agencies having jurisdiction over them. The College has no non-campus student organizations.

## **Alcohol, Drug, and Weapons Policies**

Illinois College includes in the Student Handbook (Blue Book) policies specifically related to the use/abuse of alcohol; the use, sale or distribution of illegal drugs or controlled substances, and the possession/use of firearms or other dangerous weapons on campus. Students 21 years of age or older may possess and consume alcoholic beverages in the privacy of their individual residence hall room and no public consumption of alcoholic beverages is permitted on campus. Firearms or other dangerous weapons are prohibited on campus as is the use, possession, or sale of illegal drugs or controlled substances. Violators are subject to disciplinary action and criminal prosecution. Educational programming is provided each year including Voices for Change - Alcohol and Other Drugs.

## SAFE IC

SAFE IC stands for "Stabilization Assistance & Follow-Up Enhancement Intervention Committee." It is a multidisciplinary team that meets to identify, assess, and respond to behavior that may pose a threat of harm to Illinois College students, employees, and invitees, thereby encouraging an environment of increased safety. SAFE IC is designed to provide a coordinated referral system, a detailed behavioral assessment process, an internal communications structure, an intentional intervention strategy, and a comprehensive monitoring system to allow for follow-up and support.

Case referrals to SAFE IC are made in the following manner:

- Referral from the Office of the Provost
- Referral from Human Resources
- Referral from the Counseling/Health Services Offices
- Referral from Supervisors/Administrators
- Referral from colleagues/friends
- SAFE IC Referral Form
- Contact with a SAFE IC member
- In emergencies: contact Department of Public Safety | 217.245.3111

The membership of SAFE IC will include a representative from the following campus departments:

- Director of Residential Life (student issues)
- Director of Student Health and Wellbeing (student, faculty, & staff issues)
- Dean of Faculty (faculty issues)
- Associate Provost for Student Success (student, faculty, & staff issues)
- Health & Wellbeing Program Coordinator (student issues)
- Administrative Coordinator for Student Success (student issues)
- Director of Human Resources (as needed for faculty or staff issues)
- Title IX Coordinator (as needed for student, faculty, & staff issues)

## Sex Offender Registry

The College complies with the Campus Sex Crimes Prevention Act. Illinois State Police establish and maintain a statewide Sex Offender Database identifying persons who have been convicted of certain sex offenses and/or crimes against children and must register as a sex offender. Registered sex offenders, their address, and other identifying information can be viewed on the [Illinois State Police web page](#) or the [Morgan County Sheriff's website](#).

## Workplace/Campus Violence

Illinois College will not tolerate violence or threats on campus or in connection with college events. Individuals who violate this policy statement may be subject to disciplinary action up to, and including, employment termination or expulsion. Individuals who intentionally bring false charges against another may also be subject to disciplinary action up to and including employment termination or expulsion.

# SEX-BASED MISCONDUCT POLICIES AND PROCEDURES

## Education and Prevention Programs

The College strives to achieve and maintain equal opportunity, inclusiveness, equitable treatment, and access to education, employment, and services for all individuals. As part of this commitment, the College strictly prohibits the offenses of sexual assault, sex-based harassment, domestic violence, dating violence, and stalking. As members of the College community, it is important that we are part of the solution, not the problem. The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research, or assessed for value, effectiveness or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, as well as ongoing awareness and educational initiatives for students and employees that:
  - Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
  - Define using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
  - Define what behavior and actions constitute consent to sexual activity in the State of Illinois;
  - Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
  - Include information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
  - Include information regarding:
    - Procedures victims can follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs;
    - How the College will protect the confidentiality of victims and other necessary parties;
    - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within the university and in the community;
    - Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures; and

- Procedures for College disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

#### Students:

Every year, students are provided with a variety of educational programming and information pertaining to safety and security including:

- All new students and athletes are required to complete an online sexual assault awareness program.
- All new students are required to attend a Sex Rules! program, which is an interactive and engaging program about sex, sexuality, and sexual assault awareness prevention.
- All Greek Lettered Organizations must attend an annual training prior to new member orientation to review hazing, alcohol, and sexual harassment policies.
- Ongoing awareness messages presented through educational public service announcements that are shown prior to movies students view on our IC Movies website.
- Safe IC (the Illinois College threat assessment team) awareness and how to make reports.
- Training for the entire Residential Life staff pertaining to sexual assault awareness and response.
- Annual RAINN (Rape, Abuse & Incest National Network) Day on campus to raise awareness for sexual violence issues.
- Annual Walk a Mile events to raise awareness about the serious causes, effects, and remediations to men's sexualized violence.
- Convocations and educational sessions for students, which focus on sexual violence. These could include speakers, film reviews, or a combination of the two.

#### Employees:

All new employees must complete an orientation program which provides information on policies and resources regarding violence prevention including:

- Sexual Harassment training through an online module.
- Access to the Title IX policy in the Employee Handbook as well as a signed acknowledgement indicating knowledge of mandated reporter status.
- Access to the Employee Handbook, which includes an explanation of the policies regarding interpersonal relationships in the workplace, information on the availability of resources for concerns and reporting procedures related to violence in the workplace, and information on how to access the Employee Assistance Program.
- Safe IC (the Illinois College threat assessment team) reference on how to make reports during IT training.

All employees are required to complete annual Title IX training through an online training module and have access to the policy in the Employee Handbook, which is emailed annually as part of the Title IX annual notification. The Title IX Coordinator also conducts annual, in-person training sessions with each division to review mandated reporting requirements.

# **ILLINOIS COLLEGE POLICY ON SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND RETALIATION**

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## Statement of Nondiscrimination

Illinois College adheres to all federal and state civil rights laws banning discrimination in institutions of higher education, including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 (“Title IX”), the Violence Against Women Act, and the Illinois Human Rights Act as well as the Illinois Preventing Sexual Violence in Higher Education Act. The College does not discriminate against an employee, applicant for employment, student, or applicant for admission on the basis of race, religion, color, sex, pregnancy, ethnicity, national identity, citizenship status, disability, age, sexual orientation, gender, gender identity, veteran or military status, predisposing genetic characteristics or any other protected category under applicable local, state, or federal law and in accordance with the College’s Mission Statement, Vision Statement, Values Statement and Strategic Plan as well as the provisions of Title IX of the Education Amendments of 1972 and all other applicable state and federal laws.

The College is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all College community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. The College does not discriminate on the basis of sex in any education program or activity operated by the College including, but not limited to, admissions, employment, recruitment, compensation, and athletics as well as access to housing and facilities, classes and schools, counseling, employment assistance to students, health and insurance benefits and services, and fringe benefits. The College is required by Title IX and the regulations thereunder not to discriminate in such a manner.

For additional information or inquiries about the application of Title IX and the regulations thereunder, contact the College’s Title IX Coordinator and/or the Assistant Secretary of the United States Department of Education.

## Jurisdiction of Illinois College

This Policy applies to the education program and activities of the College, to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, or in buildings owned or controlled by College’s recognized student organizations. The Respondent must be a member of the Illinois College community in order for its policies to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to the College’s educational program. The College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial College interest.

Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational

program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial College interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Illinois College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the College may take other actions, as appropriate, to protect the Complainant against third parties, such as barring individuals from College property and/or events.

All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

## The Illinois College Title IX Coordinator

The Title IX Coordinator oversees implementation of the Illinois College Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation.

The Title IX Coordinator has the primary responsibility for coordinating Illinois College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

## Independence and Conflict of Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, contact Provost O'Connell at 217.245.3010 or [provost@ic.edu](mailto:provost@ic.edu). Concerns of bias, a potential conflict of interest, misconduct, or discrimination by any other Title IX Team member should be raised with the Title IX Coordinator.

## Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy or procedures may be made **internally** to:

### **Title IX Coordinator**

Angela Valuck  
Title IX Coordinator  
Sturtevant 204  
217.245.3660  
[angela.valuck@ic.edu](mailto:angela.valuck@ic.edu)

### **Title IX Deputy Coordinators**

Sarah Kaisner  
Director of Student Professional Development  
Lincoln Hall Hub, 1087  
217.245.3193  
[sarah.kaisner@ic.edu](mailto:sarah.kaisner@ic.edu)

Abby Vorreyer  
Assistant Director of Athletics  
Bruner, Room 1250  
217.245.3342  
[abby.vorreyer@ic.edu](mailto:abby.vorreyer@ic.edu)

Illinois College has authorized the administrators listed in the section below on **Officials with Authority** (OWAs) to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these OWAs may also accept notice or Formal Complaints on behalf of the College.

Illinois College has also classified all employees, including Resident Assistants and Hall Directors, as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on **Mandated Reporting** details employee responsibilities accordingly.

Inquiries about or concerns regarding this Policy and procedures may be made **externally** to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission Chicago District Office  
JCK Federal Building  
230 S Dearborn Street  
Chicago, IL 60604  
United States  
[\(312\) 872-9744](tel:(312)872-9744)  
Fax: [312-588-1260](tel:312-588-1260)  
TTY: [1-866-740-3953](tel:1-866-740-3953)  
ASL Video Phone: [844-234-5122](tel:844-234-5122)

Illinois Department of Human Rights (IDHR)  
Sexual Harassment in Education  
Chicago: 312.814.6200  
Chicago TTY: 866.740.3953  
Springfield: 217.785.5100  
Springfield TTY: 866.740.3953  
Website: <http://www2.illinois.gov/dhr/FilingCharge>

## Notice of Complaints of Sex Discrimination, Sex-Based Harassment, and/or Retaliation

Notice of complaints of sex discrimination, sex-based harassment, and/or retaliation may be

made using any of the following options:

1. Report online, using the form linked at [www.ic.edu/sexualmisconduct/report](http://www.ic.edu/sexualmisconduct/report).
2. File a report with, or give verbal notice to, the Title IX Coordinator, Deputy Coordinators, or Officials with Authority ([contact information here](#)). Such a report may be made at any time, including during non-business hours, by using the phone number or email address, or by mail, to the office listed for the Title IX Coordinator or any other official listed.

Anonymous reports are accepted but can give rise to a need to investigate. The College tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify a Complainant.

Because reporting carries no obligation to initiate a formal response, and as the College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the College to discuss and/or provide supportive measures.

### Mandated Reporters

Illinois College has also classified most employees, including Residential Assistants and Hall Directors, as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. Such personnel who receive reports of violations of this policy, with the exception of those who are designated as Confidential Resources, are considered Mandated Reporters and are required to promptly forward all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from the College.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of Illinois College policy

and Illinois law and can be subject to disciplinary action, up to and including termination, as well as criminal and civil penalties, for failure to comply.

### Confidential Resources

If you wish to report a violation of this policy but would like your information to remain confidential you may choose to report to any of the individuals listed on the website at [www.ic.edu/sexualmisconduct/report](http://www.ic.edu/sexualmisconduct/report). These employees are available to survivors, or those who know a survivor, to answer questions, provide information, and help navigate the options available at the College as well as in the Jacksonville community. These individuals have a confidentiality privilege to protect personal identification and can fulfill their reporting requirements by making general reports for statistical purposes and pattern tracking, but do not divulge personally identifiable information. Please note that if you report to a confidential employee and request confidentiality, your information will not be shared with the Title IX Coordinator and an investigation will not be initiated.

### Officials with Authority

Illinois College has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. These Officials with Authority listed below may also accept notice or complaints on behalf of the College:

- Provost & Academic Dean
- Director of Human Resources
- Dean of Faculty
- Director of Residential Life
- Director of Public Safety
- Athletic Director

### Reporting to Law Enforcement

An individual has the right to report an incident exclusively to the College, exclusively to local law enforcement, or to both the College and local law enforcement. Illinois College employees can assist the reporting party in contacting local law enforcement, if explicitly requested by the reporting party. However, reporting an incident of sexual harassment, sexual assault, stalking, dating violence, and domestic violence to the College does not in any way equate to reporting the incident to local law enforcement.

Should an individual report an incident of sexual harassment, sexual assault, stalking, dating violence, or domestic violence to both the College and local law enforcement, the College will cooperate with law enforcement in accordance with any existing memorandums of understanding (MOUs).

The College policy, definitions, and standard of proof differ from Illinois criminal law. Neither law enforcement's determination whether to prosecute a Respondent nor the outcome of any criminal prosecution will determine whether sexual misconduct or sexual harassment has occurred under this College policy. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

## Care/Support Providers

In addition to reporting the matter to the Title IX Coordinator or an employee, individuals may also need to address immediate physical and/or emotional trauma associated with the harassment or assault. Importantly, a Complainant should contact any of the following immediate care providers:

- Emergency Call 911
- Jacksonville Police Department - 217.479.4630
- Jacksonville Memorial Hospital - 217.245.9541
- Prairie Center Against Sexual Assault (24/7 hotline) – 217.753.8081
- Chesley Health and Wellness Center – 217.245.3038 UWill Teletherapy (24/7 virtual therapy) - Accessible through SSO at login.ic.edu
- Illinois College Public Safety, Gardner Hall, Room 13 – 217.245.3111

There are also support resources outside the College community. The Chesley Health & Wellness Center maintains a list of local therapists, including psychologists, social workers and psychiatrists in private practice. While the cost of counseling outside the College is not covered for students by the College, many students have insurance benefits that will cover all or part of the cost of such counseling.

## Supportive Measures

Illinois College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator or their designee promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator or their designee works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Illinois College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic/occupational impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass orders
- Timely warnings in accordance with the Illinois College Clery Policy
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator or designee

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

## Emergency Removal

The College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with SAFE IC using its standard objective violence risk assessment procedures.

When an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the interim removal is appropriate. When this meeting is not requested within three (3) business days of notification, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the SAFE IC Co-Chairs and the Title IX Coordinator determine it is equitable to do so. There is no appeal process for emergency removal decisions.



A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator, in consultation with the Director of Human Resources (employees) and/or the Associate Provost of Student Success (students), has discretion under this policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include suspension or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator in consultation with the Dean of Faculty, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

## Promptness

All allegations are acted upon promptly by Illinois College once it has received notice or a Formal Complaint. Typically, Formal Complaints can take 90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the College's procedures will be delayed, written notice will be provided to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## Confidentiality/Privacy

Every effort is made by the College to preserve the privacy of reports. The College will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of sex discrimination; any Respondent; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA) or its implementing regulations, or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. The College reserves the right to designate which College officials

have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy. The College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk; but will usually consult with the student first before doing so.

Notwithstanding the foregoing, should the report concern an instance of interpersonal violence and/or sexual violence involving a minor (under the age of 17), then in that event, the College shall investigate the report without regard to the request for confidentiality and shall inform local, state and/or federal law enforcement officials of such incident as required by law.

### **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The College may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the

Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer Informal Resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College and to have the incidents investigated and properly resolved through these procedures.

## Time Limits on Reporting

There is no time limitation on providing notice/Formal Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/Formal Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by a significant time delay, the College will typically apply the Policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint

## Online Harassment and Misconduct

The policies include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities or use Illinois College networks, technology, or equipment.

While the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College community.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

## **Sex-Based Harassment Policy**

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. The College's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The Department of Education's Office for Civil Rights (OCR), The Equal Employment Opportunity Commission (EEOC), and State of Illinois under the Human Rights Act regard sexual harassment as an unlawful discriminatory practice.

The section below describes the specific forms of legally prohibited harassment that are also prohibited under Illinois College policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of College policy, though supportive measures will be offered to those impacted.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Illinois College has adopted the following definitions of sexual harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

- A. Title VII/Illinois Human Rights Act Sexual Harassment applies to situations where an employee is subjected to workplace sexual harassment.
  - a. Unwelcome verbal, written, graphic, and/or physical conduct;
  - b. that is severe or pervasive and objectively offensive;
  - c. on the basis of sex/gender, that
  - d. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

- B. **Title IX Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Illinois regard Sexual Harassment, a

specific form of discriminatory harassment, as an unlawful discriminatory practice.

Sexual Harassment, as an umbrella category, includes the offenses of quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all Formal Complaints that fall within the Title IX jurisdiction as determined by the Title IX Coordinator. Sexual harassment includes:

Conduct on the basis of sex that satisfies one or more of the following:

**1. Quid Pro Quo**

An Illinois College employee conditioning provision of an aid, benefit or service of the College on an individual's participation in unwelcome sexual conduct.

For example, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.

Quid pro quo harassment does not need to be severe and pervasive because the abuse of authority in the form of even a single instance is inherently offensive and serious enough to jeopardize equal educational access.

**2. Sexual Harassment (Hostile Environment)**

Unwelcome conduct, determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.<sup>1</sup>

**3. Sexual Assault**

**i. Sex Offenses, Forcible:** Any sexual act directed against a Complainant, without their consent, including instances where the Complainant is incapable of giving consent. Forcible sex offenses include:

**a. Rape:** (Except Statutory) Penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person forcibly and/or against that person's will or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

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<sup>1</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- b. **Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of his/her age<sup>2</sup> or because of his/her temporary or permanent mental or physical incapacity.
- c. **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- d. **Fondling/Criminal Sexual Contact:** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification<sup>3</sup>, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

**ii. Sex Offenses, Non-forcible:**

- a. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- b. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent. In Illinois, the age of consent is 17.

**4. Dating Violence**

Violence, on the basis of sex, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant and where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship

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<sup>2</sup> Per Illinois state law.

<sup>3</sup> Contact with private body parts is considered to be done for the purpose of sexual gratification unless: (1) the contact can be proven inadvertent; (2) the contact is for a legitimate medical (or other privileged) purpose and thus is conduct for which consent should have been sought and obtained by the provider; (3) the contact involves a Respondent who is pre-sexual, based on maturity/age (thus their intent is not sexual); (4) the contact involves a Respondent who cannot developmentally understand sexual contact or that their contact is sexual; or (5) The contact is something like butt-slapping on a team and is both minimal and unlikely to have sexual motivation or purpose, as shown by the context of the act(s)

2. The type of relationship
3. The frequency of interaction between the persons involved in the relationship
4. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
5. Dating violence does not include acts covered under the definition of domestic violence.

## **5. Domestic Violence<sup>4</sup>**

Includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

1. is a current or former spouse or intimate partner of the Complainant, or
2. is a person similarly situated to a spouse of the Complainant; or
3. is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner; or
4. shares a child in common with the Complainant; or
5. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Illinois.

## **6. Stalking**

Engaging in a course of conduct, on the basis of sex, directed at the Complainant, that would cause a reasonable person to fear for his or her safety or the safety of others, or 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 Respondent 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 Complainant.
3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other

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<sup>4</sup> To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

professional treatment or counseling.

Illinois College reserves the right to impose any level of sanction, more specifically outlined in the Procedures for the Illinois College Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

### **C. Other Discriminatory and Harassing Offenses**

In addition to the forms of sexual harassment described above, which fall within the coverage of the 2020 Title IX regulations, the College prohibits the following offenses as forms of discrimination outside of the 2020 Title IX regulations when the act is based upon the Complainant's actual or perceived sex stereotypes or sex characteristics. The Title IX Coordinator will refer reports of the following offenses accordingly for Administrative Resolution following the procedures for the Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation.

#### **1. Sex Discrimination**

Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived sex (as defined above).

Sex discrimination can take two primary forms:

##### **A. Disparate Treatment:**

- Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived sex and that:
  - Excludes an individual from participation in;
  - Denies the individual benefits of; or
  - Otherwise adversely affects a term or condition of an individual's participation in an Illinois College program or activity.

##### **B. Disparate Impact:**

- Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
  - Excludes an individual from participation in;
  - Denies the individual benefits of; or
  - Otherwise adversely affects a term or condition of an individual's participation in an Illinois College program or activity.

Discrimination on the basis of sex includes on the basis of sex stereotypes, sex characteristics, gender identity, sexual orientation, and pregnancy or related conditions.



## **2. Sexual Exploitation**

Defined as taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute Sexual Harassment under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography

## **3. Harm/Endangerment**

Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person or damages their property, based on sex.

## **4. Intimidation**

Implied threats or acts that cause an unreasonable fear of harm in another.

### **5. Hazing**

Acts likely to cause physical or psychological harm or social ostracism to any person within the Illinois College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);

### **6. Bullying**

Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or physically or mentally diminish another person. It is not speech or conduct otherwise protected by the First Amendment.

Sanctions for the above-listed offenses range from reprimand through expulsion/termination, which are detailed more specifically in the Student Code of Conduct (Blue Book), Faculty Handbook and/or Employee Handbook.

## **D. Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** The use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent:** According to Illinois Law, consent is a freely given agreement to the act of sexual penetration or sexual conduct in question.

- The lack of verbal or physical resistance, or submission by the Complainant resulting from the use of drugs, force, or threat by the Respondent shall not constitute consent.
- The manner of dress of the Complainant at the time of the offense shall not constitute consent.
- A person who initially consents to sexual penetration or sexual conduct is not

deemed to have consented to any sexual penetration or sexual conduct that occurs after they withdraw consent during the course of that sexual penetration or sexual conduct.

- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.
- A person can withdraw consent at any time.
- 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 person is incapacitated due to the use or influence of alcohol or drugs.
  - The person is asleep or unconscious.
  - The person is incapacitated due to a mental disability.

Since individuals may perceive and experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>5</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus

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<sup>5</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

consensual, so the College's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

## Retaliation

Protected activity under this Policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for the College or any member of the College's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Filing a complaint under the Administrative Resolution Process (Process B) could be considered retaliatory if those allegations could be subject to the Formal Grievance Process (Process A), when the Process B allegations are made for the purpose of interfering with or circumventing any right or privilege provided within Process A that is not provided by Process B. Therefore, Illinois College carefully vets all complaints to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## Related Policies

### Amnesty for Complainants and Witnesses

Illinois College encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation of certain College policies, such as underage drinking or use of illicit drugs at the time of the incident.

It is in the best interests of the College community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process. Illinois College provides amnesty to any student who reports, in good faith, any alleged violations of this policy and witnesses participating in the grievance process. The Complainant and witnesses will not receive a disciplinary sanction by the College for a student conduct violation, such as underage drinking, that is revealed in the course of a report, unless the College determines that the violation was an action that places the health or safety of any other person at risk.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to the Respondent with respect to a Complainant.

In addition to the foregoing, all faculty and staff who become aware of or suspect sexual abuse of a minor (under the age of 17) must report that information to the Title IX Coordinator who shall then inform local, state and/or federal law enforcement officials of such incident as required by law.

### False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Illinois College policy.

### Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA<sup>6</sup>-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to the Clery Coordinator regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: all faculty, Student Success staff, Residence Hall Directors and RAs, all Athletic staff, the Human Resources Director, and Public Safety staff.

### Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Illinois College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

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<sup>6</sup> VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

## Preservation of Evidence

Seeking medical care is important, regardless of whether you choose to report to the police. Medical attention will provide for physical exam, treatment and collection of any evidence of the assault. It is important to remember:

- Sexual assault can result in injury or illness that you may not immediately see or feel. It is important that you seek appropriate medical care promptly.
- Resist the urge to change clothes, bathe, douche, eat, drink or brush your teeth.
- Bring a change of clothes with you when you go to the emergency room. Your clothing will be kept as evidence.
- Do not go to the bathroom, if possible. This is so that physical evidence can be collected and preserved.

You do not need to decide immediately following an assault whether you want to pursue legal action but if you save the evidence, it offers you more options in the future when you are better able to decide. The staff at Passavant Hospital and on campus at the Chesley Health and Wellness Center are trained to collect and save this type of evidence for you, should you decide to use it in pursuing legal action in the future.

## Revision of this Policy

This Policy, [published on August 7, 2025](#), represents the current policy at Illinois College and supersedes any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and required by law. Any new language that is made within the past six (6) months is in blue text.

During the Resolution Process, the Title IX Coordinator may make minor modifications to the procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

## Appendix A: Definitions

- **Actual Knowledge** means notice of sexual harassment or allegations of sexual harassment delivered to Illinois College's Title IX Coordinator. Such notice includes reports sent to the Title IX Coordinator in person, by mail, by telephone, by email, telephone call, in-person, or by using the College online report form which can be found [here](#).
- **Administrative Process (Process B)** means a process of resolution designated by Illinois College to address conduct that falls within the policies included below and is dismissed under the provisions in Title IX thus not needing to comply with requirements of the Title IX regulations (34 CFR Part 106.45).
- **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- **Business Day** means a day when Illinois College is in normal business operation.
- **Calendar Day** means a day on the calendar including weekends and holidays.
- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- **Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- **Education Program or Activity** means locations, events, or circumstances where Illinois College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the Illinois College.

The College's education program or activity also extends to operations which include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the College.

- **Final Determination** means a conclusion by the preponderance of evidence that the alleged conduct occurred and whether it did or did not violate policy.
- **Finding** means a conclusion by the preponderance of evidence that the conduct did or



did not occur as alleged.

- **Formal Complaint** means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging sex-based harassment or retaliation against a Respondent and requesting that the College investigate the allegation. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in an education program or activity at the College.
- **Formal Grievance Process** means a method of formal resolution designated by Illinois College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR Part 106.45).
- **Grievance Process Pool** includes any Investigators, Hearing Decision-makers, Appeal Decision-makers, and College-appointed Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- **Hearing Panel** refers to those who have decision-making and sanctioning authority within Illinois College's Formal Grievance process.
- **Informal Resolution** means a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a Final Determination being reached. Informal resolution is not available for employee on student complaints.
- **Investigator** means the person or persons charged by Illinois College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- **Mandated Reporter** means an employee of Illinois College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or the Executive Director of Residence Life & Campus Safety.<sup>7</sup>
- **Notice** means that an employee, student, or third-party informs (reports) the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- **Official with Authority (OWA)** means an employee of the College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.

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<sup>7</sup> Not to be confused with Mandatory Reporters, who are mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

- **Parties** include the Complainant(s) and Respondent(s), collectively.
- **Recipient** means Illinois College as a postsecondary education program that is a recipient of federal funding.
- **Remedies** are post-final determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity under this Policy.
- **Resolution** means the result of an Informal Resolution or Formal Grievance Process.
- **Sanction** means a consequence imposed by the College on a Respondent who is found to have violated this policy.
- **Sex** means sex assigned at birth (under Title IX). Outside Title IX, sex can include gender identity, gender expression, sexual orientation, sex characteristics, and sex stereotypes.
- **Sexual Harassment** is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. See section [here](#) for greater detail.
- **Standard of Evidence** means the standard used to determine if a policy violation occurred. The College uses a "preponderance of evidence" standard, which means that the evidence demonstrates that it is more likely than not that the alleged conduct or policy violation occurred.
- **Student** means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with Illinois College.
- **Title IX of the Education Amendments of 1972** (29 USC 1681-1688) provides, "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 educational program or activity receiving federal financial assistance."

Essentially, Title IX provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training or other education program or activity operated by Illinois College. Title IX also provides that no person shall, on

the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefore, whether full-time or part-time, under any education program or activity operated by the College. Illinois College acknowledges its obligations under Title IX and is committed to complying with all Title IX requirements.

- **Title IX Coordinator** is the official designated by Illinois College to ensure compliance with Title IX and Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- **VAWA:** Violence Against Women Act classifies dating violence, domestic violence and stalking as crimes. The VAWA reauthorization of 2013 amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports.

## Appendix B: Statement of the Rights of the Parties

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to College officials.
- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by College officials.
- The right to have College policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by College authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by College officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.

- The right to a College-implemented no-contact notice when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - Relocating an on-campus student's housing to a different on-campus location
  - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
  - Transportation accommodations
  - Visa/immigration assistance
  - Arranging to dissolve a housing contract and a pro-rated refund
  - Exam, paper, and/or assignment rescheduling or adjustment
  - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
  - Transferring class sections
  - Temporary withdrawal/leave of absence (may be retroactive)
  - Campus safety escorts
  - Alternative course completion options.
- The right to have the College maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the College's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition, if a panel is used.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- The right to the use of the appropriate standard of evidence, (preponderance of the evidence) to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the Resolution Process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

- The right to be informed in writing of when a decision by the College is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the Resolution Process, and the procedures for doing so in accordance with the standards for appeal established by the College.
- The right to a fundamentally fair resolution as defined in these procedures.

## Appendix C: Privacy, Privilege, and Confidentiality

For the purpose of this Policy, the terms privacy, confidentiality, and privilege have distinct meanings.

- **Privacy.** Means that information related to a complaint will be shared with a limited number of Illinois College employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Complaint. All employees who are involved in Illinois College’s response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.
- **Confidentiality.** Exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by Illinois College as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections. When a Complainant shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Title IX Coordinator. The Confidential Resource will, however, provide the Complainant with the Title IX Coordinator’s contact information, assist the Complainant in reporting, if desired, and provide them with information on how the office can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.
- **Privilege.** Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. Illinois College treats employees who have the ability to have privileged communications as Confidential Employees.

Illinois College reserves the right to determine which College officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to FERPA.

Only a small group of officials who need to know will typically be told about the Complaint. Information will be shared as necessary with Investigators, Decision-makers, Appeal Decision-makers, witnesses, the Parties, and the Parties’ Advisors. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties’ rights and privacy, and release is governed by the institution’s unauthorized disclosure policy.



Illinois College may contact students' parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student prior to doing so.

## Appendix D: Pregnant and Parenting Student Policy

### Purpose and Scope

Under Title IX of the Education Amendments of 1972, § 106.40, it is illegal for schools to exclude students, on the basis of such student's past, potential, or current pregnancy, childbirth, false pregnancy, termination of pregnancy (abortion, miscarriage, or stillbirth), lactation, recover, and all related medical conditions from participating in any part of an educational program.

Therefore, Illinois College, its faculty, staff, and pregnant students will follow the protocols and procedures set forth in the policy below.

### Gender Equity

Illinois College will not tolerate discrimination, harassment, misconduct, or retaliation of any form, including towards pregnant and/or parenting students. Such behavior is in violation of Illinois College's Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation. Please refer to our website at [www.ic.edu/sexualmisconduct](http://www.ic.edu/sexualmisconduct) to view the full policy and/or contact the Title IX Coordinator if concerns arise.

### Reporting Requirements

Faculty and staff are not required to report a student's pregnancy to the Title IX Coordinator. Instead, faculty and staff must provide the contact information of the Title IX Coordinator to any student who has disclosed their pregnancy and/or who is seeking modifications due to pregnancy or parenting. If the employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

### Title IX Coordinator

Angela Valuck

[angela.valuck@ic.edu](mailto:angela.valuck@ic.edu)

217.245.3660

Upon notification of a student's pregnancy or related condition, the Title IX Coordinator will contact the student and inform the student of the Illinois College's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

### **Reasonable Modifications**

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the Illinois College's education program and activity. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- Intermittent absences to attend medical appointments
- Access to online or homebound education
- Changes in schedule or course sequence
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a student to sit or stand, or carry or keep water nearby
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

In situations such as clinical rotations, performances, labs, and group work, the College will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and the Illinois College's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator will consult with the Coordinator of Disability Resources to ensure the student receives reasonable accommodations for their disability as required by law.

Title IX requires Illinois College to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, with medical approval. Illinois College may offer the student alternatives to making up missed work such as retaking a semester, taking a leave of absence, or allowing the student additional time in a program to continue at the same pace, provided the student will be able to graduate in the amount of time directed by the programmatic accreditors. The Dean of Faculty will meet with the student to discuss options available to the student based on the students' current status and program requirements. The Chair of the Nursing Department and the Chair of the Education Department will be involved in outlining options for students on clinical rotation or student teaching, respectively, at the time of their leave. While Illinois College staff will outline options for the student, the student shall decide what option best fits their needs.

Faculty who have their own policies about class attendance and make-up work must make sure their policies do not conflict with Title IX rights. Illinois College must ensure that the policies and practices of individual instructors do not discriminate against pregnant and parenting students. For example, a faculty member may not refuse to allow a student to submit work after a deadline or make up an exam that was missed because of absences due to pregnancy or childbirth. Additionally, if an instructor's grading is based in part on class attendance or participation, the student should be allowed to earn the credits missed so that the student can be reinstated to the status they had before the leave. Faculty and staff must be aware of and follow Title IX requirements for pregnant and parenting students through completion of annual training and are encouraged to work with the Title IX Coordinator to discuss any concerns. The Title IX Coordinator will collaborate with the Chair of the Nursing Department or the Chair of the Education Department when students seeking modifications are entering or currently participating in clinical rotations or student teaching, respectively.

### **Certificate to Participate**

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

1. The certified level of physical ability or health is necessary for participation;
2. The institution requires such certification of all students participating; and
3. The information obtained is not used as a basis for pregnancy-related discrimination.

### **Lactation Space Access**

The Illinois College provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others.

Lactation spaces are located in the following locations:

- Tanner Hall - Basement, East end of hallway
- Lincoln Hall - HUB, Room 1096

Access the EMS reservation system through the College's SSO to reserve a lactation space.

### **Leaves of Absence**

#### **1. Students**

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their health care provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. While registered under that status, students who choose to take a leave of absence under this policy can elect to continue residing in Illinois College housing, subject to the payment of applicable fees.

To the extent possible, Illinois College will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same or an equivalent course catalog that was in place when the leave began.

Continuation of students' scholarship, fellowship, or similar Illinois College-sponsored funding during the leave term will depend on the students' registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar Illinois College-supported funding by exercising their rights under this policy.

The Office of Student Financial Services can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Coordinator will assist the student in completing any necessary paperwork.

#### **0. Employees**

Information on employment leave can be found under the Parental Leave and FMLA policies outlined in the employee handbook on Connect2.

If an employee is not eligible for leave under the aforementioned leave policies because they either (1) do not have enough leave time available under either policy, or (2) have not been employed long enough to qualify for leave under either policy, they are eligible to qualify for

pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time. Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

**Revision of Policy**

This Policy supersedes any previous policies addressing pregnant and parenting students. The Title IX Coordinator reviews and updates these policies and procedures regularly. Illinois College reserves the right to make changes to this document as necessary and required by law. Once those changes are posted online, they are in effect. All changes made within the last six (6) months are in blue text).

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

*Policy last revised August 1, 2024*

## Appendix E: Policy for Gender Identity and Access

### Purpose and Scope

The purpose of this policy is to assist Illinois College employees regarding issues relating to transgender and gender nonconforming students in order to create and maintain a safe learning environment for all students and to ensure that every student has equal access to the College's educational programs and activities.

This policy sets out guidelines for College staff to address the needs of transgender and gender nonconforming students and explains how Title IX regulations and non-discrimination laws should be implemented in situations where questions may arise about how to protect the legal rights or safety of students. This policy does not anticipate every situation that might occur with respect to transgender and gender nonconforming students, and the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of all students, including transgender and gender nonconforming students, maximizing inclusion and social integration while minimizing exclusion and stigmatization.

### Definitions

These definitions are not meant to label any student, but are intended as functional descriptors. Students may or may not use some of these terms to describe themselves:

**Gender:** The complex relationship between physical traits and one's internal sense of self as male, female, both, or neither (gender identity), as well as one's outward presentation and behaviors (gender expression).

**Gender Expression:** A person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

**Gender Fluid:** Persons who do not identify as, or who do not express themselves as, solely male or female.

**Gender Identity:** A person's internal sense of gender, which may or may not be the same as one's sex assigned at birth. All people have a gender identity, not just transgender people.

**Gender Nonconforming:** A person who displays gender traits that are not consistent with stereotypical characteristics associated with one's biological sex assigned at birth, or others' perceptions of that sex. This term can be used to describe people whose gender expression differs from stereotypical expectations about how boys and girls are "supposed to" look or act.

**LGBTQ:** A common acronym that stands for "lesbian, gay, bisexual, transgender, and questioning."

**Sex:** The biological condition or quality of being a female or male human being.

**Sexual Orientation:** A person's romantic or sexual attraction to people of the other and/or same gender. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different. Transgender students may identify as gay, lesbian, bisexual, or heterosexual.

**Sexualized Bullying:** Unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, gender identity and expression, sex, sexual behavior, sexual orientation, or other related personal characteristics. Anti-gay and sexist epithets are common forms of sexualized bullying.

**Transgender:** A person whose gender identity does not correspond to that person's biological sex assigned at birth. Transgender is not a sexual orientation; transgender people may have any sexual orientation.

**Cisgender:** A term for people whose gender identity aligns with the sex they were assigned at birth.

**Transition:** The process through which people begin to live as the gender with which they identify, rather than the one typically associated with their sex assigned at birth.

### **Determining a Student's Gender Identity**

The responsibility for determining a student's gender identity rests with the student.

The College shall accept a student's asserted gender identity. The College may not question or disregard the student's assertion of their gender identity.

There is no threshold medical or mental health diagnosis or treatment requirement that any student must meet in order to have their gender identity recognized and respected by the College, nor can a student be required to provide any medical documentation. Similarly, a student is not required to have obtained a court-ordered name or gender change in order to have the student's requested name and gender identity recognized and respected by the College.

### **Privacy**

All persons have a right to privacy. This includes the right to control dissemination of highly personal and private information such as one's gender identity.

College employees shall not disclose a student's gender identity to others, including but not limited to, other students, parents, and/or other school employees, unless they are legally required to, the student has authorized such disclosure, or there is a specific and compelling "need to know" reason in order to protect the student's interests. In those rare circumstances



where disclosure is deemed to be absolutely necessary, before making any disclosure, College officials shall inform the student of the need to disclose and provide them with the opportunity and resources they may need to make the disclosure themselves.

College employees may encounter situations where a transgender or gender nonconforming student has not disclosed their gender identity to their parents. Whenever possible, school personnel shall speak with the student to confirm the manner in which the student will be referred to in conversation with the parent/guardian, if a FERPA release is on file granting permission for College employees to speak with the parent/guardian. Generally, when contacting the parent/guardian of a transgender or gender nonconforming student, College employees should use the student's legal name and the gender pronoun that corresponds to their legal sex, unless the student has specified otherwise.

All students, including transgender and gender nonconforming students, have the right to openly discuss and express their gender identity and to decide when, with whom, and how much to share that private information. In sharing this information, a student does not give up the right to privacy and at no time may the College use a student's self-disclosure as grounds for sharing information about the student's gender identity without the student's permission.

### **Names/Pronouns**

Upon the request of a student, the student shall be addressed by the name and pronoun that corresponds to the student's gender identity asserted at College, without obtaining a court order, changing the official records or obtaining parent/legal guardian permission. The requested, or preferred, name shall be included in the College's electronic database in addition to the student's legal name, in order to inform employees of the name and pronoun to use when addressing the student.

Every effort shall be made to use the preferred names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes in the use of names or pronouns may occur, employees or students intentionally and persistently refusing to respect a student's gender identity by using the wrong name and gender pronoun is discriminatory and is a violation of this policy.

### **School Records**

The College is required to maintain official records which includes the legal name of the student, as well as the student's gender. The official records may include but are not limited to: transcripts, assessment data, health records, discipline records, Individualized Education Programs (IEP), Section 504 Plans, standardized testing and the cumulative file. The College shall change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to Illinois legal requirements.

The College shall permit a student to use a preferred name and gender on unofficial records. The unofficial records may include but are not limited to: identification badges, classroom

rosters, certificates, programs, announcements, office summons and communications, team and academic rosters, diplomas, newspapers, newsletters, yearbooks, and other site-generated unofficial records. The preferred name shall also appear on the student's cumulative folder (official record) as "Also Known As" (AKA).

Transgender or gender nonconforming students who transition after having graduated may ask the College to amend a transcript that includes the student's birth name and gender. Upon receipt of documentation that the student's legal name and/or gender have been changed pursuant to Illinois legal requirements, the College will reissue a transcript that reflects the student's current name and gender.

### **Restroom Accessibility**

The College will maintain separate restroom facilities for male and female students. However, students shall have access to the restroom that corresponds to their gender identity. Where available, a "gender neutral" restroom may be used by any student who desires increased privacy, regardless of the underlying reason. The use of such a "gender neutral" restroom shall be a matter of choice for a student and no student shall be compelled to use such a restroom.

### **Locker Room Accessibility**

The College will maintain separate locker room facilities for male and female students. However, students shall have access to the locker room facility that corresponds to their gender identity. If any student has a need or desire for increased privacy or safety, regardless of the underlying reason, they will be provided access to a reasonable alternative changing area such as:

1. Use of a private area in the public area of the locker room facility (i.e., a nearby restroom stall with a door or a designated changing area within the locker room)
2. A separate changing schedule (either utilizing the locker room before or after other students)
3. Use of a nearby private area (i.e., a nearby restroom or an office with a door)

However, use of such an alternative changing space shall be a matter of choice for a student and no student shall be compelled to use such an alternative. The College will also work to de-stigmatize the use of such options, as well as to establish clear guidelines and expectations with regard to respecting privacy and boundaries in changing areas and other close quarters.

### **Dress Codes**

All students have the right to dress in accordance with their gender identity and gender expression. Any course-related dress codes shall be gender-neutral, and shall not restrict students' clothing choices on the basis of gender or traditional stereotypes about what males and females "should" wear.

### **School Activities and Programs**

Students have the right to equitable access to activities and programs at the College. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or

activity. These activities and programs may include but are not limited to: homecoming, spirit day, celebrations, assemblies, acknowledgments, clubs, and all extra-curricular activities.

### **Gender Segregation in Other Areas**

As a general rule, in any other circumstances where students are separated by gender in College activities or programs (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity as expressed by the student and asserted at College. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, employees shall make a reasonable effort to provide an available accommodation that can address any such concerns.

### **Harassment and Bullying**

Complaints alleging discrimination, harassment, or bullying based on a student's gender identity, gender expression, or gender nonconformity, are to be handled in the same manner as other complaints submitted to the Title IX Coordinator under the Illinois College's Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation. Consistent with the policy and procedures, complaints alleging discrimination or harassment based on a student's gender identity, gender expression, or gender nonconformity shall be given immediate attention, fully and appropriately investigated in a timely manner, and resolved through appropriate corrective action.

### **Reporting Requirements**

Any member of the Illinois College community may report a violation of this policy to any supervisor, manager, or to the Title IX Coordinator. All mandated reporters as defined in the Illinois College's Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation are responsible for promptly forwarding such reports to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

Reports or Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a Report with, or give verbal Notice directly to, the Title IX Coordinator. Such a Report may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail to the office of the Title IX Coordinator listed in this Policy.

Title IX Coordinator:  
Angela Valuck  
[angela.valuck@ic.edu](mailto:angela.valuck@ic.edu)  
217.245.3660

0. Submit online Notice at this [link](#) for sex discrimination and sex-based harassment allegations.

**Revision of Policy**

This Policy supersedes any previous policies addressing pregnant and parenting students. The Title IX Coordinator reviews and updates these policies and procedures regularly. Illinois College reserves the right to make changes to this document as necessary and required by law. Once those changes are posted online, they are in effect. All changes made within the last six (6) months are in blue text).

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

*Policy last revised August 1, 2024.*

## Appendix F: Policy for Equity in Athletics Compliance

### Purpose and Scope

Title IX of the 1972 Education Act states: *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance."*

Educational programs or activities include Intercollegiate Athletics, and Title IX gives colleges and schools options for demonstrating that they provide equitable opportunities to both sexes. Illinois College demonstrates equitable opportunities through intercollegiate level participation through the provision of benefits, opportunities, and treatment of male and female programs overall.

### Policy Statement

Title IX within athletics is focused on three criteria: 1) equitable participation opportunities; 2) equitable scholarship opportunities; and 3) equitable benefits, which includes equipment, supplies, facilities, scheduling, and more. According to the NCAA Office of Inclusion, *"Title IX does not require identical athletics programs for males and females. Rather, Title IX requires that the athletics programs meet the interests and abilities of each gender. Under Title IX, one team is not compared to the same team in each sport. OCR examines the total program afforded to male student-athletes and the total program afforded to female student-athletes and whether each program meets the standards of equal treatment. Title IX does not require that each team receive exactly the same services and supplies. Rather, Title IX requires that the men and women's program receive the same level of service, facilities, supplies, and etc. Variations within the men and women's program are allowed, as long as the variations are justified."*

On an annual basis the Title IX Athletics Advisory Committee will complete a comprehensive gender equity review of the provision of benefits, opportunities, and treatment of male and female programs overall using data from a variety of reports, including but not limited to, budget, scheduling, marketing, and salary data, in addition to responses from student-athlete evaluations and an annual student interest survey. If any area reviewed demonstrates inequitable treatment between men's and women's teams overall, the Advisory Committee will make any necessary revisions to Athletic Department policies to immediately address the issue.

### Complaint Resolution Process

The College encourages employees and students to address concerns related to gender equity in Athletics. Any employee or student who seeks resolution or clarification of their concerns may use the procedure described below to provide a quick, effective, and consistently applied method for internal resolution.

***Step 1: Contact Director of Athletics***

Employees or students (Complainant) should bring their concerns or complaints, in writing, to the Director of Athletics. The Director of Athletics should then schedule an appointment with the Complainant to discuss the complaint within five (5) business days of receiving the complaint.

The Director of Athletics will then respond in writing to the complaint, normally within five (5) business days of the meeting held with the Complainant. A copy of the complaint and the Director of Athletics's written response should be forwarded to the Title IX Coordinator for retention.

***Step 2: Appeal to Title IX Athletic Advisory Committee (excluding Director of Athletics)***

If the procedures of Step 1 do not result in a satisfactory resolution of the complaint, then the Complainant may submit a written complaint to the members of the Title IX Athletic Advisory Committee (Abby Vorreyer, Steve Schweer, Amy Schwiderski, and Angela Valuck), excluding the Director of Athletics since they were involved in Step 1.

The Complainant should submit a written complaint within five (5) business days of receiving a response from the Director of Athletics or, if no response is received, then within five (5) business days of the date on which a written response was due. The complaint should include:

1. The problem or incident giving rise to the complaint and the date(s) it occurred;
2. Suggestions on ways to resolve the complaint; and
3. A copy of the Director of Athletics's written response (or a summary of their verbal response if no written response was provided) and the date when the Complainant met with the Director of Athletics. If the Director of Athletics provided no response, the complaint should indicate this as well.

Upon receipt of the above-described complaint, the Title IX Athletic Advisory Committee must schedule a separate meeting with the Complainant. This meeting should be held within five (5) business days of receiving the complaint. Within five (5) business days of completing the meetings and review of relevant information, the Title IX Athletic Advisory Committee will issue a written decision to the Complainant.

The Title IX Athletic Advisory Committee should forward a copy of the complaint and a copy of their written response to the Title IX Coordinator for retention.

If the Complainant is not comfortable discussing the complaint with the Title IX Athletic Advisory Committee, then the Complainant should proceed with Step 3 and provide a written complaint directly to the Provost and Dean of the College. If this is the case, then any appeal of the decision reached by the Provost and Dean of the College should follow the procedures of Step 3 but be directed to the Office of the President.

***Step 3: Appeal of the Decision***

If the Complainant is dissatisfied with the decision of the Title IX Athletic Advisory Committee, the Complainant may, within five (5) business days of receiving the Title IX Athletic Advisory Committee's decision, appeal this decision in writing to the Provost and Dean of the College.

The Provost and Dean of the College will call a meeting with the Complainant directly and/or gather further information from involved parties to address the complaint. Meetings and review of information will normally be conducted within five (5) business days of receipt of the written appeal. Upon completion of the review, the Provost and Dean of the College will issue a written response to the Complainant. The appeal decision will be considered final.

The timeline outlined in this procedure will normally be followed. Due to potential absences and/or scheduling conflicts, the five (5) day timeframe at each level may be reasonably extended.

***Retaliation***

Protected activity under this Policy includes making a complaint under this Policy, participating in the complaint resolution process, supporting any individual involved in the process, providing information relevant to the complaint, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

The College is prepared to take appropriate steps to protect individuals who fear that they may be subject to retaliation. It's prohibited for the College or any member of the College's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individuals for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any resolution process under this Policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated.

*Policy last revised January 5, 2024*

# **PROCEDURES FOR THE ILLINOIS COLLEGE POLICY ON SEX DISCRIMINATION, SEX-BASED HARASSMENT, AND RETALIATION**

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# THE FORMAL GRIEVANCE PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY

## Overview

Illinois College will act on any Formal Complaint of violation of the Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as the Formal Grievance Process.

The procedures below apply to all Title IX and VAWA allegations involving students, staff, administrators, or faculty members. A set of technical dismissal requirements within the 2020 Title IX regulations may apply as described below, but when a technical dismissal under the Title IX allegations is required, any remaining allegations will proceed using these same grievance procedures, clarifying which policies are applicable.

The procedures below may be used to address collateral misconduct arising from the investigation of, or occurring in conjunction with, reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, staff, and faculty handbooks.

## Notice/Complaint

Upon receipt of a Formal Complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, a prompt initial assessment to determine the next steps will be undertaken.

The College will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to proceed with a Formal Complaint; and/or
- 2) An Informal Resolution (upon submission of a Formal Complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint).

The investigation and grievance process will determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment and/or discrimination, their potential recurrence, and/or their effects.

## Initial Assessment

Following receipt of notice or a Formal Complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within 5 business days. The steps in an initial assessment can include:

- The Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a Formal Complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of the 2020 Title IX regulations:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process as outlined in these procedures, directing the investigation to address, based on the nature of the Formal Complaint:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue
    - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, and will refer the matter accordingly for Administrative Resolution.
      - Administrative Resolution for alleged student violations will follow the Code of Student Conduct (Blue Book) procedures.
      - Administrative Resolution for alleged faculty or staff violations will follow the Faculty Handbook and/or Employee Handbook and relevant Human Resource procedures.
      - Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, the 2001 Revised Guidance, etc.) may also be applicable to Administrative Resolution.
      - Please note that dismissing a complaint under the 2020 Title IX regulations is just procedural and does not limit the College’s

authority to address a complaint with an appropriate process and remedies.

## Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by SAFE IC as part of the initial assessment. A VRA can aid in 10 critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety
- Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant
- Whether the scope of the investigation should include an incident and/or pattern and/or climate of hostility/harassment
- To help identify potential predatory conduct
- To help assess/identify grooming behaviors
- Whether it is reasonable to try to resolve a complaint through Informal Resolution, and what modality may be most successful
- Whether to permit a voluntary withdrawal by the Respondent
- Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent
- Assessment of appropriate sanctions/remedies (to be applied post-hearing)
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

A VRA authorized by the Title IX Coordinator will occur in collaboration with SAFE IC. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

## Dismissal (Mandatory and Discretionary)<sup>1</sup>

The College **must** dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

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<sup>1</sup> These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

- 1) The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in the Policy, even if proven; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations); and/or
- 3) The College does not have control of the Respondent; and/or
- 4) The conduct did not occur against a person in the United States; and/or
- 5) At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the education program or activity of Illinois College.

The College **may** dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by Illinois College; or
- 3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

## Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

## Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select

whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.<sup>2</sup>

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-makers.

The College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

### Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the Resolution Process. The parties may choose Advisors from inside or outside of the Illinois College community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the College, the Advisor will be trained by the College and be familiar with the College's Resolution Process.

If the parties choose an Advisor from outside the pool of those identified by the College, the Advisor may not have been trained by the College and may not be familiar with Illinois College policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the Resolution Process, prior to a hearing.

### Advisors in Hearings/College-Appointed Advisor

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-makers during the hearing.

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<sup>2</sup> "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

### Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

### Pre-Interview Meetings

Advisors and their advisees may request to meet with the Investigators conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and College's policies and procedures.

### Advisor Violations of Illinois College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigators or other Decision-makers except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator, will determine how to address the Advisor's non-compliance and future role.

### Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the Resolution Process.

The College also provides a consent form that authorizes the College to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX

Coordinator, or provide similar documentation demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the College will not comply with that request.

### Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Illinois College. Advisors will be asked to sign Non-Disclosure Agreements (NDAs). The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.

### Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

### Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time by completing a new Advisor Designation form. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

### Resolution Processes

Resolution proceedings are private. All persons present at any time during the Resolution Process are expected to maintain the privacy of the proceedings in accordance with Illinois College policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, except for information the parties agree not to disclose as part of an Informal Resolution. The College encourages parties to discuss this with their Advisors before doing so.



## Informal Resolution

Informal Resolution can include three different approaches:

1. **Alternative Resolution:** When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc.
2. **Accepted Responsibility:** When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the Resolution Process
3. **Supportive Resolution:** When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. The parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The Title IX Coordinator will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

### Alternative Resolution

Alternative Resolution is an informal process by which a mutually agreed upon resolution of a complaint is reached. All parties must consent to the use of an Alternative Resolution.

The Title IX Coordinator may look to the following factors to assess whether Alternative Resolution is appropriate, or which form of Alternative Resolution may be most successful for the parties:

- The parties' amenability to Alternative Resolution
- Likelihood of potential resolution, taking into account any power dynamics between the parties
- The nature and severity of the alleged misconduct
- The parties' motivation to participate

- Civility of the parties
- Cleared violence risk assessment/ongoing risk analysis
- Disciplinary history
- Whether an emergency removal is needed
- Skill of the Alternate Resolution facilitator with this type of complaint
- Complaint complexity
- Emotional investment/intelligence of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternative Resolution are not appealable.

#### **Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### **Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. The Title IX Coordinator, in consultation with administration, appoints pool members

to serve with independence and impartiality. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

The list of Pool members and a description of the Pool can be found [HERE](#).

## **Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator, will provide written Notice of the Investigation and Allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include all of the following:

- A meaningful summary of all of allegations
- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable procedures
- A statement of the potential sanctions/responsive actions that could result
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period
- A statement about the College’s policy on retaliation
- Information about the privacy of the process
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that the College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how the party may request disability accommodations during the interview process
- A link to the College’s VAWA Brochure
- The name(s) of the Investigators, along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigators may have
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more

information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and emailed to the parties' College-issued email or may be mailed to the local or permanent address(es) of the parties as indicated in official College records. Once emailed, and/or mailed, notice will be presumptively delivered.

## **Resolution Timeline**

The College will make a good faith effort to complete the Resolution Process within a sixty to ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **Investigation**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation, using a team of two Investigators, usually within two (2) business days of determining that an investigation should proceed.

## **Ensuring Impartiality**

Any individual materially involved in the administration of the Resolution Process, including the Title IX Coordinator, Investigators, and Decision-makers may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigators to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the Resolution Process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Provost of the College at 217.245.3010 or provost@ic.edu.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of evidence.

## **Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though

some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### Delays in the Investigation Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The College will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The College will promptly resume its investigation and Resolution Process as soon as feasible. During such a delay, the College will implement supportive measures as deemed appropriate.

College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigators typically takes the following steps, if not already completed (not necessarily in this order):

- Ensure that the burden is not on the Parties to conduct an investigation that gathers sufficient evidence to determine whether a Policy violation occurred
- Commence a thorough, reliable, and impartial investigation
- Provide an equal opportunity for the Parties to present fact witnesses and other evidence that is relevant and not otherwise impermissible
- When participation of a Party is expected, provide that Party with written notification of the date, time, and location of the meeting, as well as the expected participants and purpose.

- Interview the Complainant and the Respondent and conduct follow-up interviews with each, as necessary.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Provide each interviewed Party and witness an opportunity to review and verify, within 5 calendar days, the transcript of the relevant evidence/testimony from their respective interviews and meetings.
- Write a draft investigation report that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation, and party and witness interviews, and provides all relevant evidence.
- The Investigator may share the investigation report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- Provide the Parties and their respective Advisors an electronic copy of the draft investigation report as well as an opportunity to inspect and review all relevant evidence obtained as part of the investigation for a review and comment period of 10 calendar days so that each party may meaningfully respond to the evidence. The Parties may elect to waive all or part of the review period.
- Incorporate any relevant feedback, and the Title IX Coordinator then shares the final report with all parties and their Advisors through secure electronic transmission or hard copy at least 10 calendar days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report, if applicable.

### Witness Role and Participation in the Investigation

Witnesses (as distinguished from the parties) who are employees of the College are expected to cooperate with and participate in the College's investigation and Resolution Process. Failure of such witnesses to cooperate with and/or participate in the investigation or Resolution Process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigators determine that timeliness or efficiency dictate a need for remote interviewing. Illinois College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigators, though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

### Recording of Interviews

Investigators will audio record all investigation interviews to generate transcripts. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

### Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

### Hearings

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing in when alleged Title IX violations and any collateral misconduct are being considered.

When an alleged violation is dismissed under Title IX but proceeds under the Violence Against Women Act (VAWA), a live hearing will not be conducted as part of the resolution process. Parties are directed to the "Deliberation, Decision-Making, and Standard of Proof" section of these procedures for information on how determinations will be made.

The hearing cannot be less than 10 calendar days from the conclusion of the investigation—when the final investigation report is transmitted to the parties and the Hearing Chair—unless all parties and the Hearing Chair agree to an expedited timeline.

### Hearing Panel (Decision-maker) Composition

The Title IX Coordinator will designate a three-member panel from the Pool. One of the three members will be a trained Hearing Chair.

The Decision-makers will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the Resolution Process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Title IX Coordinator.

### Evidentiary Considerations in the Hearing

Any evidence that the Hearing Chair determines is relevant and credible may be considered. The Hearing Panel does not consider: 1) incidents not directly related to the possible violation,

unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement via email to the Title IX Coordinator prior to the hearing for the consideration of the Decision-makers at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-makers renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

### Notice of Hearing

At least 10 calendar days prior to the hearing, the Title IX Coordinator or the Hearing Chair will send notice of the hearing to the parties including a copy of all the materials provided to the Hearing Panel (Decision-makers) about the matter. Once emailed, and/or mailed, notice will be presumptively delivered.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution.

### Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least 5 calendar days prior to the hearing.

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least 5 calendar days prior to the hearing so that appropriate arrangements can be made.



### Pre-Hearing Preparation

The parties will be given a list of the names of the Decision-makers at least 10 calendar days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than five calendar days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator immediately upon receipt of the hearing notice if they do not have an Advisor, and Illinois College will appoint one. Each party must have an Advisor present if they would like to cross-examine the other party and/or witnesses. There are no exceptions.

The Title IX Coordinator, will give the Hearing Panel (Decision-makers) a list of the names of all parties, witnesses, and Advisors at least 10 calendar days in advance of the hearing. Any Hearing Panel member who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Hearing Panel member is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the 10 calendar day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comments can be shared with the Hearing Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Hearing Chair.

Parties should contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) calendar days prior to the hearing.

### Pre-Hearing Meetings

The Hearing Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties through their Advisors) wish to ask or discuss at the hearing, so that the Hearing Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing.

The Hearing Chair, in consultation with the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigators in the investigation report or during the hearing. Additionally, the Hearing

Chair, in consultation with the parties, may decide which witnesses do need to be present during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Hearing Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigators may be argued to be relevant. The Hearing Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Hearing Chair may consult with legal counsel and/or the Title IX Coordinator or ask either/both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

### Hearing Procedures

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy.

Participants at the hearing will include the Hearing Chair, any additional Decision-makers, the Investigators who conducted the investigation, the parties (or 3 organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the hearing facilitator, and anyone providing authorized accommodations or assistive services.

The Hearing Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Hearing Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-makers and the parties and will then be excused.

### Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## The Order of the Hearing – Introductions and Explanation of Procedure

The Hearing Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-makers on the basis of bias or conflict of interest. The Hearing Chair will rule on any such challenge unless the Hearing Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Hearing Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the Title IX Coordinator or, in the event of a conflict of interest, a non-voting hearing facilitator appointed by the Title IX Coordinator.

The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## Investigator Presents the Final Investigation Report

The Investigators may present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Panel (Decision-makers) and the parties (through their Advisors). The Investigators will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Hearing Panel (Decision-makers) should ask the Investigators their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Hearing Chair will direct that it be disregarded.

## Testimony and Questioning

Once the Investigators present their report and/or are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Hearing Chair. The parties/witnesses will submit to questioning by the Hearing Panel (Decision-makers) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Hearing Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Hearing Chair upon request or agreed to by the parties and the Hearing Chair), the proceeding will pause to allow the Hearing Chair to consider it, and the Hearing Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Hearing Chair may explore arguments regarding relevance with the Advisors, if the Hearing Chair so chooses. The Hearing Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Hearing Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Hearing Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Hearing Chair has final say on all questions and determinations of relevance, subject to any appeal. The Hearing Chair may consult with legal counsel on any questions of admissibility. The Hearing Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Hearing Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Hearing Panel member (Decision-maker) at the hearing, the Hearing Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Hearing Chair will not permit irrelevant questions that probe for bias.

### Refusal to Submit to Questioning

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-makers can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-makers may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

### Recording Hearings

Hearings (but not deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-makers, the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording.

### Deliberation, Decision-making, and Standard of Proof

The Hearing Panel (Decision-makers) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-makers may then consider the previously submitted party impact statements and will also review any pertinent conduct history to recommend the appropriate sanction(s) and/or remedies, in consultation with the appropriate administrators, as required (Associate Provost of Student Development for students, Director of Human Resources for staff, and Dean of Faculty for faculty).

The Hearing Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions or remedies.

This report typically should not exceed 5 pages in length and must be submitted to the Title IX Coordinator within 2 business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

## **Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Hearing Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 calendar days of receiving the Decision-makers' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and will be delivered by email to the parties' College-issued email or otherwise approved account. Once mailed, emailed, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and

bases for any available appeal options.

## Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-makers

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in the Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

## Student Sanctions

The following are the usual sanctions that may be imposed upon students singly or in combination:

- Any student found responsible for violating the policy where no intercourse has occurred will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Any student found responsible for violating the policy and intercourse has occurred will likely receive a sanction of suspension or expulsion.
- Any student found responsible for violating the policy on Sexual Harassment will likely receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Any student found responsible for violating policies on Dating Violence, Domestic Violence, or Stalking will likely receive a sanction ranging from probation to suspension or expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

*Withholding Diploma:* Illinois College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating policy.

*Revocation of Degree:* Illinois College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

## Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Any employee found responsible for violating the policy where no intercourse has occurred will likely receive a sanction ranging from unpaid suspension to termination, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Any employee found responsible for violating the policy and intercourse has occurred will likely receive a sanction of unpaid suspension or termination.
- Any employee found responsible for violating the policy on Sexual Harassment (and related violations) will likely receive a sanction ranging from written warning to termination, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Any employee found responsible for violating policies on Dating Violence, Domestic Violence, or stalking will likely receive a sanction of unpaid suspension or termination, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

## Withdrawal or Resignation While Charges Pending

### Students

Should a student decide to not participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College the Resolution Process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student. However, the College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely, and that student is not permitted to return to the College unless and until all sanctions have been satisfied.

### Employees

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process ends, as the College no longer has disciplinary jurisdiction over the resigned employee. However, the College will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the College and the records retained by the Title IX Coordinator will reflect that status.

## Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within 5 calendar days of the delivery of the Notice of Outcome. A single Appeal Decision-maker will Chair the appeal. No Appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

### Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigators, or Decision-makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers.

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-makers will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 3 calendar days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or



approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigators and/or original Decision-makers, as necessary, who will submit their responses in 3 calendar days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision in no more than 5 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: mailed to the local or permanent address of the parties as indicated in official institutional records or emailed to the parties' College-issued email account. Once mailed or emailed, notice will be presumptively delivered.

### Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The College may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

### Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigators and/or Decision-makers for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing)
- In rare cases where a procedural error cannot be cured by the original Decision-makers (as in cases of bias), the appeal may order a new hearing with a new Decision-makers.
- The results of a remand to a Decision-makers cannot be appealed.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

## Long-Term Remedies/Other Actions

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access. The College will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Illinois College's ability to provide these services.

## **Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-makers (including the Appeal Chair).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## **Recordkeeping**

The College will maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on the College's website.; and
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the College's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will also maintain any and all records in accordance with state and federal laws.

## **Accommodations in the Resolution Process**

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Resolution Process.

Anyone needing such accommodations or support should contact the Disability Services Coordinator (students) or Human Resources (employees), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

## **Revision of the Procedures**

These procedures, [revised on August 7, 2025](#), represent the current procedures at Illinois College and supersede any previous procedures addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and required by law.

During the Resolution Process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

## The State of Illinois Uses the Following Definitions for Sex Offenses:

### Criminal Sexual Assault

A person commits criminal sexual assault if that person commits an act of sexual penetration and:

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

[720 ILCS 5/11-1.20]

### Sexual Penetration

“Sexual penetration” means any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

[720 ILCS 5/11-0.1]

### Consent

“Consent” means a freely given agreement to the act of sexual penetration or sexual conduct in question. 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. The manner of dress of the victim at the time of the offense shall not constitute consent.

A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.

[720 ILCS 5/11-0.1, 720 ILCS 5/11-1.70(c)]

### Aggravated Criminal Sexual Assault

A. A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:

1. the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
2. the person causes bodily harm to the victim, except as provided in paragraph (10);
3. the person acts in a manner that threatens or endangers the life of the victim or any other person;
4. the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;

5. the victim is 60 years of age or older;
6. the victim is a person with a physical disability;
7. the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;
8. the person is armed with a firearm; 64
9. the person personally discharges a firearm during the commission of the offense; or
10. the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

B. A person commits aggravated criminal sexual assault if that person is under 17 years of age and (i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.

C. A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.

[720 ILCS 5/11-1.30]

### Predatory Criminal Sexual Assault of a Child

A person commits predatory criminal sexual assault of a child if that person is 17 years of age or older, and commits an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, and:

1. the victim is under 13 years of age; or
2. the victim is under 13 years of age and that person:
  - a. is armed with a firearm;
  - b. personally discharges a firearm during the commission of the offense;
  - c. causes great bodily harm to the victim that: i. results in permanent disability; or ii. is life threatening; or
  - d. delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception, for other than medical purposes.

[720 ILCS 5/11-1.40]

### Criminal Sexual Abuse

A. A person commits criminal sexual abuse if that person:

1. commits an act of sexual conduct by the use of force or threat of force; or
2. commits an act of sexual conduct and knows that the victim is unable 65 to understand the nature of the act or is unable to give knowing consent.

B. A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.

- C. A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.

[720 ILCS 5/11-1.50]

### Aggravated Criminal Sexual Abuse

- A. A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist (i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense:
1. the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;
  2. the person causes bodily harm to the victim;
  3. the victim is 60 years of age or older;
  4. the victim is a person with a physical disability;
  5. the person acts in a manner that threatens or endangers the life of the victim or any other person;
  6. the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or
  7. the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception.
- B. A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member.
- C. A person commits aggravated criminal sexual abuse if:
1. that person is 17 years of age or over and:
    - i. commits an act of sexual conduct with a victim who is under 13 years of age; or
    - ii. commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act;or
  2. that person is under 17 years of age and:
    - i. commits an act of sexual conduct with a victim who is under 9 years of age; or
    - ii. commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.
- D. A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.
- E. A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.
- F. A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is at least 13 years of age but under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim.

[720 ILCS 5/11- 1.60]

## Sexual Relations Within Families

A. A person commits sexual relations within families if he or she:

1. Commits an act of sexual penetration; and
2. The person knows that he or she is related to the other person as follows:
  - i. Brother or sister, either of the whole blood or the half blood; or
  - ii. Father or mother, when the child, regardless of legitimacy and regardless of whether the child was of the whole blood or half-blood or was adopted, was 18 years of age or over when the act was committed; or
  - iii. Stepfather or stepmother, when the stepchild was 18 years of age or over when the act was committed; or
  - iv. Aunt or uncle, when the niece or nephew was 18 years of age or over when the act was committed; or
  - v. Great-aunt or great-uncle, when the grand-niece or grand-nephew was 18 years of age or over when the act was committed; or
  - vi. Grandparent or step-grandparent, when the grandchild or step- 67 grandchild was 18 years of age or over when the act was committed.

[720 ILCS 5/11- 11]

## Domestic Violence

“Domestic violence” means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

“Physical abuse” includes sexual abuse and means any of the following:

- i. knowing or reckless use of physical force, confinement or restraint;
- ii. knowing, repeated and unnecessary sleep deprivation; or
- iii. knowing or reckless conduct which creates an immediate risk of physical harm.

"Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of the Criminal Code of 2012. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

“Harassment” means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:



- i. creating a disturbance at petitioner's place of employment or school;
- ii. repeatedly telephoning petitioner's place of employment, home or residence;
- iii. repeatedly following petitioner about in a public place or places;
- iv. repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
- v. improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or
- vi. threatening physical force, confinement or restraint on one or more occasions.

"Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse, regardless of whether the abused person is a family or household member.

"Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

"Willful deprivation" means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

[750 ILCS 60/103]

## Domestic Battery

A. A person commits domestic battery if he or she knowingly without legal justification by any means:

1. causes bodily harm to any family or household member;
2. makes physical contact of an insulting or provoking nature with any family or household member.

"Family or household members" include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.

[720 ILCS 5/12-3.2, 720 ILCS 5/12-0.1]

## Stalking

(a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:

1. fear for his or her safety or the safety of a third person; or
2. suffer other emotional distress.

(a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:

1. at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
2. places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person.

(a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

1. follows that same person or places that same person under surveillance; and
2. transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person.

(a-7) A person commits stalking when he or she knowingly makes threats that are a part of a course of conduct and is aware of the threatening nature of his or her speech.

(c) Definitions. For purposes of this Section:

1. "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant 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, engages in other non-consensual contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications.
2. "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.
3. "Emotional distress" means significant mental suffering, anxiety or alarm.
4. "Family member" means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, stepparent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.
5. "Follows another person" means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.
6. "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

7. "Places a person under surveillance" means: (1) remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (2) placing an electronic tracking device on the person or the person's property.
8. "Reasonable person" means a person in the victim's situation.
9. "Transmits a threat" means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

(d) Exemptions.

1. This Section does not apply to any individual or organization (i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.
2. This Section does not apply to an exercise of the right to free speech or assembly that is otherwise lawful.
3. Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(d-5) The incarceration of a person in a penal institution who commits the course of conduct or transmits a threat is not a bar to prosecution under this Section.

(d-10) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of the Illinois Criminal Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

[720 ILCS 5/12-7.3]

## Aggravated Stalking

(a) A person commits aggravated stalking when he or she commits stalking and:

1. causes bodily harm to the victim;
2. confines or restrains the victim; or
3. violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986.

(a-1) A person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.

Exemptions.

1. This Section does not apply to any individual or organization (i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory

requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements.

2. This Section does not apply to an exercise of the right to free speech or assembly that is otherwise lawful.
3. Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and 72 wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of the Illinois Criminal Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

[720 ILCS 5/12-7.4]

## Cyberstalking

(a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:

1. fear for his or her safety or the safety of a third person; or
2. suffer other emotional distress.

(a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:

1. at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or
2. places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
3. at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(a-4) A person commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification, installs or otherwise places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and:

1. at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person;
2. places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
3. at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

For purposes of this Section, an installation or placement is not surreptitious if:

1. with respect to electronic software, hardware, or computer applications, clear notice regarding the use of the specific type of tracking software or spyware is provided by the installer in

advance to the owners and primary users of the electronic software, hardware, or computer application; or

2. written or electronic consent of all owners and primary users of the electronic software, hardware, or computer application on which the tracking software or spyware will be installed has been sought and obtained through a mechanism that does not seek to obtain any other approvals or acknowledgement from the owners and primary users.

(a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:

1. which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or
2. which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or
3. which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(c) For purposes of this Section:

(0.5) "Anxiety" means excessive worry and apprehensive expectations, occurring more days than not for at least 6 months, about a number of events or activities, such as work or school performance and is associated with 3 or more of the following 6 symptoms with at least some symptoms present for more days than not for the past 6 months:

- (1) restlessness or feeling keyed up or on edge;
- (2) easily fatigued;
- (3) difficulty concentrating or mind going blank;
- (4) irritability;
- (5) muscle tension; and
- (6) sleep disturbance such as difficulty falling or staying asleep, or restless and unsatisfying sleep.

The anxiety, worry, or physical symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

(1) "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant 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, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.

(2) "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.

(2.1) "Electronic communication device" means an electronic device, including, but not limited to, a wireless telephone, personal digital assistant, or a portable or mobile computer. (2.2) "Electronic monitoring software or spyware" means software or an application that surreptitiously tracks computer activity on a device and records and

transmits the information to third parties with the intent to cause injury or harm. For the purposes of this paragraph

(2.2), "intent to cause injury or harm" does not include activities carried out in furtherance of the prevention of fraud or crime or of protecting the security of networks, online services, applications, software, other computer programs, users, or electronic communication devices or similar devices.

(3) "Emotional distress" means significant mental suffering, anxiety or alarm.

(4) "Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

(5) "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(6) "Reasonable person" means a person in the victim's circumstances, with the victim's knowledge of the defendant and the defendant's prior acts.

(7) "Third party" means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

(d) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(e) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of the Illinois Criminal Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(f) It is not a violation of this Section to:

1. provide, protect, maintain, update, or upgrade networks, online services, applications, software, other computer programs, electronic communication devices, or similar devices under the terms of use applicable to those networks, services, applications, software, programs, or devices;
2. interfere with or prohibit terms or conditions in a contract or license related to networks, online services, applications, software, other computer programs, electronic communication devices, or similar devices; or
3. create any liability by reason of terms or conditions adopted, or technical measures implemented, to prevent the transmission of unsolicited electronic mail or communications.

[720 ILCS 5/12-7.5]

## Dating Violence

Dating violence is not defined in the Illinois criminal code.

## HAZING POLICIES AND PROCEDURES

Illinois College prohibits conduct by individuals, organizations or groups affiliated with the College that is in violation of the Illinois law on hazing, or any hazing activity which threatens a person's rights or self-respect, which disrupts community life or which encourages the violation of civil, state or federal law.

It is the College's belief that all students have the right to join any organization, group or athletic team without threat, harassment, humiliation or ridicule. Hazing is not permitted by Illinois College. We define hazing as any action taken or situation created, intentionally, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment or ridicule.

The following are all clear examples of hazing, and will not be tolerated by Illinois College:

- Forced consumption of drugs and/or alcohol, either by command or implied pressure
- Sleep deprivation or creation of excessive fatigue
- Endurance activities such as forced exercise
- Paddling in any form
- Forced vandalism and/or shoplifting
- Physical and psychological shocks
- Road trips or any other such activities
- Wearing publicly, any apparel which is conspicuous and not in normally good taste
- Engaging in public stunts or pranks
- Morally degrading or humiliating games or activities
- Late work sessions which interfere with scholastic activities
- Any other activities which are not consistent with the regulations and policies of Illinois College

Known offenders may be suspended/dismissed from Illinois College. Those in violation of the Illinois Hazing Act are also subject to the sanctions of the State of Illinois. Current state statutes define hazing as a Class A misdemeanor. If the hazing results in death or bodily harm, the charge becomes a Class 4 felony.

### Reporting Options

Any student who has experienced or witnessed hazing is encouraged to report the behavior to a College Official (including any faculty, staff, or residential assistant/hall director). All College Officials are required to report any known or suspected information using any of the reporting options listed below. Failure to report by a College official is a Class B misdemeanor under Illinois law. If the hazing results in death or bodily harm, the charge becomes a Class A misdemeanor.

Any questions and/or reports of hazing should be directed to College officials.

Report via online form using the College's single sign on page.

Report Anonymously: You can also call the Illinois College Anonymous Hazing Hotline at 217.245.3366.

## Procedures

### Notice to Illinois College

Illinois College may receive notice of an allegation or potential violation of this or other related policies in a number of ways, including, but not limited to:

- The filing of an incident report with the appropriate College official, including self-reporting.
- Any Responsible Employee is made aware of any potential violation of this or other related policies.
- Any Responsible Employee observes any potential violation of this or other related policies.
- Any Responsible Employee is aware of a recognized student organization's (RSO) and/or Greek letter organization's (GLO) climate or culture that may indicate a probability of violations of this or any other related policies.

### Self-Reporting of Individual Misconduct and Amnesty

RSO/GLO leadership are encouraged to immediately report any violations committed by members of the RSO/GLO of this or other College policies to the Director of Student Engagement and Belonging and/or the Associate Provost for Student Development. This report should provide a detailed description of the events that transpired, the names of any individuals involved, and a description of any internal disciplinary actions taken by the RSO/GLO.

If RSO/GLO chooses to self-report behavior in this manner, the Director of Student Engagement and Belonging and/or Associate Provost for Student Development or designee will only investigate the individual(s) implicated in the report. Unless information discovered in the investigation suggests that the incident was aided, abetted, sanctioned or organized by the RSO/GLO, the investigation will be limited to the individuals implicated in the self-report and not the RSO/GLO. However, if information is uncovered in the investigation that suggests that the RSO aided, abetted, sanctioned or organized the event, the Director of Student Engagement and Belonging and/or Associate Provost for Student Development or designee may launch a formal investigation of the RSO.

Students who make a complaint under this policy or who participate in an investigation related to this policy will not be charged with other minor College policy violations that are brought to light in the course of the investigation that arose out of, or were committed as a direct result of, the incident(s) under investigation as long as those behaviors do not represent a threat to the health, safety or well-being of others. Illinois College reserves the right to follow up with students related to those issues as appropriate in a non-disciplinary setting.

### Investigation

The matter may be addressed by the Director of Student Engagement and Belonging and/or Associate Provost for Student Development or designee. Notice of any interim measures will be sent to the



president of the student organization and members, advisor, and governing bodies if appropriate. The scope, format, and timeline of investigations will vary depending upon the nature of the allegations. The Director of Student Engagement and Belonging or designee may conduct investigation meetings in collaboration with other relevant offices. Interviews may be conducted with select or all organization members, either individually or in groups, at the discretion of the Director of Student Engagement and Belonging or designee.

At the conclusion of any investigation, a written request to schedule a conduct hearing meeting will be sent to the president of the student organization detailing the date and location of the incident (if applicable), nature of the alleged conduct, and applicable policies alleged to have been violated. The conduct hearing meeting will be with one or more staff members from the CSEIB and may include staff from other IC offices, at the discretion of the Director of Student Engagement and Belonging. During the conduct hearing meeting, the president (and/or any other designees) shall be provided the opportunity to respond to the allegations.

After the conduct hearing meeting, the Director of Student Engagement and Belonging or designee will make a determination, based on a preponderance of the evidence, as to whether the organization violated the policies as charged. If a violation of policy has been found, the Director of Student Engagement and Belonging or designee will then determine appropriate sanctions. The president of the organization will be notified in writing of the findings and any sanctions imposed (if applicable).

These procedures do not apply to allegations of any behavior that would constitute a violation of the [Illinois College Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation](#), including allegations of conduct that could constitute a violation of both the [Illinois College Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation](#) and the Illinois College Code of Student Organization Conduct. Such allegations are administered under the [Illinois College Policy on Sex Discrimination, Sex-Based Harassment, and Retaliation](#).

## Sanctions

As outlined below, sanctions may be imposed upon the finding of a violation of College policy.

Sanctions are not intended to be solely punitive and should be issued with a thoughtfulness toward educational outcomes. Sanctions shall be crafted in consideration of (i) the seriousness of the conduct, (ii) the corrective and learning opportunities for the organization, (iii) the prior conduct record of the organization, if applicable, (iv) the safety and well-being of harmed individuals and the community, (v) the desirability of treating similar conduct similarly, and (vi) the behavioral standards and values of Illinois College. These include but are not limited to:

**Warning:** A notice to the organization in writing that continuation or repetition of the conduct found wrongful, or participation in similar conduct, shall be a cause for further disciplinary action.

**Educational Assignment:** An assignment to be completed by the organization's leaders and/or the members of the organization within a specified time period. The assignment will be structured with the goal of fostering continued learning in relation to the violated policies.

**Structural Adjustment:** Structural sanctions are related to the structure, membership or governance of the organization. Structural outcomes may include, but are not limited to, changes to RSO/GLO operating procedures, a review of RSO/ GLO membership/leadership, an external RSO/GLO review, and changes to RSO/GLO advisor support. Structural Outcomes may be included alongside any Status and Educational sanctions.

**Restitution:** Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

**Restriction of Privileges:** Exclusion from activities or other privileges for a specified period of time. This may include, but is not limited to, restrictions on recruitment, travel, space reservation, attendance at events, eligibility for awards or accolades, affinity housing, funding, or other privileges related to organizational status.

**Removal of Leadership:** One or more elected leaders may be removed from office. Those removed from office may not retain eligibility for other elected positions.

**College Disciplinary Probation:** A defined period of time during which further violation of any College policy by the organization will result in more serious disciplinary sanctions.

**Suspension:** Termination of an organization's recognition and all related privileges for a specified period of time.

**Expulsion:** Permanent exclusion from recognition at the College and all related privileges.

If the RSO/GLO dissolves or loses recognition, as a result of organizational conduct, and then attempts to seek recognition under the guise of a different organizational name, the College reserves the right to deny the request for recognition or withdraw the recognition. This conclusion may be based on any of multiple factors, including but not limited to, overlapping membership, similarity of purpose, and the timing of the dissolution or prior loss of recognition and the request for new recognition. Continued operation of the RSO/GLO after suspension or loss of recognition will result in a violation of Failure to Comply and may result in additional sanctions or restrictions, up to and including an extension of the Suspension beyond the terms originally outlined in the initial Sanctions Letter/return agreement.

A RSO/GLO that has completed a period of suspension and has met conditions for return as outlined in the return agreement may seek reinstatement by complying with the registration requirements of Illinois College.

## Appeals

### Requests for Appeal

Requests for appeals must be submitted in writing to the Associate Provost for Student Development or designee within five (5) business days of receiving the resolution/outcomes notification, barring exigent circumstances as determined by the Associate Provost for Student Development or designee. The Associate Provost for Student Development will record the request for appeal and send the appeal request and all applicable case materials to the Provost who serves as the appeal officer.

The College's presumed position is that all sanctions will be implemented during the appellate process. The Associate Provost for Student Development or designee may consider, upon request in writing, to stay or modify a sanction during the appellate process. Any stay or modification should be exercised only under exigent circumstances.

The Associate Provost for Student Development or designee will review all requests to determine if the requests adequately meet the grounds for appeal. The appeal must meet one or more of the grounds below:

- **Procedural Error:** A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
  - Any challenge for bias must include: a) what the bias was, b) how the bias manifested itself, and c) how the bias significantly impacted the outcome. A mere allegation or determination of bias will not be sufficient to meet this ground for appeal.
- **New Evidence:** New evidence is information that was unknown or unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence, how it was previously unknown or unavailable, and its potential impact must be included.
  - If a person or RSO/GLO representative refused to testify or participate in the investigation and now wishes to submit their testimony as new evidence at the appellate level, that testimony will not be considered "new evidence" under this ground. The Associate Provost for Student Development or designee serving as the reviewer of requests for appeal may determine if the matter will be sent back for further investigation based on this request for appeal.
- **Appeal of the Sanction:** The sanction(s) imposed is clearly outside the parameters for the violation(s) or are of such nature that the RSO/GLO could not reasonably complete them within the allotted time frame.

The burden is on the appealing RSO/GLO to show the grounds are met using the preponderance of the evidence standard.

If there is another party involved in the matter (e.g., in matters where the incident involves Title IX or other civil rights discrimination), the Associate Provost for Student Development or designee may share all or part of the appeal with the party to allow them to respond or submit their own request for appellate consideration. They will be required to respond within three (3) business days, barring exigent circumstances as determined by the Associate Provost for Student Development or designee.

If there is a challenge to any member of the process (e.g. a challenge of bias by an investigator or hearing officer), the Associate Provost for Student Development or designee may share all or part of the appeal with the party in question to allow them to respond. They will be required to respond within three (3) business days, barring exigent circumstances as determined by the Associate Provost for Student Development or designee. If any new grounds for appeal are raised in any response, the Associate Provost for Student Development or designee will determine whether to allow a short time for the RSO/GLO to submit a response.

The Associate Provost for Student Development or designee will issue their decision to allow the appeal to proceed in whole or in part or to deny the appeal within five (5) business days of receipt of all information and responses, barring exigent circumstances.

Once it is determined that the appeal can move forward, the Associate Provost for Student Development or designee will issue their appeal decision within five (5) business days of receipt of all information and responses, barring exigent circumstances. In instances where the Associate Provost for Student Development or designee needs additional time, the RSO/GLO representative will be notified within the allotted time for issuing a decision.

### **General Appellate Considerations**

The original finding and outcome(s) are presumed to have been decided reasonably and appropriately. Appeals are not intended to be full re-hearings of the original allegation(s). In most cases, appeals are confined to a review strictly limited to the matters being appealed. In cases where there are other parties involved, if the Associate Provost for Student Development or designee during the review phase or during the appellate phase, wishes to meet with a party or RSO/GLO representative, the other party will be notified and granted the same opportunity.

## **Appeal Conclusions**

- An appeal that affirms the finding of the original Investigation Procedures is final.
- An appeal that affirms the sanctions(s) are final.
- An appeal that is granted for the appellant (or other party, when appropriate) based on new evidence should be remanded to the Associate Provost for Student Development or designee for reconsideration, for rehearing, or for further investigation.
- An appeal granted for the appellant (or other party, when appropriate) based on other grounds should be remanded to the Associate Provost for Student Development with instructions to further investigate, clarify findings, or remedy errors.
- When an appeal is granted for the appellant (or other party, when appropriate) based on inappropriate outcome(s), the Associate Provost for Student Development or designee may alter the outcome or remand with recommendations, to the Director of Student Engagement and Belonging to modify the outcome(s). Such outcome determination shall be final.

Once an appeal is decided, the decision is final; further appeals are not permitted.

# ANNUAL FIRE SAFETY REPORT

## Introduction

In compliance with the Higher Education Opportunity Act (HEOA), Illinois College has developed an annual fire safety report. This report summarizes the reporting components required by the HEOA. This section only applies to student housing on the Illinois College campus. The Office of Residential Life is committed to providing students with fire safety training and a safe community for living and learning.

## Fire Reporting

If there is an active fire on campus, dial 911 then report to the Department of Public Safety at 217.245.3111.

If a member of the campus community finds evidence of a fire that has been extinguished and the person is not sure whether the police department or fire department has already responded, the community member should immediately notify the Department of Public Safety at 217-245-3111.

Fire incidents reported to any of these individuals which are found to have been actual fires will be included in the annual fire statistics.

## Fire Log

A log of all campus fires is maintained by the Department of Public Safety. Upon receiving a report of a fire in Campus Housing, that report is entered in the log within two business days of receipt of that information. The log for the most recent 60 days may be viewed at the Department of Public Safety office located on the ground level of Gardner Hall during the regular business hours of 8 a.m. to 5:00 p.m., Monday through Friday.

## Fire Prevention Policies and Procedures

### Student Code Policies

The Following provisions of the General Housing Information section of the Student Handbook (Blue Book) are aimed at preventing fires in residence halls. The full handbook can be viewed at <https://catalog.ic.edu/student-handbook-blue-book>.

### Appliances

Residents may supply a refrigerator and microwave for their room. Refrigerators must conform to the size of 4 cu. ft. maximum. Microwaves must not consume more than 700 watts. Other appliances used for the cooking of foods that contain open heating elements are prohibited (ex.: regular coffee machines, hot plates, toasters, electric griddles, George Foreman grills, etc.). Malfunctioning residence hall equipment such as washers, dryers, vending machines, etc., should be reported to the residential life staff immediately.

### Emergency Exits

Stairways, corridors and doors are emergency exits and objects of any type cannot be kept in these areas at any time. Any objects left in these areas will be confiscated at the owner's risk and expense.

### Fire Equipment

Fire hoses, extinguishers and alarms are to be used only in case of fire (residential life staff may use the alarms for drills.) Tampering with fire equipment constitutes a serious breach of Illinois College policy and is a violation of the laws of the State of Illinois.

### **Fire Evacuation**

All students are to leave the building in a quick and orderly manner when a fire alarm is activated. In the case of non scheduled fire drills, residential life staff will attempt to inform students but will not go to every room in order to ensure safety. Students must therefore evacuate at the sound of every alarm. Only during scheduled fire drills will the residential life staff enter student rooms to ensure the hall is vacated. Failure to vacate during a fire alarm will result in campus conduct action.

### **Fire Hazards**

Due to the threat to safety, candles, incense, halogen lamps or any other device with an open flame or heating element are not allowed in the halls. In addition, gasoline operated machinery such as motorcycles and mopeds, and any other type of combustible items including live Christmas trees and wreaths are not allowed in the residence halls.

### **Fireworks**

The possession of fireworks of any kind on campus is prohibited.

### **General Evacuation Procedures**

1. All building evacuations will occur when a fire alarm sounds and/or upon notification by the Department of Public Safety or other College official.
2. Be aware of all the marked exits from your area or building. Know the routes from your work, living or class area.
3. In the event of a fire and the alarm is not activated, activate the alarm on the way out of the building.
4. Call the fire department (911) and give as much information as possible.
5. If time allows, take your belongings and proceed quickly and quietly to the nearest exit. Alert others to do the same. Close all doors behind you.
  - a. Before exiting a closed door, feel the door from top to bottom with the back of your hand. If the door is hot, do not open. Keep calm. If trapped in a room do the following if possible;
  - b. Place towels or clothing, preferably wet under the door to keep smoke out.
  - c. Clear the window of blinds, attract attention.
6. If you have a phone available contact 911 and report that you are trapped, give name and room.
7. Stay low; breathe fresh air near the ground.
8. Stay calm and await help.
9. If the door is cool, stay low and open the door slowly. Close the door quickly if smoke or fire is present. If it is clear, exit via the nearest stairwell. Stay low if smoke conditions exist. Report to your designated evacuation area if one is assigned.
10. If you encounter heavy smoke in a stairwell, go back and use an alternate route.
11. Never use elevators. Elevators will stop operating during a fire.
12. Assist handicapped in exiting the building.

13. Once outside, move to a clear area at least 200 feet away from the affected building(s). Keep streets and walkways clear for emergency vehicles and personnel.
14. Do not re-enter the building(s) until instructed by the fire department or the Department of Public Safety.

Residential Facilities Fire Safety					
Residential Facility Name/Address	Fire Alarm System	Sprinkler	Fire Extinguishers	Smoke/CO Detectors	Mandatory Fire Drills
1001 Edgehill Road	No	No	Yes	Yes	
1010 Edgehill Road	No	No	Yes	Yes	
1012 Edgehill Road	No	No	Yes	Yes	
407 Gladstone	No	No	Yes	Yes	
1051 W. College Avenue	Yes	No	Yes	Yes	
1055 W. College Avenue	Yes	No	Yes	Yes	
1059 W. College Avenue	No	No	Yes	Yes	
College Ave. Apts/1035 W. College	Yes	Yes	Yes	Yes	2
Crampton Hall/Off College Ave.	Yes	Yes	Yes	Yes	2
Ellis Hall/Off Mound Ave. and Park Street	Yes	Yes	Yes	Yes	2
Fayerweather House/252 Park Street	Yes	Yes	Yes	Yes	2
Gardner Hall/Off Mound Avenue (West end of Walkway)	Yes	Yes	Yes	Yes	2
Greene Hall/Corner of Edgehill Road and Park Street	Yes	Yes	Yes	Yes	2
Mundinger Hall/Off Park Street	Yes	Yes	Yes	Yes	2
Lincoln Hall/Corner of Edgehill Road and Park Street	Yes	Yes	Yes	Yes	2
Pixley Hall/Corner of Mound Avenue and Park Street	Yes	Yes	Yes	Yes	2
Turner Hall/Off Mound Avenue (East end of Walkway)	Yes	Yes	Yes	Yes	2

All Illinois College residence halls have fire alarm systems that are monitored by an off-campus monitoring company. When an alarm is activated, this company immediately notifies the fire department and then the Illinois College Department of Public Safety.

All bedrooms are equipped with a smoke detector.



College Avenue Apartments, Crampton Hall, Ellis Hall, Fayerweather House, Gardner Hall, Greene Hall, Munding Hall, Lincoln Hall, Pixley Hall, and Turner Hall have fire sprinkler systems.

There are currently no plans to equip the College houses with fire sprinkler systems. These houses have smoke detectors and occupy between 4 and 8 students.

All residence halls, apartments and houses are equipped with fire extinguishers, fire evacuation plans, and all residence life staff receive fire safety training each fall.

Each residence hall has one mandatory supervised fire drill each semester. Residents are advised of fire safety and evacuation procedures at hall meetings conducted by the residential life staff in coordination with the Jacksonville Fire Department.

### On-Campus Student Housing Fire Statistics

The fire statistics for the 2024, 2023, and 2022 calendar years are provided in the sections that follow. The category and cause of each listed fire follows the classifications used by the Department of Education. The estimated dollar values of damages for the events in each facility or complex area are also included utilizing the ranges required by the reporting criteria of the Department of Education. These statistics are reported to the Department of Education annually.

Fires in the following tables fall into one of three categories: (A) undetermined; (B) unintentional; or (C) intentional.

Statistics and Related Information Regarding Fires in Residential Facilities for 2024					
Residential Facility Name/Address	Total Fires	Cause of Fire	Number of Injuries that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by fire
1001 Edgehill	0		0	0	\$0
1010 Edgehill	0		0	0	\$0
1012 Edgehill	0		0	0	\$0
407 Gladstone	0		0	0	\$0
1051 W. College	0		0	0	\$0
1055 W. College	0		0	0	\$0
1059 W. College	0		0	0	\$0
Baxter Hall	0		0	0	\$0
College Ave. Apts.	0		0	0	\$0
Crampton Hall	0		0	0	\$0
Ellis Hall	0		0	0	\$0
Fayerweather House	0		0	0	\$0

Gardner Hall	0		0	0	\$0
Greene Hall	0		0	0	\$0
Mundinger Hall	0		0	0	\$0
Lincoln Hall	0		0	0	\$0
Pixley Hall	0		0	0	\$0
Turner Hall	0		0	0	\$0
<b>Total</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>\$0</b>

Statistics and Related Information Regarding Fires in Residential Facilities for 2023					
Residential Facility Name/Address	Total Fires	Cause of Fire	Number of Injuries that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by fire
1001 Edgehill	0		0	0	\$0
1010 Edgehill	0		0	0	\$0
1012 Edgehill	0		0	0	\$0
407 Gladstone	0		0	0	\$0
1051 W. College	0		0	0	\$0
1055 W. College	0		0	0	\$0
1059 W. College	0		0	0	\$0
Baxter Hall	0		0	0	\$0
College Ave. Apts.	0		0	0	\$0
Crampton Hall	0		0	0	\$0
Ellis Hall	0		0	0	\$0
Fayerweather House	0		0	0	\$0
Gardner Hall	0		0	0	\$0
Greenbriar Apts.	0		0	0	\$0
Greene Hall	0		0	0	\$0
Mundinger Hall	0		0	0	\$0
Lincoln Hall	0		0	0	\$0
Pixley Hall	0		0	0	\$0
Turner Hall	0		0	0	\$0
<b>Total</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>\$0</b>

Statistics and Related Information Regarding Fires in Residential Facilities for 2022					
Residential Facility	Total Fires	Cause of Fire	Number of Injuries that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by fire

1001 Edgehill	0		0	0	\$0
1003 Edgehill	0		0	0	\$0
1006 Edgehill	0		0	0	\$0
1010 Edgehill	0		0	0	\$0
1012 Edgehill	0		0	0	\$0
407 Gladstone	0		0	0	\$0
406 Park	0		0	0	\$0
1051 W. College	0		0	0	\$0
1055 W. College	0		0	0	\$0
1059 W. College	0		0	0	\$0
Baxter Hall	0		0	0	\$0
College Ave. Apts.	0		0	0	\$0
Crampton Hall	0		0	0	\$0
Ellis Hall	0		0	0	\$0
Fayerweather House	0		0	0	\$0
Gardner Hall	0		0	0	\$0
Greenbriar Apts.	0		0	0	\$0
Greene Hall	0		0	0	\$0
Mundinger Hall	0		0	0	\$0
Lincoln Hall	0		0	0	\$0
Pixley Hall	0		0	0	\$0
Turner Hall	0		0	0	\$0
<b>Total</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>\$0</b>