

# ILLINOIS COLLEGE POLICY ON DISCRIMINATION, HARASSMENT, AND TITLE IX SEXUAL MISCONDUCT

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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.

## 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 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 gender based, sexual or interpersonal violence 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 (Process A)** 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>1</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.
- **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.

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<sup>1</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.

- **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.
- **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.

## The Illinois College Title IX Coordinator

The Title IX Coordinator oversees implementation of Illinois College's Affirmative Action and Equal Opportunity Plan and the Illinois College Policy on Discrimination, Harassment, and Title IX Sexual Misconduct.

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

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to contact Provost O'Connell at 217.245.3010 or [catharine.oconnell@ic.edu](mailto:catharine.oconnell@ic.edu) or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to 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  
217.245.3660  
[angela.valuck@ic.edu](mailto:angela.valuck@ic.edu)

### **Title IX Deputy Coordinators**

Rebecca Leatherwood  
Student Development Program Coordinator  
Lincoln Hall, Room 1106  
217.245.3556  
[rebecca.leatherwood@ic.edu](mailto:rebecca.leatherwood@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 Assistance 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  
Fax: 312-588-1260  
TTY: 1-866-740-3953  
ASL Video Phone: 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 Discrimination, Harassment, Title IX Sexual Misconduct and/or Retaliation

Notice of complaints of discrimination, harassment, Title IX Sexual Misconduct and/or retaliation may be made using any of the following options:

1. 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.
2. Report online, using the form linked at [www.ic.edu/sexualmisconduct/report](http://www.ic.edu/sexualmisconduct/report).

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 a 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 specifically trained professionals who 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 the personal identification of you 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:

- Catharine O'Connell, Provost & Academic Dean
- Lauren Hays, Director of Human Resources
- Laura Corey, Dean of Faculty
- Jessica Edonick, Dean of Students
- Denny Schumacher, Executive Director of Residential Life & Public Safety
- Meghan Roman, 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
- Passavant Hospital - 217.245.9541
- Prairie Center Against Sexual Assault (24/7 hotline) – 217.753.8081
- Chesley Health and Wellness Center – 217.245.3038 (after hours via Campus Public Safety)
- UWill Teletherapy (24/7 virtual therapy) - Accessible through SSO at login.ic.edu
- Illinois College Public Safety, Gardner Hall, Room 13 – 217.245.3111
  - The College's Office of Public Safety can also reach the Title IX Coordinator after hours

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. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. 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 Dean of Students (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.<sup>2</sup> 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/ 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

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<sup>2</sup> For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in Illinois College's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses.

parents/guardians to inform them of situations in which there is a significant and articulable health and/or a 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 (see below), 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.

## Discriminatory 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. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Recipient policy, though supportive measures will be offered to those impacted.

### A. Discriminatory Harassment

is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

The College does not tolerate discriminatory harassment of any employee, student, visitor, or guest. The College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment." A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.<sup>3</sup> This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive **and** objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, the College may also impose sanctions on the Respondent through application of the appropriate grievance procedure.

The College reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Such conduct may be addressed through respectful conversation, remedial actions, education, effective alternate resolution, and/or other resolution mechanisms.

### B. Title IX Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment

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<sup>3</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational Recipients Investigative Guidance.](#)

Opportunity Commission (EEOC), and the State of Illinois regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

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.

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, and is defined as:

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>4</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

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<sup>4</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.

is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

- 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>5</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:** The touching of the private body parts of another person for the purpose of sexual gratification, 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.

**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
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.

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<sup>5</sup> Per Illinois state law.

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

### **5. Domestic Violence<sup>6</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 professional treatment or counseling.

Illinois College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

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<sup>6</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.

## C. Other Discriminatory and Harassing Offenses

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the College additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant's actual or perceived membership in a protected class.

### 1. 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

## **2. 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.

## **3. Discrimination**

Actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment.

## **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.

Violation of any other College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

## **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>7</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 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,

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<sup>7</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

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 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.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

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 policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

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>8</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 coaches, and Public Safety staff.

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<sup>8</sup> VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

### 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.

### 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 July 1, 2023, 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.