

**SOUTHWESTERN ILLINOIS
COLLEGE**

DISTRICT 522

BOARD POLICY MANUAL

POLICY STATEMENT

POLICY ISSUE:

Sexual
Harassment/Misconduct
Policy

POLICY CODE:

BP 7021

DATE ADOPTED:

5/18/2016

DATE(S) REVIEWED:

DATE(S) AMENDED:

Board Policy 7021--Sexual Harassment/Misconduct Policy

Southwestern Illinois College prohibits discrimination on the basis of sex, which includes sexual harassment/misconduct, in its education and employment programs and activities. Sexual harassment/misconduct definition includes but is not limited to unwelcome requests for sexual favors, sexual advances, other verbal, non-verbal, or physical conduct of a sexual nature, or other sexual conduct, as well as sexual violence, domestic violence, dating violence and stalking.

The college is committed to maintaining an environment free from all forms of sexual harassment/misconduct. Sexual harassment/misconduct by any employee, student, or third party, regardless of sexual orientation or gender identity, on any college owned, controlled, or leased property, or while conducting college business at any location, including representing the college at conferences or off-site meetings or riding in college-owned or leased vehicles will not be tolerated. This policy also applies to the personal conduct of employee and student as outlined by Board Policy 7018. All members of the college community are expected to promptly report any conduct that could be in violation of this policy.

The college will take action to prevent, investigate, stop, and remedy behavior that violates this policy, and prohibit retaliation against anyone who makes a good faith report. Additionally, the college will provide references for support to the complainant/survivor and respondent, regardless of whether the alleged violation of the policy occurred.

The college will provide survivors/victims with concise information, written in plain language, concerning the survivors/victims' rights and options, upon receiving a report of an alleged violation of this policy.

A violation of this policy shall be considered unacceptable conduct and subject to the disciplinary actions under the appropriate employee and student policies up to and including termination or expulsion, respectively. Individuals who violate this policy also may be subject to arrest for violation of the appropriate state criminal statute, and/or may be barred (Persona Non Grata-No Trespass) from campus or all campus-related activities or functions.

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The college seeks to handle all complaints of sexual harassment/misconduct with discretion. This means the college will make all reasonable and appropriate efforts to preserve a complainant's privacy and to protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the college cannot guarantee confidentiality to those who make a complaint of sexual harassment/misconduct. For more detailed confidentiality provision, see the Administrative Procedures to Board Policy 7021.

Sexual harassment/misconduct is a violation of Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and the Illinois Human Rights Act, and 110 ILCS 155, Preventing Sexual Violence in Higher Education Act and Board Policy 7018, Violence Prevention Policy.

To make a sexual harassment/misconduct claim, contact Sherry Favre, Title IX coordinator by calling 618/222-5534, or emailing sherry.favre@swic.edu, or at the Belleville Campus, Information Sciences Building, room 2080, 2500 Carlyle Ave, Belleville, IL 62221. Anyone feeling unsafe should report the issue immediately to the office of Public Safety, listed below or dial 9-1-1:

1. Southwestern Illinois College Public Safety Department at: 618-235-2700
 - a. Belleville Campus, extension 5221 or 5555 (on campus extension only)
 - b. Sam Wolf Granite City Campus, extension 7372, or
2. Local Police at 911 (Red Bud Campus, PSOP, Fire Science and off-campus sites).

Individuals wishing to make a complaint of sexual harassment may also contact: The Office for Civil Rights, Chicago office, U.S. Department of Education, 500 W. Madison Street, Suite 1475, Chicago, IL 6066, Tel: (312) 730-1560; Fax: (312) 730-1576;
Web: www2.ed.gov/about/offices/list/ocr/complaintintro.html

The Board of Trustees hereby authorizes the president, or designee, to develop and establish appropriate procedures to implement and enforce this policy and to develop, implement,

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maintain, and keep current an educational, informational, and compliance program consistent with this policy. The procedures shall be coordinated and approved by the president.



Memo

To: SWIC Staff and Students

From: Georgia Costello, Ph. D. *GC*

CC:

Date: August 17, 2016

Re: Sexual Harassment/Misconduct (to include Sexual Violence) –
Board Policy 7021/Administrative Procedures

Southwestern Illinois College prohibits discrimination in its education and employment programs and activities on the basis of sex, which includes sexual harassment/misconduct or sexual violence. Sexual harassment/misconduct definition includes but is not limited to unwelcome requests for sexual favors, sexual advances, other verbal, non-verbal, or physical conduct of a sexual nature, or other sexual conduct, as well as sexual violence, domestic violence, dating violence and stalking.

Pursuant to Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and the Illinois Human Rights Act, and 110 Illinois Compiled Statutes, Article 155, Preventing Sexual Violence in Higher Education, the attached Administrative Procedures, dated August 16, 2016, have been developed to provide recourse for those members of the college community who have been subjected to discriminatory sexual harassment/misconduct, to include sexual violence. These procedures are intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

To make a sexual harassment/misconduct claim, contact Sherry Favre, Title IX coordinator by calling 618/222-5534, or emailing sherry.favre@swic.edu, or at the Belleville Campus, Information Sciences Building, room 2080, 2500 Carlyle Ave, Belleville, IL 62221.

**7021 Administrative Procedures -Sexual Harassment/Misconduct
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Introduction

College administrators, faculty, staff, students, applicants for employment, customers, third-party vendors and suppliers, visitors on campus, and other persons that participate in the college's programs and activities (collectively the "College Community") have the right to be free from discriminatory sexual harassment. All members of the college community are expected to conduct themselves in a manner that does not infringe upon the rights of others in this regard.

This policy has been developed to provide recourse for those members of the college community who have been subjected to discriminatory sexual harassment, to include sexual misconduct/violence. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. Nothing in this policy shall affect the right of the complainant to file his/her complaint with external law enforcement agencies, if applicable. A complaint may be filed concurrently with external law enforcement agencies without jeopardizing a complainant's rights to an investigation and resolution by the college.

Scope

This policy applies to all members of the college community. As noted above, the college community includes administrators, faculty, staff, and students. The institution will take steps to protect the college community from third party sexual harassment/misconduct which may include but is not limited to, applicants for employment, customers, third-party vendors and suppliers, visitors on campus, and other persons that participate in the college's programs and activities.

A person is a "student" for purposes of this policy if the person is registered for classes or actively taking classes at the time of any alleged misconduct.

There is no geographic limitation to this policy. The policy applies with respect to conduct that occurs on-campus and off-campus, while functioning in the course of study or scope of employment, including conduct that occurs during study/travel abroad programs, college Athletic Apartments, Police Academy contracted housing, off-campus sites, and other off-campus activities that directly or indirectly affect the college community member.

Definitions: See Attachment 1 to the 7021AP.

Reporting Sexual Harassment/Misconduct (Including Sexual Violence)

Any member of the college community has the right and option to choose whether or not to report alleged sexual harassment/misconduct (including sexual violence) that has been committed against them, regardless of where the incident occurred. However, the college strongly encourages survivors/complainants/victims of sexual harassment/misconduct to file a complaint with the college. Complaints may be filed in person, in writing, by phone or by other electronic means.

To ensure that the College has sufficient information to investigate the matter, a complaint of sexual harassment/misconduct should generally include as much information as possible, including: name, address, telephone number, and email address of the complainant; the nature of

the complaint; the name of the respondent (the alleged perpetrator of the discrimination); date(s) and location(s) of the alleged occurrences(s); and the redress sought by the complainant.

To ensure that the college can promptly investigate and redress discrimination, the college requests that complaints are made in a timely manner.

NOTE: College administrators, faculty members, staff members, and volunteers are highly encouraged to report any information regarding sexual harassment/misconduct within 7 days in the manner set forth below.

Persons to Whom Complaints of Sexual Harassment/Misconduct Should Be Reported

Students/employees who feel they have been the survivor/complainant/victim of sexual harassment/misconduct may file a complaint with any of the following individuals:

<i>Name</i>	<i>Title</i>	<i>Phone</i>	<i>Email</i>
Sherry Favre	Title IX Coordinator/Director of Human Resources 2500 Carlyle Ave, Belleville, IL 62221 Room 2080, Information Sciences Building (After Hours): Drop Box outside ISB, Room 2080, Bellville Campus	618-222-5534	Sherry.Favre@swic.edu
Mark Green	Director of Public Safety 2500 Carlyle Ave, Belleville IL 62221 Room 1180, Main Complex	618-222-5221	Mark.green@swic.edu

Any person who wishes to make a complaint of sexual harassment/misconduct that also constitutes a crime—such as a complaint of sexual violence—is encouraged to file a complaint with local law enforcement, in addition to a complaint with the College.

An electronic report of sexual violence, domestic violence, dating violence or stalking should be reported to the Department of Public Safety, at publicsafety@swic.edu or at www.swic.edu/publicsafety, Resources/Report Concerning Behavior. The Title IX coordinator or designee, or the Department of Public Safety shall provide the individual making the electronic report a copy of the concise, written notification of the student survivor's rights and options and a list of available resources as part of the initial contact with the electronic reporter in accordance with 110 ILCS 155.

In case of emergency, a person should always dial 911. Below are campus and local law enforcement contacts:

<i>Campus Location</i>	<i>Supporting Law Enforcement</i>
Belleville Campus Public Safety 618-222-5221 or ext. 5555 (on Campus only)	St. Clair County Sheriff's Department (618) 277-3500 Belleville Police Department (618) 234-1212
Sam Wolf Granite City Campus Public Safety 618-235-2700, ext. 7372	Granite City Police Department – (618) 877-6111; or Madison County Sheriff's Department – (618) 692-4433
Red Bud Campus Reported through the Belleville Campus Public Safety (see above)	Red Bud Police Department (618) 282-6118/(618) 282-2363 Randolph County Sheriff's Department – (618) 826-5484
East St. Louis Higher Education Center	SIU-E Police Department (618) 482-8717
Scott AFB	375 th Security Forces Squadron (618) 256-2223/2224
Off-Campus Sites Local Law Enforcement via 911	Local Law Enforcement

Third Party/Bystander/Anonymous Reporting: Third party, Bystander and Anonymous Reporting can be done by providing details with sufficient information to investigate the matter. A complaint of sexual harassment/misconduct should generally include as much information as possible, including: name, address, telephone number, and email address of the complainant; the nature of the complaint; the name of the respondent (the alleged perpetrator of the discrimination); date(s) and location(s) of the alleged occurrences(s); and the redress sought by the complainant.

Mandated Reporter (Abused and Neglected Child Reporting): All college personnel are mandated reporters. Regardless of the wishes of a complainant, mandated reporters are required to report sexual abuse of children. A “child” for purposes of mandatory reporting is a person under the age of 18. All reports of sexual abuse of children will be reported and referred to local and state authorities for investigation. Confidential communications do not apply.

Responsible Employee: To ensure a harassment-free environment certain College administrators, faculty, and staff are designated as Responsible Employees, similar to the Campus Security Authorities, and are required to report information on sexual harassment/misconduct (to include sexual violence), however, all college personnel, regardless of the wishes of a complainant, are encouraged to report sexual harassment/misconduct to the Title IX coordinator, or designee, or Director of Public Safety, or designee. Confidential communications do not apply. Examples of Responsible Employees include but are not limited to: Campus Security Authorities under the Clery Act, college Administrators, Full-time Faculty, and other positions as appointed the college president, or designee.

Campus Security Authorities: Consistent with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), certain College administrators, faculty, and staff are designated as Campus Security Authorities and required to report information on certain types of sexual violence to the college Public Safety Department. Confidential communications do not apply.

The Clery Act requires the college to compile and report information on certain crimes, including certain types of sexual violence. The Clery Act also requires the College to issue “Timely Warnings” in certain circumstances. Campus Security Authorities are required to report information on certain types of sexual violence to the college Public Safety Department. The college Public Safety Department will assess the information provided to determine whether there is an on-going threat present and, if so, will initiate any required “Timely Warning.”

In the event that a crime is reported on campus or in a building or property that the institution owns or controls and is using for educational purposes, that, in the judgment of the director of Public Safety, or designee, constitutes a serious or ongoing threat to the community, a campus wide “timely warning (crime alert) notice” will be issued.

Timely Warning notices are typically issued for the following Uniform Crime Reporting Program/National Incident Based Reporting System classifications: major arson, criminal homicide, and robbery.

- 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 Public Safety Department. Sexual assault cases are reviewed and a decision to issue a warning is made on a case-by-case basis depending on several factors, such as when the incident was reported versus when it occurred.
- Sexual assault cases are often reported weeks and months after the assault occurred, thus not affording the college the opportunity to distribute a “timely” warning notice to the community. Public Safety Department will also review the facts of each case and the amount of information known by the department as these cases are often reported to DPS, via a third party and the specific facts surrounding the cases that would be included in a timely warning notice are often unknown.

False Reports

Because of its strong desire to prevent and remedy sexual harassment, the college encourages all good faith complaints of sexual harassment/misconduct (including sexual violence). However, the college also has a duty to balance the rights of all parties. Accordingly, if the college’s investigation reveals that a complaint of sexual harassment/misconduct (including sexual violence) was knowingly false, the complaint will be dismissed and the person who filed the knowingly false complaint may be subject to discipline or other criminal proceedings.

Amnesty

The acknowledgment of use of alcohol or drugs in violation of the Student Code of Conduct or Board of Trustee Policy by a person making a complaint of sexual harassment/misconduct (to include Sexual Violence) shall not be a basis for a separate charge of misconduct against the student or employee, unless the college determines that the violation was egregious, including without limitation an action that places the health and safety of any other person at risk.

Retaliation

The college will not retaliate or permit retaliation against an individual who reports or assists in making a complaint of sexual harassment/misconduct or who participates in the investigation of a complaint in any way. Retaliation is a serious violation of this policy. Retaliation not only harms the individuals directly affected by it, but also undermines the confidence of others in a fair complaint resolution process. Any person found to have retaliated against another individual involved in an investigation under this policy shall be subject to appropriate disciplinary action, up to and including written reprimand, suspension, demotion, termination, or expulsion. Any person who believes they have been retaliated against in violation of this policy should file a complaint in the manner described above.

Confidentiality: The College seeks to handle all complaints of sexual harassment/misconduct (to include sexual violence) with discretion. This means the college will make all reasonable and appropriate efforts to preserve a complainant's privacy and to protect the confidentiality of information when investigating and resolving a complaint. However, because of laws relating to reporting and other state and federal laws, the college cannot guarantee confidentiality to those who make a complaint of sexual harassment/misconduct (to include sexual violence).

EXCEPTIONS:

- (1) In accordance with 735 ILCS 5, Article VIII/Evidence, Part 8/Privileged Communications, the Confidential Advisor, may disclose confidential communications between the confidential advisor and the survivor if failure to disclose would result in a clear, imminent risk of serious physical injury to or death of the survivor or another person.
- (2) The survivor has designated a person under the Student Optional Disclosure of Private Mental Health Act, when a qualified examiner makes a determination that the student (survivor) poses a clear danger to himself, herself, or others to protect the student or other person against clear, imminent risk of serious physical or mental injury or disease or death being inflicted upon the person or by the student on himself, herself, or another.
- (3) The institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
- (4) The college does not publish the name of crime victims nor house identifiable information regarding victims in the campus Public Safety Departments Daily Crime Log or online. Victims may request that directory information on file be removed from public

sources by contacting the Title IX coordinator, vice president for Student Development or director of Public Safety, or designees, and/or the college Enrollment Services Office under Family Education Rights and Privacy Act (FERPA).

Pastoral/Professional Counselors and Confidential Advisor Crime Reporting

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092(f), clarification was given to those considered campus security authorities. Campus “pastoral counselors” and campus “professional counselors,” when acting as such, are not considered to be a campus security authority but can report crimes and/or provide statistical data while still maintaining their confidentiality responsibilities, for inclusion into the annual disclosure of crime statistics. Since SWIC DPS does not have a process to accept voluntary confidential reports, if a student wants to report the crime confidentially, he/she must do so with a counselor. Crime statistic data will be requested from these agencies/departments, without requesting or providing personally identifying information. . Counselors are defined as:

- Pastoral Counselor: An employee of the institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of the recognition as a pastoral counselor. Currently, the college does not employ pastoral counselors.
- Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. Currently, the college does not employ professional counselors.
- Confidential Advisor: A person who is employed or contracted by a higher education institution to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in 110 ILCS 235/20. Confidential Advisors will assist the survivor/victim with the following services/resources:
 - Reporting Options and Rights and notification to college/local law enforcement.
 - On-Campus and Off-Campus resources and services, including but not limited to sexual assault crisis centers, medical treatment facilities, medical forensic services, counseling services, legal resources and mental health services.
 - The college’s responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by the college or criminal or civil court.
 - The ability to provide confidential services to and have privileged, confidential communication with survivor’s/victims of sexual violence in accordance with Code of Civil Procedure, 735 ILCS, Article VIII, Evidence, Part 8 Privileged Communications.

- Assisting, upon survivors’/victim’s request and as appropriate, liaison with college officials (to include securing interim protective measures and accommodations), off-campus crisis and college/local law enforcement.

(On-Campus Resources) Persons who wish to have a confidential conversation regarding sexual harassment/misconduct (to include sexual violence) that does not constitute a formal complaint, and which will not result in an investigation, may receive a counseling referral from the following individual(s) from college counseling services:

<i>Name</i>	<i>Title</i>	<i>Phone</i>	<i>Email</i>
Michael Johnson	Academic Advising and Counseling Coordinator, Information Sciences Building (ISB), Room 1155BC	(618) 222-5203	Michael.johnson@swic.edu
General Office	Advising and Counseling Centers Belleville Campus-ISB, Room 1155 Sam Wolf Granite City Campus, Room 416 Red Bud Campus, Room 172/173 E. St. Louis Higher Education Center	(618) 235-2700 (Operator) BC-ext. 5206 SWGCC-ext.7333 RBC-ext. 8114 ESTLHEC-(618) 874-6594	

While maintaining a survivor/complainant/victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX coordinator. This limited report – which includes no information that would directly or indirectly identify the survivor/complainant/victim – helps keep the Title IX coordinator informed of the general extent and nature of sexual harassment/misconduct/violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX coordinator, these individuals will consult with the survivor/complainant/victim to ensure that no personally identifying details are shared with the Title IX coordinator.

(Off-Campus Resources): Persons who wish to have a confidential conversation regarding sexual violence that does not constitute a formal complaint, and which will not result in an investigation, may contact one of the following local Victim Advocacy/Crisis Centers:

<i>Name</i>	<i>Title</i>	<i>Phone</i>	<i>Address/Webpage</i>
Victim Advocacy	Violence Prevention Center of Southwestern Illinois	(618) 235-0892 (Crisis Line) (618) 235-2531 Toll Free Hotline: (800) 924-0096	P.O. Box 813 Belleville, IL 62222 Email: information@vpcswi.org website: vpcswi.org
	Phoenix Crisis Center	Hotline: (618) 451-1008 Toll Free Hotline: (866) 576-6649	2104 Cleveland Blvd Granite City, IL 62040 website: phoenixcrisicenter.org
	OSIS Women's Shelter	618-465-1978	111 Market Street Alton, IL 62002
	National Domestic Violence Hotline	1-800-799-SAFE	website: www.thehotline.org
	Illinois Attorney General	Crime Victims Assistance Line: 1-800-228-3368 (Voice) 1-877-398-1130 (TTY)	http://www.illinoisattorneygeneral.gov/women/dvsadir.html
Crisis Centers-Sexual Assault Crisis Services	Call for Help, Inc. St. Clair/Monroe/Randolph counties Call For Help Inc.	(618) 397-0975	9400 Lebanon Road E. St. Louis, IL 62203 website: callforhelpinc.org
	Madison County Call For Help Inc.	(618) 797-1049	2421 Corporate Center Drive, Suite 103 Granite City, IL 62040
	East St. Louis Satellite Office Call For Help Inc	(618) 271-8990	4601 State St., Suite 200 East St. Louis, IL 62204
	Illinois Coalition Against Sexual Assault (ICASA)	(217) 753-4117	www.icasa.org

Note: See www.swic.edu/publicsafety for any updated on/off campus resources/services.

Local hospitals also have counselors who can provide confidential counseling regarding sexual violence. Conversations with these counselors are confidential and are not reported to the college without a person's consent. These hospitals include:

<i>Name</i>	<i>Address</i>	<i>Telephone</i>
Memorial Hospital	4500 Memorial Drive Belleville, IL 62223	(618) 233-7750
St. Elizabeth's Hospital	211 South Third Street Belleville, IL 62222	(618) 234-2120
Touchette Regional Hospital	5900 Bond Ave. Centreville, IL 62207	(618) 332-3060
Gateway Regional Medical Center	2100 Madison Ave. Granite City, IL 62040	(618) 798-3000
Alton Memorial Hospital	#1 Memorial Drive Alton, IL 62002	(618) 463-7311
Anderson Hospital	IL Route 162 Maryville, IL 62062	(618) 288-5711 Emergency Room Ext. 436
St. Anthony's Hospital	#1 Anthony's Way or 906 College Avenue Alton, IL 62002	(618) 465-2571
Highland Medical Center	1515 Main Street Highland, IL 62249	(618) 654-7421
Red Bud Regional Hospital	325 Spring Street Red Bud, IL 62278	(618) 282-2831
Sparta Hospital	818 Broadway Sparta, IL 62286	(618) 443-2177
Chester Memorial Hospital	1900 State Street Chester, IL 62233	(618) 826-4581

Note: See www.swic.edu/publicsafety for any updated on/off campus resources/services.

Victims of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX coordinator by calling, writing or coming into the office to report in person and to campus Public Safety (if the victim so desires.) The college will provide resources, on campus, off campus or both, to include counseling, health, mental health, legal assistance, victim advocacy, financial aid and assistance with visa and immigration issues, if applicable to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with campus Public Safety or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the college, the below are the procedures that the college will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Incident Being Reported:	Procedure Southwestern Illinois College Will Follow:	Evidentiary Standard
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care. 2. Institution will assess immediate safety needs of complainant. 3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department. 4. Institution will provide complainant with referrals to on and off campus providers. 5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties. 6. Institution will provide a "No trespass" (Persona Non Grata-PNG) directive to accused party if deemed appropriate. 7. Institution will provide written instructions on how to apply for Protective Order. 	Preponderance of the Evidence, which means to find an accused party responsible, the evidence demonstrates that the misconduct was more likely than not to have occurred.

	<ol style="list-style-type: none"> 8. Institution will provide a copy of the applicable policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution. 9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is. 10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation. 	
Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant. 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department. 3. Institution will provide written instructions on how to apply for Protective Order. 4. Institution will provide written information to complainant on how to preserve evidence. 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate. 6. Institution will provide a "No trespass" (PNG) or "No Contact" directive to accused party if deemed appropriate. 	Preponderance of the evidence

	7. Institution will deliver on and off campus resource information.	
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant. 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department. 3. Institution will provide written instructions on how to apply for Protective Order. 4. Institution will provide written information to complainant on how to preserve evidence. 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate. 6. Institution will provide a “No trespass” (PNG) or “No Contact” directive to accused party if deemed appropriate. 7. Institution will deliver on and off campus resource information. 	Preponderance of the evidence.
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant. 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department. 3. Institution will provide written instructions on how to apply for Protective Order. 	Preponderance of the evidence.

	<ol style="list-style-type: none"> 4. Institution will provide written information to complainant on how to preserve evidence. 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate. 6. Institution will provide a “No trespass” (PNG) or “No Contact” directive to accused party if deemed appropriate. 7. Institution will deliver on and off campus resource information. 	
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Special Guidance to Survivor/Complainant/Victims of Sexual Violence

The college has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, financial aid, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as academic, transportation and working accommodations, if they are reasonably available. SWIC does not maintain on-campus residential facilities. The college will make such accommodations, if the survivor/complainant/victim requests them and if they are reasonably available, regardless of whether the survivor/complainant/victim chooses to report the crime to the Public Safety or local law enforcement. Students and employees should contact the Title IX coordinator or designee for assistance with accommodations.

The Illinois Victim Economic Safety and Security Act (VESSA): Illinois provides protection for employees who are the victims or have family members who are victims of domestic or sexual violence under the Illinois Victim Economic Safety and Security Act 820 ILCS 180/1 et seq. (VESSA). Affected employees are allowed to take unpaid leave and request accommodations to secure their safety. Under the law, family members include a spouse, parent, child or resident of such household as well as “any person related by blood or by present or prior marriage and any other person that shares a relationship through a son or daughter.”

Preserving Evidence: Survivor/complainant/victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to preserve all evidence and seek medical assistance, if applicable, as well as preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if the survivor/complainant/victim has any, that would be useful to college hearing boards/Title IX or his/her designees or public safety/police.

After an incident of sexual assault or domestic violence, the survivor/complainant/victim should consider seeking medical attention as soon as possible at one of the hospitals located in the “Off-Campus” resources and hospital section. In Illinois, forensic examination/evidence, at no cost to the survivor, may be collected from the survivor/complainant/victim’s body by a licensed nurse (SANE—Sexual Assault Nurse Examiner) even if the survivor/complainant/victim chose not to make a report to law enforcement. It is important that a survivor/complainant/victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if survivor/complainant/victims do not opt for forensic examination/evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, either on or off campus, it is the survivor/complainant/victim’s choice whether or not to make such a report and survivor/complainant/victims have the right to decline involvement with the police. The Department of Public Safety and/or Title IX will assist any survivor/complainant/victim with notifying local police if they so desire.

Assistance for Survivors/Complainants/Victims: Rights & Options

Regardless of whether a survivor/complainant/victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the college will assist survivor/complainant/victims of sexual assault, domestic violence, dating violence, and stalking and will provide each survivor/complainant/victim with a written explanation of their rights and options. The college complies with Illinois State law in recognizing orders of protection and advises any person who obtains an order of protection from Illinois or any other U.S. State should provide a copy to campus Public Safety and the Office of the Title IX coordinator. A complainant may then meet with campus Public Safety to develop a Safety Action Plan, which is a plan for campus Public Safety and the survivor/complainant/victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, or an employee to temporarily change work locations, if possible. The college reserves the right to assess each case individually to determine what measures would be most appropriate to protect the safety of the complainant and the broader campus community.

The college cannot apply for a legal order of protection for a survivor/complainant/victim from the applicable jurisdiction(s). The survivor/complainant/victim is required to apply directly for these services. An order of protection for domestic violence is a court order which restricts an abuser and only is available to family or household members. An order of protection may be

served by campus Public Safety if the order of protection has not been served by local law enforcement.

An order of protection may:

- prohibit abuser from continuing threats and abuse (abuse includes physical abuse, harassment, intimidation, interference with personal liberty, or willful deprivation)
- bar abuser from shared residence or bar abuser while using drugs or alcohol;
- order abuser to stay away from you and other persons protected by the order and/or bar abuser from your work, school, or other specific locations;
- require abuser to attend counseling;
- prohibit abuser from hiding a child from you or taking a child out of state;
- require abuser to appear in court or bring a child to court;
- give the survivor/complainant/victim temporary physical possession of children or give you temporary legal custody;
- specify visitation rights (if and when visitation is awarded);
- bar abuser from accessing child's records;
- give the survivor/complainant/victim certain personal property and require abuser to turn it over, or bar abuser from damaging, destroying or selling certain personal property;
- require abuser to pay you support for minor children living with you, require abuser to pay the survivor/complainant/victim for losses suffered from the abuse, require abuser to pay for the survivor/complainant/victim or the survivor/complainant/victim's children shelter or counseling services;
- require abuser to turn weapons over to local law enforcement, if there is danger of illegal use against the survivor/complainant/victim;
- prohibit abuser from other actions; or
- to protect the survivor/complainant/victim; require abuser to take other actions.

Criminal Prosecutions

If an arrest wasn't made and the survivor/complainant/victim wishes to seek criminal charges against the survivor/complainant/victim's abuser, bring all relevant information, including the police report number, to your local state's attorney. It may be helpful to contact a local domestic violence program so they can help the survivor/complainant/victim through the system.

To obtain an Order of Protection, the survivor/complainant/victim can:

- Ask an attorney to file in civil court.
- Request an order with the divorce.
- Request an order during a criminal trial for abuse.
- Go to his/her local circuit court clerk's office and get papers to seek an order of protection for him/herself.
- Contact a local domestic violence program to ask for assistance in completing the forms.

Law Enforcement Response. The law enforcement response will be based on a trauma-informed and victim-centered response.

Law enforcement response to an alleged Sexual Assault, Domestic/Dating Violence or Stalking:

- assisting and interviewing the survivor/victim.
- identifying, locating and interviewing witnesses.
- contacting and interviewing the respondent (accused).
- contacting, cooperating or coordinating with local law enforcement, when appropriate.
- providing information regarding the importance of preserving physical evidence of the sexual violence
- providing information regarding the availability of forensic examination at no cost to the survivor/victim.
- providing information regarding local (on and off campus) services and resources.

Law enforcement officers should try to prevent further abuse by:

- arresting the abuser when appropriate and completing a police report;
- driving the survivor/complainant/victim to a medical facility, shelter or safe place or arranging for transportation to a safe place;
- taking the survivor/complainant/victim back home to get belongings;
- if there is probable cause to believe that weapons were used, taking those weapons;
- telling the survivor/complainant/victim about their right to an order of protection; and
- telling the survivor/complainant/victim about the importance of saving evidence, such as damaged clothing or property and taking photographs of injuries or damage.

Also, law enforcement should know that the Illinois Domestic Violence Act assumes it is in the best interest of the child to remain with the survivor/complainant/victim or someone the survivor/complainant/victim chooses.

Abuser Contact after an Arrest

When anyone is charged with a crime and the survivor/complainant/victim is a family or household member, that abuser is most likely prohibited from contacting the survivor/complainant/victim and from entering or remaining at the survivor/complainant/victim's residence for a minimum of 72 hours. So, if the abuser does make contact soon after an arrest, the survivor/complainant/victim should call the police because the abuser can be charged with an additional offense, violation of bail bond, which is a Class A misdemeanor.

Violation of an Order of Protection

Violating an Order of Protection is a Class A misdemeanor, and the abuser could go to jail for up to 364 days. The Bail is established under the Domestic Violence Offenses to include Domestic Battery, violation of Orders of Protection or any other similar violation of a local ordinance. Bail for these offenses shall be set by the court pursuant to statute (RULE 528-Bail Schedule). A second violation of an order of protection (or a violation after conviction of a serious crime against a family or household member) can be a felony. If an abuser commits a second violation of order of protection, courts must sentence the abuser to 24 hours jail time and order abuser to pay \$100 domestic violence fine, unless the increased fine will impose an undue harm on, the survivor/survivor/complainant/victim of the domestic violence.

Where to Get Help and Advice:

National Domestic Violence Hotline
1-800-799-SAFE

Here is a helpful video that explains how a survivor/complainant/victim of domestic violence in Illinois can get an order of protection:

http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=5897 (from Illinois Legal Aid.)

Orders of protection are also available for survivor/complainant/victims of stalking. Civil “No Contact” orders are available for survivor/complainant/victims of sexual violence and are obtained during criminal prosecution. Go to your local circuit court clerk's office and request the necessary paperwork to seek an order of protection and see other resources in “Off Campus Resources” section of this document. The Illinois Office of the Attorney General has helpful information on their website to help explain crime survivor/complainant/victims’ rights in the State of Illinois and information on how to apply for crime survivor/complainant/victim’s compensation to help with medical costs associated with crimes of violence. Access the website here: <http://illinoisattorneygeneral.gov/victims/index.html>

The College may issue an institutional no contact order if deemed appropriate or at the request of the complainant/survivor/victim or respondent. To the extent of the

survivor/complainant/victim's cooperation and consent, college offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, transportation or working situations in addition to counseling, health services (off campus), financial aid (on and off campus), visa and immigration assistance (off campus) and assistance in notifying appropriate local law enforcement.

Additionally, personal identifiable information about the survivor/complainant/victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant/victim (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the survivor/complainant/victim, as defined in section 40002(a)(2) of the Violence Against Women Act of 1994--42 USC 1395 (a) (20).)

Further, the institution will maintain as confidential, any accommodations or protective measures provided to the complainant/survivor/victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The college does not publish the name of crime survivor/complainant/victims nor house identifiable information regarding survivor/complainant/victim in the campus Public Safety Departments Daily Crime Log or online. Survivor/complainant/victim may request that student directory information on file be removed from public sources by contacting the Title IX coordinator, vice president for Student Development or director of Public Safety, or designees, and/or the college Enrollment Services Office under Family Education Rights and Privacy Act (FERPA).

Federal Campus Sexual Assault Victim's Bill of Rights Act

1992 Amendment to Clery Act (20 U.S.C. § 1092(f))

- Right to be treated with dignity and have accusation treated seriously
- Right to notify law enforcement and be free from pressure not to report
- Right to be free from suggestion that accuser is somehow responsible
- Right to be made aware of and assisted with testing for diseases
- Right to counseling services
- Right to have steps taken to minimize contact with accused, including changing academic and living situations
- Right to be free from intimidation in campus housing/accommodations
- Same right as accused to have others present
- Right to notification of outcome of any disciplinary proceeding

Investigation Procedures and Protocols:

This complaint procedure has been designed to provide faculty, staff, and students with guidelines to follow for submitting a claim of sexual harassment/misconduct.

The president of Southwestern Illinois College has designated the director of Human Resources as the Title IX coordinator for the college district. It is the responsibility of the Title IX coordinator or his/her designee to receive claims of sexual harassment/misconduct and to coordinate the review and resolution of these claims. The Title IX coordinator is responsible for assembling and training designated employees to serve on review committees as needed. The Title IX coordinator ensures that procedures are followed properly by the committee but does not cast a vote in the committee's review of sexual misconduct claims. All complaints of sexual harassment/misconduct (including sexual violence) will be immediately reviewed by the Title IX coordinator, or his/her designee.

The Title IX coordinator, or his/her designee, shall be familiar with this policy and the appropriate sanctions that might be imposed against the respondent in the event that sexual harassment/misconduct is found to have occurred. The Title IX coordinator, or his/her designee, shall discharge his or her obligations fairly and impartially. In the event the Title IX coordinator, or his/her designee, develops a conflict of interest with respect to the persons involved in a complaint, a new Title IX designee will be appointed. During the investigation, the Title IX coordinator, or his/her designee, may receive counsel from officers/supervisors of the college, the college's attorneys, and other parties as needed.

Upon receipt of a complaint, the Title IX coordinator, or his/her designee, will immediately consult with the Director of Public Safety (or his/her designee) to determine whether there is a continuing threat to the complainant or to the campus community. If it is determined a threat exists, the college reserves the right to take appropriate measures to protect the safety of the complainant and/or the college community. The college may also issue a "Timely Warning" under the Clery Act. Pending the outcome of the investigation, the college will also take appropriate interim measures to protect the complainant from further sexual harassment and retaliation. Such measures may include, but are not limited to, modification of living arrangements, change in class schedule, restriction of campus access, temporary ban from campus or interim suspension from campus pending a hearing, no-contact orders, and reporting the matter to local law enforcement.

The Title IX coordinator, or his/her designee, will commence an investigation of the complaint as soon as possible, but not later than 7 days after the complaint is made. As the first step in the investigation, the Title IX coordinator, or his/her designee, will notify the respondent that a complaint has been filed. The Title IX coordinator, or his/her designee, shall endeavor to complete the investigation within 25 days of receiving it unless a reasonable justification can be made for additional time.

During the investigation, the complainant will have the opportunity to describe his or her allegations and identify supporting witnesses or other evidence. The respondent will have the opportunity to respond to the allegations and identify supporting witnesses or other evidence. The Title IX coordinator, or his/her designee, will review statements and, depending

on the circumstances, may interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. The Title IX coordinator, or designee, review process will include, but not limited to:

- assisting and interviewing the survivor/victim.
- identifying, locating and interviewing witnesses.
- contacting and interviewing the respondent (accused).
- contacting, cooperating or coordinating with local law enforcement, when appropriate.
- providing information regarding the importance of preserving physical evidence of the sexual violence
- providing information regarding the availability of forensic examination at no cost to the survivor/victim.

All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

During the investigation, the Title IX coordinator, or his/her designee, shall maintain communication with both the complainant and respondent and advise them of the status of the investigation.

Equitable Rights during the Initial Investigation to Final Result:

The college disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. For the purpose of definition, the accuser is synonymous with the complainant, survivor or victim and the accused is synonymous with the respondent. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however, the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The college's policy provides that:

1. the accuser and the accused each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of survivor/complainant/victims and promotes accountability;
2. the accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
3. the institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;

4. the institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
5. the institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student has the opportunity to be advised individually by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding, however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; The advisor may be present but they cannot speak for, cross-examine the complainant or address the investigator or hearing board.
6. decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard.
7. the accuser and the accused will be notified simultaneously in writing of the results of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final; and
8. the accuser and the accused each have the right to appeal the outcome of the hearing and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

Concurrent College Investigation and Criminal Investigation

Some instances of sexual violence may also constitute criminal conduct. In such instances, the complainant is also encouraged to file a report with local law enforcement and, if requested, the College will assist the complainant in doing so. The pendency of a criminal investigation, however, does not relieve the college of its obligation to investigate sexual harassment. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the complaint despite the pendency of a criminal investigation. If necessary to avoid interfering with a pending criminal investigation, the college will delay its own investigation but only as long as reasonably necessary to avoid interfering with the pending criminal investigation (typically no more than 10 days).

Evidence (Burden of Proof) Standard: The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy (i.e., “beyond a reasonable doubt” in criminal cases versus preponderance of the evidence “more likely than not” for purposes of this policy). As a result, the outcome of any criminal proceeding is not necessarily determinative of whether a violation of this policy has occurred.

Immediate/Interim Steps:

- Students: The College will also take appropriate interim measures to protect the complainant from further sexual harassment and retaliation. Such measures may include, but are not limited to, modification of living arrangements, change in class schedule, restriction of campus access, temporary ban from campus or interim suspension from

campus pending a hearing, no-contact orders, and reporting the matter to local law enforcement.

- **Employees:** The Title IX coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a college order of no contact, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action.

Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the college.

Request for Confidentiality: In the event a person files a complaint and requests confidentiality, or asks that the complaint not be investigated, the college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a complainant insists that his or her name not be disclosed to the alleged perpetrator, the college's ability to respond may be limited. The College reserves the right to initiate an investigation despite a complainant's request for confidentiality in limited circumstances involving serious or repeated discrimination or where the alleged perpetrator may pose a continuing threat to the college community.

The college may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student/employee complainant. Examples include, but are not limited to, providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publishing the college's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

SEXUAL HARASSMENT/MISCONDUCT COMPLAINT REVIEW

Overview of the Resolution Process for Complaints of Sex-Based Discrimination

1. A report alleging sexual harassment, sexual assault, domestic violence, dating violence or stalking is made to the Title IX coordinator or another college official with duties to respond.
2. The complainant is provided with rights and resource information and advised of the timeframes and steps in resolving complaints.
3. The complaint is assessed and a prompt and thorough investigation is conducted or the

institution otherwise attempts to determine what occurred.

4. The complainant can opt for an informal resolution to the matter, which means that they do not wish to have a formal hearing. The decision maker determines if the accused party is responsible or not responsible using the preponderance of the evidence standard and decides on sanctions.
5. The complainant wishes to pursue formal resolution and a committee consisting of annually trained college employees hears the findings from the investigation and makes a determination to responsibility.
6. The complainant and respondent (accused) shall receive notice of the individual or individuals with authority to make a finding or impose a sanction in their proceeding before the individual or individuals initiate contact with either party and have the opportunity to request a substitution if the individual or individuals poses a conflict of interest. Request must be received with 7 days upon notification of hearing.
7. Privacy of all parties, complainant, respondent, witnesses, etc. will be protected in accordance with federal and/or state laws. The identity of the complainant or respondent will not be disclosed, except as necessary to resolve the complaint or to implement the interim protective measures or when provided by federal or state law.
8. The complainant and respondent shall have the opportunity to provide or present evidence and witnesses on their behalf during the resolution process.
 - Testimony can be either in writing, verbally, or both.
 - Neither the complainant nor respondent will be compelled to testify, if the resolution involves a hearing, in the presence of the other party.
 - The complainant and respondent have the right to identify and have considered the testimony of a reasonable number of other witnesses.
9. The institution provides the accuser and accused the same opportunities to have others present during a hearing proceeding. The accuser and the accused has the opportunity to be advised individually by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding provided the involvement does not result in undue delay in the meeting or proceeding. However, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
 - The advisor may be present but they cannot speak for, cross-examine the complainant or address the investigator or hearing board.
 - The advisor may be prohibited from further participation if their behavior violates this policy, harass, abuse or intimidates either party, witness, or hearing board member(s).
10. The complainant (accuser) or respondent (accused) may not directly cross-examine one another, but may, at the discretion and direction of the hearing board member(s) suggest questions to be posed by the member(s).

11. Equal access to review and comment upon any information independently developed by the Title IX coordinator or his/her designee.
12. Both the accuser and the accused are notified, simultaneously of the results, results changes and all final results. Both parties have the right to appeal the finding. Either party can petition the Title IX coordinator or designee for appeal, based on a procedural error, new and substantial evidence is submitted and/or the imposed sanction is disproportionate to the violation.

INFORMAL COMPLAINT RESOLUTION PROCESS In some instances, resolution of a sexual harassment/misconduct issue can result in the complainant (the person who perceives that they are experiencing sexual harassment) telling the respondent (the person perceived as behaving inappropriately) to stop. Should the issue continue, or if the complainant does not want to confront the respondent for any reason, the Title IX coordinator should be contacted for assistance. The informal resolution process typically follows the steps below:

- A complaint with a request for an informal resolution is received by the Title IX coordinator.
- The Title IX coordinator sets a meeting with the respondent.
- The respondent is told about the complaint and asked to stop the behaviors resulting in the complaint.
- Disciplinary actions may result.

FORMAL COMPLAINT RESOLUTION PROCESS

Formal complaints may be issued by a complainant as a first-step approach to resolution, upon failure of the informal process to reach resolution, and are required when sexual violence is alleged. An employee or student who refuses to participate in the Formal Complaint Resolution process may be subject to discipline up to and including termination or expulsion. The formal complaint resolution process includes the following elements:

1. Written Complaint

The complainant states the allegation in writing, using the complaint form provided by the Title IX coordinator or designee, or by submitting a letter or email to the Title IX coordinator. The allegation is to contain as much information as possible such as the date on which the incident occurred, the location of the incident, what happened in detail, and the names and contact numbers of any witnesses or persons having first-hand knowledge of what took place. The written complaint should be completed carefully since it will serve as the key document throughout the formal complaint resolution process. In situations where a verbal account is provided in person or by phone, the Title IX coordinator will request a written document if a formal resolution process is requested or is necessary.

2. Timeline

- a. The written complaint should be submitted within sixty (60) calendar days of the date of the alleged incident.

- b. The Title IX coordinator or designee will review the complaint and will reply with details about the resolution process options (informal or formal resolution) and a list of resources. A complaint file is established at this time.
- c. If the complainant requests a formal resolution, a Review Committee will be assembled.
- d. The Review Committee will complete its review of the claim following interviews with impacted parties and will issue its findings to the complainant and the respondent within forty-five (45) calendar days of the receipt of the written complaint by the Title IX coordinator or designee.
- e. In the event that there are delays, the Title IX coordinator must send an update to the impacted parties and the college president or his/her designee indicating an explanation of the delay and the anticipated completion date.

3. Sanctions

In all cases, investigations that result in a finding of more likely than not that a violation of the policy occurred will lead to the initiation of disciplinary procedures against the accused individual. Sexual Assault, Domestic/Dating Violence, Stalking, including Sexual Misconduct/Violence is a violation of federal, state and local law, and the policy of SWIC. Therefore, criminal sanctions by the criminal justice system and administrative sanctions by the college may be imposed upon the accused if it is found that the accused perpetrated the offense.

- **Students:**
 - 1. Disciplinary proceedings by the vice president for Student Development will determine what, if any, administrative sanctions are imposed by the college upon students charged with violating the Student Conduct Code.
 - 2. The Review Committee may also recommend additional sanctions listed:
Disciplinary Reprimand - Probation - Social Probation - Suspension - Expulsion - Assessment for Restitution - Separations or Restrictions.
- **Employees:** The Review Committee will recommend progressive discipline up to and including termination. Progressive discipline process includes verbal warning, written warning, unpaid suspension and recommendation for termination.

APPEAL OF REVIEW FINDINGS: The complainant may appeal the findings of the Review Committee if there was a procedural error, new and substantial evidence is submitted that would change the outcome of the finding, and/or the imposed sanction is disproportionate to the violation.

The complainant has fifteen (15) calendar days from the receipt of the written findings of the Review Committee to file an appeal to the college president or designee. This appeal should be in writing and should include two elements:

- (1) An explanation of what procedure was not followed or details about new information that was not previously considered, and a statement describing the remedy being sought by the complainant.

- (2) The college president or his/her designee may require that a new review be initiated or deny the appeal based on his/her determination that procedures were correctly followed and/or the evidence submitted is not new.

The decision of the College President or designee represents the college's final disposition of the complaint.

The complainant and respondent shall receive the appeal decision, in writing, within 7 days after the conclusion of the appeal review.

Exclusive Means of Resolution

This is the exclusive means of resolving complaints of sexual harassment/misconduct (including sexual violence). To the extent there are any inconsistencies between this policy and other college policies and procedures, the Sexual Harassment/Misconduct Policy will control the resolution of complaints alleging sexual harassment/misconduct (to include sexual violence).

Documentation

Throughout all stages of the investigation, determination, and appeal, the Title IX coordinator or his/her designee, Review Committee, and person resolving the appeal, as the case may be, are responsible for maintaining documentation of the investigation, determination, and appeal, including documentation of all proceedings conducted under these procedures, which may include written statements, documentary evidence, written findings of fact, transcripts, and audio recordings.

FERPA

FERPA limits the extent to which the college may disclose personally-identifiable information in student records. Whenever it is necessary to comply with FERPA, the college reserves the right to redact or limit information provided under this policy. To the extent any portion of this policy is inconsistent with FERPA, the college will follow FERPA.

Prevention and Education Programs and Training:

The college prohibits the crimes of domestic violence, dating violence, sexual assault and stalking. The college engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to prevent 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
- considered environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming to prevent dating violence, dating violence, sexual assault and stalking consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a. identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. defines 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;
- c. defines what behavior and actions constitute consent to sexual activity in the State of Illinois and/or using the definition of consent found in the Student Code of Conduct;
- d. provides 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;
- e. 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.
- f. provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The college has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; and providing information and on-going awareness programming to all employees and students.

PREVENTING SEXUAL VIOLENCE IN HIGHER EDUCATION AND AWARENESS TRAINING (Online Training)

As a current student or employee of the institution, the Campus Sexual Violence Elimination (SaVE) Act of 2013//Violence Against Women Act (VAWA) Education and Awareness Training is provided on the home page of eSTORM after login at least one time annually. This training ensures compliance with federal and state Title IX, SAVE Act, Clery Act/VAWA and Preventing Violence in Higher Education. The online training includes modules on Bystander Intervention, Forming Healthy Relationships, Sexual Assault and Stalking).

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability where bystanders are actively engaged in

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Additional Bystander Intervention information may be obtained at www.swic.edu/publicsafety
Resource: Bystander Intervention Playbook

Risk Reduction

With no intent to victim blame and with acknowledgement that only rapists are responsible for rape; the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
4. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
5. **Make sure your cell phone is with you** and charged and that you have cash money.
6. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
7. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
8. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad

² Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

situation.

9. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
10. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
11. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
12. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
13. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
14. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
15. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

At the beginning of each academic year, each higher education institution shall provide each student of the higher education institution with an electronic copy or hard copy of its comprehensive Sexual Harassment/Misconduct policy, procedures, and related protocols.

In accordance with 110 ILCS 155/Preventing Sexual Violence in Higher Education Act, the following education and awareness programs and training will be provided as indicated:

- **Students:** All students who attend one or more classes on campus, shall be provided, at a minimum, annual training information regarding the higher education institution's comprehensive policy, including without limitation the following: (1) the institution's definitions of consent, inability to consent, and retaliation as they relate to sexual violence; (2) reporting to the higher education institution, campus law enforcement, and local law enforcement; (3) reporting to the confidential advisor or other confidential resources; (4) available survivor services; and (5) strategies for bystander intervention and risk reduction.
- **Responsible Employees** shall be provided annual survivor-centered and trauma-informed response training, as well as procedures for (1) the receipt of a student report of an alleged incident of sexual violence, domestic violence, dating violence, or stalking, (2) the referral or provision of services to a survivor, or (3) any campus complaint resolution procedure that results from an alleged incident of sexual violence, domestic violence, dating violence, or stalking. Employees falling under this description include without limitation the Title IX coordinator, members of the higher education institution's campus law enforcement, and campus security. An enrolled student at or a contracted service provider of the higher education institution with the employee responsibilities outlined in clauses (1) through (3) of this paragraph shall also receive annual survivor-centered and trauma-informed response training.

The college shall design the training to improve the trainee's ability to understand (1) the college's comprehensive policy; (2) the relevant federal and State law concerning survivors of sexual violence, domestic violence, dating violence, and stalking at higher education institutions; (3) the roles of the college, medical providers, law enforcement, and community agencies in ensuring a coordinated response to a reported incident of sexual violence; (4) the effects of trauma on a survivor; (5) the types of conduct that constitute sexual violence, domestic violence, dating violence, and stalking, including same-sex violence; and (6) consent and the role drugs and alcohol use can have on the ability to consent. The training shall also seek to improve the trainee's ability to respond with cultural sensitivity; provide services to or assist in locating services for a survivor, as appropriate; and communicate sensitively and compassionately with a survivor of sexual violence, domestic violence, dating violence, or stalking.

- **Confidential Advisors** shall receive 40 hours of training on sexual violence, if they have not already completed this 40-hour training, before being designated a confidential advisor and shall attend a minimum of 6 hours of ongoing education training annually on issues related to sexual violence to remain a confidential advisor. Confidential advisors shall also receive periodic training on the campus administrative processes, interim protective measures and accommodations, and complaint resolution procedures.

- **Hearing Committee** shall receive a minimum of 8 to 10 hours of annual training on issues related to sexual violence, domestic violence, dating violence, and stalking and how to conduct the higher education institution's complaint resolution procedures, in addition to the annual training required for employees as provided in subsection (c) of Section 30 of 110 ILCS 155, Preventing Sexual Violence in Higher Education Act.

Annual Reporting: In accordance with 110 ILCS/205, Board of Higher Education, Section 9.21. Human Relations, the Title IX coordinator, in coordination with the Director of Public Safety and the institution's compliance committee, or designees shall compile and submit an annual report, on or before November 1, 2017, and every November 1 thereafter, to the Illinois Department of Human Rights and the Illinois Attorney General's office.

Attachment 1 to 7021 Administrative Procedures

Definitions

Accuser is synonymous with the complainant, survivor or victim.

Accused is synonymous with the respondent.

Advisor is an individual designated by either party to assist them with the process pursuant to these Procedures. The advisor may be a licensed attorney. The advisor may confer with the party before or during the process pursuant to these Procedures but may not speak on the party's behalf before or during any proceeding, and may not delay or disrupt any proceeding.

Bystander intervention includes, but is not limited to, the act of challenging the social norms that support, condone or permit sexual violence. It also means taking 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; it 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.

Confidential advisor means a person who is employed or contracted by a higher education institution to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in 110 ILCS 235/20.

Complainant means a student who files a complaint alleging violation of the comprehensive policy through the higher education institution's complaint resolution process.

Consent is defined as 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 survivor/complainant/victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the survivor/complainant/victim at the time of the offense shall not constitute consent. (b) 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.

The expectations of the college community regarding sexual harassment (including sexual violence) can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent requires an affirmative act or statement by each participant. Consent is not passive. Silence—without actions demonstrating permission—cannot be assumed to show consent. Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity.

Previous relationships or prior consent do not imply consent to future sexual acts.

If coercion, intimidate, threats, and/or physical force is used, there is no consent.

If a person is mentally or physically incapacitated or impaired such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.

The age for consent in Illinois is 17 years old.

Domestic Violence is defined in the state of Illinois, 750 ILCS 60/103, as 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. 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 this code. For purposes of this article, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.

Domestic Battery (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2): 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.

Aggravated Domestic Battery (720 ILCS 5/12-3.3): A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery.

A person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. For the purposes of this subsection (a-5), "strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.

Violation of an Order of Protection (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30): A person commits violation of an order of protection if:

He or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:

- (i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986,
- (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory,
- (iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963; and

Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order.

An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face. For purposes of this section, an "order of protection" may have been issued in a criminal or civil proceeding.

Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign order of protection.

Nothing in this section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

The limitations placed on law enforcement liability by section 305 of the Illinois Domestic Violence Act of 1986 apply to actions taken under this Section.

Interfering with the Reporting of Domestic Violence (720 ILCS 5/12-3.5) (was 720 ILCS 5/12-6.3): A person commits interfering with the reporting of domestic violence when, after having committed an act of domestic violence, he or she knowingly prevents or attempts to prevent the victim of or a witness to the act of domestic violence from calling a 9-1-1 emergency telephone system, obtaining medical assistance, or making a report to any law enforcement official.

For the purposes of this section: "Domestic violence" shall have the meaning ascribed to it in Section 112A-3 of the Code of Criminal Procedure of 1963.

Disclosing location of Domestic Violence Victim (720 ILCS 5/12-3.6) (was 720 ILCS 5/45-1 and 5/45-2): As used in this section: "Domestic violence" means attempting to cause or causing abuse of a family or household member or high-risk adult with disabilities, or attempting to cause or causing neglect or exploitation of a high-risk adult with disabilities which threatens the adult's health and safety.

(1) "Family or household member" means a spouse, person living as a spouse, parent, or other adult person related by consanguinity or affinity, who is residing or has resided with the person committing domestic violence. "Family or household member" includes a high-risk adult with disabilities who resides with or receives care from 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 an adult with disabilities voluntarily, by express or implied contract, or by court order.

(2) "High-risk adult with disabilities" means a person aged 18 or over who's physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

(3) "Abuse", "exploitation", and "neglect" have the meanings ascribed to those terms in section 103 of the Illinois Domestic Violence Act of 1986.

A person commits disclosure of location of domestic violence victim when he or she publishes, disseminates or otherwise discloses the location of any domestic violence victim, without that person's authorization, knowing the disclosure will result in, or has the substantial likelihood of resulting in, the threat of bodily harm. Nothing in this Section shall apply to confidential communications between an attorney and his or her client.

Intimidation: A person commits intimidation when, with intent to cause another to perform or to omit the performance of any act, he or she communicates to another, directly or indirectly by any means, a threat to perform without lawful authority any of the following acts; (1) Inflict physical harm on the person threatened or any other person or on property; or (2) Subject any person to physical confinement or restraint; or (3) Commit a felony or Class A misdemeanor; or (4) Accuse any person of an offense; or (5) Expose any person to hatred, contempt or ridicule; or (6) Take action as a public official against anyone or anything, or withhold official action, or cause such action or withholding; or (7) Bring about or continue a strike, boycott or other collective action.

Preponderance of the Evidence standard means "more likely than not" to have occurred.

Quid Pro Quo means something for something, such as an exchange of good or services, where one transfer is contingent upon the other.

Respondent means a student who has been accused of violating a higher education institution's comprehensive policy.

Reasonable Person Standard means an individual's actions are judged by comparing how a reasonable person under the like circumstances would act.

Retaliation means any act of reprisal, intimidation, interference, restraint, discrimination, coercion, or harassment against another for an act taken. It can be in any form, direct or indirect or through a third party.

Sex Offenses *(NOTE: The below listed Sex Offenses Definitions From the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.)*

Sexual Assault: "Sexual assault" means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Rape is defined as 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.
- Fondling is defined as the touching of the private parts of another person for the purposes 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 is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape is defined a nonforcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Harassment is a particular type of harassment that consists of any unwelcome conduct of a sexual nature. Hostile Environment sexual harassment occurs when someone is subjected to behavior of a sexual nature that is unwelcome and offensive to a reasonable person and sufficiently severe or pervasive to interfere with a person's work/learning/ performance. Quid Pro Quo sexual harassment occurs when a person in a position of authority makes sexual conduct of a subordinate a condition for beneficial or adverse action. Sexual violence also is a form of sexual harassment. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature. Some examples of sexual harassment may include, but are not limited to:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body

- Sexual innuendos or sexual humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Asking about, or telling about, sexual fantasies
- E-mail and Internet use that violates this policy
- Sex-based stalking
- Sexual bullying

Sexual harassment constitutes a form of prohibited discrimination when it denies or limits a person's ability to participate in or benefit from the college's programs and activities or any aspect of the employment relationship. Sexual harassment denies or limits a person's ability to participate in or benefit from the college's programs and activities or any aspect of the employment relationship when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any aspect of the college's programs and activities or employment;
- Submission to or rejection of such conduct by a person is used as a basis for any decision adversely affecting such person with respect to the College's Programs and Activities or employment; or

Such conduct is severe or pervasive such that, considering all relevant circumstances; the conduct denies or limits a person's ability to participate in the college's programs and activities or any aspect of the employment relationship. NOTE: Even a single incident of sexual violence may be sufficiently severe as to create a Hostile Environment and, thus, constitute discriminatory harassment.

Sexual Violence is a form of sexual harassment. Sexual violence means physical acts attempted or perpetrated against a person's will or where a person is incapable of giving consent, including, but not limited to rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. To help the college community understand the concept of sexual violence, this policy identifies the following broad categories of sexual violence:

- **Non-Consensual Sexual Contact**

Non-consensual sexual contact is a form of sexual violence that consists of any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. Sexual contact includes: Intentional contact with the breasts, buttock, groin, or genitals, by any object, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

- **Non-Consensual Sexual Intercourse**

Non-consensual sexual intercourse is a form of sexual violence that consists of any sexual penetration however slight, of the vagina, anus, or mouth, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, anal penetration by a penis, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

- **Sexual Exploitation**

Sexual exploitation is a form of sexual violence that occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: Invasion of sexual privacy; prostituting another student; non-consensual video or audio-taping of sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism; knowingly transmitting a sexually transmitted disease (such as HIV); exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals.

- **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want." or lying on top of a survivor/complainant/victim to prevent them from being able to move)
- **Coercion** is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, 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. ("You better have sex with me or I'll make sure you never get into another fraternity social again/tell people you are a whore/tell people you have an STD.")
- **Mental or Physical Incapacitation or Impairment** occurs when a person cannot make rational and reasonable decisions. In other words, the person is unable to understand the "who, what, when, where, why, and how" of their sexual interaction and, as a result, cannot give effective consent. A person may be mentally or physical incapacitated because of:
 - Intoxication due to alcohol or drug use
 - A mental illness, intellectual disability, or physical disability
 - Sleep or sleep deprivation
 - Involuntary physical restraint

A person is also mentally and/or physical incapacitated if they have been given the "date rape drug" or similar substance such as Rohypnol, Ketamine, GHB, or

Burundanga. Administering such drugs to another student is a crime, constitutes a violation of this policy, and renders the victim incapable of giving consent to any form of sexual activity. More information on these and similar drugs is available at www.911rape.org.

Stalking (720 ILCS 5/12-7.3): 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 person commits stalking when he or she, knowingly and without lawful justification, on at least two 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 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.

Definitions: For purposes of Stalking:

- (1) "Course of conduct" means two 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, step-parent, 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. "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.

(5) "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.

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.

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 this 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.

Aggravated stalking (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4): 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 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.

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 this 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.

Cyberstalking (720 ILCS 5/12-7.5): 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 person commits cyberstalking when he or she, knowingly and without lawful justification, on at least two 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 person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or web page 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.

Definitions: For purposes of Cyberstalking:

- (1) "Course of conduct" means two 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, email, instant message, text message, or voicemail.
- (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.

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.

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 this 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.

Survivor means a student who has experienced sexual violence, domestic violence, dating violence, or stalking while enrolled at a higher education institution.

Trauma-informed response means a response involving an understanding of the complexities of sexual violence through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual violence, understanding the behavior of perpetrators and conducting an effective investigation.

Victim-centered means a systematic focus on the needs and concerns of a victim of sexual violence that: ensures the compassionate and sensitive delivery of services in a nonjudgmental manner; ensures an understanding of how trauma affects victim behavior; maintains victim safety, privacy and, where possible, confidentiality; and recognizes that a victim is not responsible for the sexual violence.