

Policy and Procedures

Preventing and Responding to Sexual Misconduct

Policy Statement

Heartland Community College strives to provide a safe environment in which students, employees and other members of the campus community can pursue their education and work free from the detrimental effects of sexual misconduct, including sexual assault, stalking, dating violence, domestic violence, and sexual harassment. Such actions, in any form, are prohibited and will not be tolerated. Therefore, the College seeks to educate students and employees about these issues and to provide a means of recourse should a member of the campus community believe he or she has been the victim of sexual misconduct. When brought to the attention of the College, the College will appropriately respond according to the procedures outlined in this policy and take prompt, effective steps to end sexual misconduct, to prevent its recurrence, and to remedy the discriminatory effects on the survivors and others.

This policy strives to ensure that the campus community is knowledgeable about:

- steps survivors should take if sexual misconduct has occurred;
- consent, prohibited offenses, and definitions of behaviors that constitute sexual misconduct
- how to report sexual misconduct
- procedures for complaint resolution
- training, resources and awareness programs

Steps Survivors Should Take After Sexual Misconduct

Survivors are encouraged to:

- Seek medical attention from a hospital or another health care provider. A rape crisis advocate can be called to provide assistance at the hospital. Medical and follow up care are advised whether or not the incident is reported to law enforcement.
- Report the incident to law enforcement.
 - For emergencies, call 911.
 - If the incident occurred on campus, call Heartland Security Services at (309) 268-8300.
 - If the incident occurred off-campus, contact the appropriate authorities in the place where the crime happened. If the crime happened locally, you may contact the following:

- McLean County Sherriff's Department: 309-888-5030
- Bloomington Police Department: 309-820-8888
- Normal Police Department: 309-454-9535
- Try to preserve all physical evidence; this means do not bathe, shower, use the toilet or change clothing if at all possible. If clothing must be removed, place them in a paper bag to prevent deterioration of evidence.
- Utilize informal support options available at the College regardless of whether or not a decision has been made to report the incident to the College or law enforcement.
 - Counseling Services, (309)-268-8419, is a resource where students can talk confidentially about what happened and learn about available campus and community resources to support you.
 - Employees may contact the Employee Assistance Program (EAP) for access to confidential counseling resources. For more information about steps to take after being sexually assaulted, you can also review the following brochure from the Illinois Coalition on Sexual Assault: <http://www.icasa.org/docs/brochures/after%20sexual%20assault%202013.pdf>

How to Get Medical Assistance

It is important to obtain medical treatment following sexual assault or other acts of violence. A hospital exam to collect evidence for potential criminal prosecution should be done as soon as possible after the incident. This exam can only be performed at a hospital emergency room. Under the Sexual Assault Survivors Emergency Treatment Act (SASETA), emergency room services are free to all survivors of sexual assault in Illinois. Survivors can also receive up to 90 days of follow up care related to the assault under this act. In McLean County, this exam is performed at:

[Advocate BroMenn Medical Center](#)

1304 Franklin Avenue (Virginia at Franklin Avenue)
Normal, Illinois
(309) 454-1400

[OSF St. Joseph Medical Center](#)

2200 East Washington Street
Bloomington, Illinois
(309) 662-3311

Consent

Consent is a freely given agreement to sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the

other has consented before engaging in the activity. The following are very important aspects of consent:

- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.
- A person's manner of dress does not constitute consent.
- A person's consent to past sexual activity does not constitute consent to a future sexual activity.
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
 - The person is incapacitated due to the use or influence of alcohol or drugs;
 - The person is asleep or unconscious;
 - The person is under age; or
 - The person is incapacitated due to a mental disability
- Consent can be withdrawn at any time.
- It is not an excuse that the alleged perpetrator of sexual misconduct was intoxicated and therefore did not realize the incapacity of the other party to give consent.

Prohibited Offenses Under This Policy

This policy prohibits sexual misconduct including sexual assault, stalking, dating violence, domestic violence, and sexual harassment and applies to conduct of students, employees, and other members of the campus community. This policy applies to conduct occurring on the College's campus, at College-sponsored events, and, may apply to other conduct occurring online or off campus when the conduct affects or is detrimental to the educational interests or other substantial interests of the College.

Sexual Assault is any type of sexual contact or behavior that occurs by force, threat of force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

Stalking, including cyberstalking, is defined as a pattern of knowingly directing repeated and unwanted attention, harassment, contact, or any other course of conduct at a specific person that would cause a reasonable person to feel fear for his or her safety and/or to suffer substantial emotional distress.

Dating Violence is defined as violence which includes, but is not limited to, sexual or physical abuse or threat of such abuse committed by a person who is or has been in a social relationship

of a romantic or intimate nature with the survivor; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Domestic Violence is as a pattern of abusive behavior that is used by a current or former intimate partners, spouses or family members to gain or maintain power and control over the other intimate partner or household member. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Sexual Harassment is any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, employment, or extra-curricular participation; or
- submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's education, employment, or extra-curricular participation; or
- such conduct has the purpose or effect of substantially interfering with an individual's education, employment, or extra-curricular participation, or of creating an intimidating, hostile or offensive educational, employment, or extra-curricular environment.

The College has a separate policy to address harassment complaints, including sexual harassment. You can find the *College's Harassment Policy, Procedures, and Related Considerations* at: <http://www.heartland.edu/policy/harassment.pdf>

Non-Consensual Sexual Intercourse is defined as any sexual penetration or intercourse (anal, oral or vaginal) however slight with any object by a person upon another person that is without consent and/or by force.

Sexual Penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Non-Consensual Sexual Contact is defined as any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force.

Sexual Touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the

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

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

Options for Reporting Sexual Misconduct

This policy is intended to make survivors of sexual misconduct aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about reporting such offenses.

It is the right of those who believe they have experienced sexual misconduct to choose whether or not to report the matter to the College or law enforcement. The College, however, urges anyone who has experienced sexual assault, domestic violence, dating violence, or stalking to seek support as soon as possible to minimize and treat physical and emotional harm and to understand the options for reporting and pressing charges.

Understanding Confidentiality

Various options exist for survivors to report sexual misconduct to the College. Anyone making a report should be aware, however, that different College representatives have varying obligations under this policy and therefore different abilities to maintain confidentiality of information that is shared with them. Additionally, the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited when confidentiality is requested.

Confidential Advisors:

Confidential Advisors have the privilege of maintaining confidentiality, meaning they are not required to report any information about an incident of sexual misconduct to the Title IX Coordinator without the survivor's written permission unless there is concern the individual will likely cause serious physical harm to self or others; or the information concerns conduct

involving suspected abuse or neglect of a minor or elder. Only the College's Licensed Professional Counselors in the Student Counseling Services are designated as Confidential Advisors. If you would like to have your identity and the details of an incident kept confidential, please contact the following individuals:

- Faye Freeman-Smith (Confidential Advisor)
Director of Counseling Services
(309) 268-8419
faye.freemansmith@heartland.edu
- Camille Springer (Confidential Advisor)
Licensed Counselor
309-268-8391
camille.springer@heartland.edu

Responsible Employees:

The following **Responsible Employees** have special training and responsibilities under this policy for responding to incidents of sexual assault, stalking, dating violence, domestic violence, and sexual harassment in accordance with federal guidelines and to promote a safe campus community. These professionals will respond with respect, sensitivity, and discretion to any report of sexual misconduct but cannot guarantee confidentiality. While they will protect the confidentiality of information shared or reported to them to the extent reasonably possible, they are also obligated to take appropriate action with the information you share. These individuals include:

- Terrance Bond (Title IX Coordinator)
Associate Director of Equity, Compliance, & Title IX
(309) 268-8238
terrance.bond@heartland.edu
- Barbara Leathers (Deputy Title IX Coordinator)
Executive Director of Human Resources
(309) 268-8148
barb.leathers@heartland.edu
- Anita Moore
Dean of Student Support Services
(309) 268-8249
anita.moore@heartland.edu
- Kim Kelley
Director of Student Success
(309) 268-8057
kimberly.kelley@heartland.edu

- Heartland Safety and Security Services
(309) 268-8300
security@heartland.edu

Academic Advisors, Faculty, Deans, Department Chairs and Campus Security Authorities, are also designated as Responsible Employees. All Responsible Employees are trained to receive reports of sexual misconduct with appropriate sensitivity and respect, but are required to report all details of an incident (including identities of both the survivor and alleged perpetrator) to the Title IX Coordinator.

A report of sexual misconduct to a Responsible Employee constitutes a report to the College. When a survivor tells a Responsible Employee about an incident of sexual misconduct, the survivor has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

Before a survivor reveals any information to a Responsible Employee, the employee should ensure that the survivor understands the employee's reporting obligations – and, if the survivor wants to maintain confidentiality, direct the survivor to the College's Confidential Advisors or other confidential resources located in the community. If the survivor wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the survivor that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will also inform the Coordinator of the survivor's request for confidentiality. The College must weigh the request for confidentiality with the College's responsibility to respond to the incident and provide a reasonably safe and non-discriminatory environment.

Other College employees, if **not** designated as a Confidential Advisor or a Responsible Employee, may talk to a survivor in confidence, and generally only report to the College that an incident occurred. Disclosures to these employees, depending on the nature of the incident, may trigger a College investigation.

Timely Warning: If the College determines that an alleged perpetrator(s) poses a serious and immediate threat to the College community, the College may be required to issue a timely warning to the campus community. Timely warnings will not include any information that identifies the survivor.

Electronic Reporting:

Incidents can be reported electronically at www.heartland.edu/consumerInfo/title9.html. Incidents reported electronically can be done anonymously, and may be submitted by the survivor, a third-party, or by-stander. Within 12 hours of receiving an electronic report, the College will respond to the reporter with information about available resources.

Off-Campus Reporting Options

- McLean County Sherriff's Department
 - Telephone 911 or (309) 888-5030 (Dispatch)

 - YWCA Stepping Stones (Sexual Assault Crisis Center)
1201 N. Hershey Road
Bloomington, IL 61704
(309) 662-0461
www.ywca.org/steppingstones/info

 - PATH (Providing Access to Help) Crisis Center
211 or (888) 865-9903

 - Countering Domestic Violence
(309) 827-7070
<http://www.mccainc.org/cdv.htm>

- Logan County
 - Telephone 911

 - Prairie Center Against Sexual Assault; 24 Hour Crisis Hotline
(217) 753-8081
(217) 744-2560 (Springfield Office)
(217) 243-7330 (Jacksonville Office)

- Livingston County
 - Telephone 911

 - ADV & SAS (A Domestic Violence & Sexual Assault Service)
Livingston County Office
815 N. Ladd Street
Pontiac, IL 61764
(800) 892-3375 (24 hour hotline)
(815) 844-0982
www.advsas.org

Rights of Survivors of Sexual Misconduct

- A survivor has the right to concise information, written in plain language, concerning his or her rights and options.
- The survivor will be informed of the College's policy, procedures, disciplinary process and possible outcomes.
- The College will inform the survivor of available counseling services, medical services, mental health services, and other resources available on campus and off campus.
- Survivors have the right to report the incident to local law enforcement (911 or 309-888-5030) or can choose not to do so, neither of which prevents the College from pursuing disciplinary action. The College will cooperate with any law enforcement investigations.
- Survivors also have the option to be assisted on-campus with reporting to law enforcement by the College's Title IX Coordinators or Counseling Services staff. These individuals can also assist survivors with locating and utilizing survivor services. The YWCA's Stepping Stones Program, (309) 662-0461, also has resources to assist with reporting to local law enforcement.
- To ensure the safety and well-being of the survivor, he or she may request **interim remedies** after an incident of sexual misconduct occurs, which could include providing campus escorts, offering adjustments to academic deadlines and/or course schedules, implementing campus no-contact limitations between the parties, honoring an order of protection/no contact order from a court, and/or other changes to academic, dining, transportation, and working situations. The Title IX Coordinator (titleix@heartland.edu) will be able to help facilitate such changes.
- Survivors have the right to have an advisor of their choice throughout the investigation and disciplinary process.
- A survivor can request a campus "no-contact order," which prohibits the accused student or employee from having contact of any kind (including electronic contact or contact from third parties acting on the accused person's behalf). Contact the Title IX Coordinator for more information.
- Survivors can also request a civil order of protection or no-contact order issued by the court. Assistance in filling out related paperwork is available from Stepping Stones YWCA Sexual Assault Services, (309) 662-0461.
- The survivor is afforded the right to be updated on the investigation and to be informed of the outcome of disciplinary proceedings.
- In the event of the death of a victim, the notification of the outcome is transferred to the next-of-kin.

Local and National Resources

The following resources are not affiliated with the College but may be helpful for survivors of sexual misconduct and sexual violence:

LOCAL COMMUNITY SUPPORT		
Police Department Emergency	911	
Path Crisis Line	211 or (888) 865-9903	http://www.pathcrisis.org/
Stepping Stones (Sexual Assault Crisis Program)	(309) 662-0461	www.ywca.org/steppingstones/info
DCFS Child Abuse: Child Abuse Hotline	(800) 252-2873	https://www.illinois.gov/dcfs/safekids/reporting
Domestic Violence: Countering Domestic Violence 24-Hour Hotline	(309) 827-7070	http://www.mccainc.org/cdv.htm
NATIONAL HOTLINES/WEBSITES		
Suicide Hotline: 24-Hour Suicide Hotline (1-800-SUICIDE)	(800) 784-2433	http://www.treatmentadvocacycenter.org
National Center for Survivors of Crime	(800) 394-2255	https://victimsofcrime.org/
National Domestic Violence Hotline	(800) 799-SAFE	http://www.thehotline.org/
National Sexual Assault Hotline	(800) 656-HOPE	https://rainn.org/

Campus No-Contact Order

A campus no-contact order is a directive issued by a campus authority that prohibits contact between parties or from one party to another. Such an order may be issued through the formal process (i.e. Student Conduct or Human Resources) or under the direction of a Title IX Coordinator (titleix@heartland.edu). This may apply to communications in person, online, and other forms of contact, both on and off campus. It is important to note that this is different than a civil order of protection, which is issued by a court. Campus no-contact orders may be issued as a sanction or outcome and may also be issued on an interim basis while an incident is under investigation or adjudication. It is important to note that the burden of proof for a campus no-contact order is often less than that required for a court issued order, and the consequences for violating it are also limited to action that can be taken by the College, such as an additional student conduct charge of Failure to Comply with a College directive.

Court Issued Order of Protect and No Contact Order

If you have questions about civil orders of protection or no contact orders, please contact your local police department (in Bloomington-Normal, call (309)-888-5030). Assistance in filling out the paperwork is also available from Stepping Stones YWCA Sexual Assault Services, (309) 662-0461.

Complaint Resolution Procedures

Any person who has an experience that he or she believes violates this policy on sexual misconduct is encouraged to report it to the Title IX Coordinator or other responsible employees. The person is also encouraged to make a report to the police for legal action. Both of these processes can happen simultaneously. For the purposes of this process, the person who reports an experience of sexual misconduct is called “the accuser”. The person who is accused of committing sexual misconduct is called the “the accused.” Both the accuser and the accused are encouraged to participate in the investigation and decision process.

The College’s procedures are intended to ensure fair, impartial investigations and resolutions in a timely manner. Although the College does not have formal panel hearings, it does have a standard process for addressing all reports of sexual misconduct. Procedures will be conducted by College officials who receive eight to ten hours of annual training on sexual misconduct complaint resolution.

Standard of Evidence:

The Standard of Evidence used in the decision of cases of sexual misconduct will be **preponderance of evidence**. Possible sanctions if a student or employee is found responsible for a violation of this policy include the full range of disciplinary sanctions available at the College, up to and including expulsion for students or termination of employment for employees. Other possible sanctions for students include: campus restrictions, disciplinary probation, behavior contract, and suspension.

Any student who reports, in good faith, an incident of sexual misconduct will not receive a disciplinary sanction by the College for a student conduct violation, such as underage drinking, that is revealed in the course of such a report, unless the College determines that the violation was blatant, and/or placed the health or safety of any other person at risk.

Before the process of investigation starts:

- The Title IX Coordinator and/or Deputy Coordinator will meet with both the accuser and the accused. The Title IX Coordinator and/or Deputy Coordinator will explain the process and will also serve as a resource for any questions or concerns.
- The Title IX Coordinator and/or Deputy Coordinator will share with the accuser and accused the name of the college official with authority to make a finding or impose a sanction in their proceeding before this person initiates contact with either party. The accuser and the

accused will have the opportunity to request a substitution if the participation of this individual poses a conflict of interest.

- The Title IX Coordinator and/or Deputy Coordinator will issue a campus no-contact order between the accuser and the accused if one is not already in place. This helps ensure the integrity and privacy of the process.
- The Title IX Coordinator and/or Deputy Coordinator will make available additional protective measures to increase the survivor's safety and well-being on campus, which may include providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines and/or course schedules, and altering work arrangements for employees.

Investigation:

Both the accuser and the accused have the right to an advisor of their choosing who can be present with them for all parts of the process, including any meetings with campus officials. The advisor can speak to their advisee at any time during the process but cannot speak directly to the investigators.

- If the accuser reports an incident of sexual misconduct but does not wish to participate in the investigation, the situation will be reviewed by the Title IX Coordinator and Deputy Coordinator. They will determine whether there is sufficient information to proceed with an investigation without the participation of the accuser, and also whether there is evidence of a risk to the larger campus community such that a timely warning to the campus should be issued.
- If the accused does not wish to participate in the investigation, the process will proceed without his or her contribution to the determination of the facts of the case. The accused should note that the appeal process based on appearance of new information not available to the investigators does not apply in cases of deliberate omission of information by the person making the appeal, including refusal by the person making the appeal to participate in the investigation.
- The Title IX Coordinator will convene an investigation team consisting of two individuals, one male and one female, who are not biased and do not hold a conflict of interest with the accuser or accused. The investigation team may consist of the Title IX Coordinator and Deputy Coordinator so long as the above named criteria are met. All individuals appointed to serve as investigators shall have participated in eight to ten hours of annual training on issues related to sexual misconduct. The investigation team will take primary statements from the accuser and the accused, ask follow up questions, and reach out to and collect statements from others who have evidence/information relevant to the incident. The accuser and the accused may each name others to be interviewed as well as questions to be asked. The accuser and the accused may each provide or present evidence or witnesses regardless of involvement in the complaint resolution process. However, the accuser and accused may not directly cross examine one another at any time. The College is

committed to protecting the privacy of all participating parties and witnesses. Final decisions about whom to talk with and what to ask will be made by the investigators. All individuals contacted by the investigators will be required to maintain confidentiality. The investigator will also collect any additional evidence available (for example: health care records (with permission of the student) and previous disciplinary records, etc.).

- In consultation with the investigators, the Title IX Coordinator and/or Deputy Coordinator will prepare a summary report that is shared with the accused and accuser. Both will have time to review their statements and make corrections as needed.
- The Title IX Coordinator will then prepare a formal report consisting of a description of the incident, the response of the accused, the investigator findings, and a recommendation of the appropriate action(s) to be taken. The report will be submitted to the Vice President for Learning and Student Success for reports involving students and to the relevant Vice President(s) for reports involving employees or employees and students.

Determination:

- The relevant Vice President(s) will review the report and he or she will make a decision about whether there has been a violation of this policy. He or she may: 1) accept the report and recommendations as presented; or 2) request additional information/clarification from the investigation team and consider a modified report as appropriate;
- After consideration of the final report, the respective Vice President(s) will make a determination regarding the report. He or she also has the authority to impose sanctions. In consultation with the respective Vice President, the Title IX Coordinator or Deputy Coordinator will prepare formal responses within seven business days of the decision to be provided in writing and sent simultaneously to the accuser and the accused. The responses will include a summary of the investigation findings and a communication of any action to be taken.

Appeal:

- Both parties have the right to request an appeal of the decision made by the respective Vice President. The right to appeal is limited to (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision. (Note that deliberate omission of information by the appealing party in the original investigation is not grounds for appeal.) Each party has seven business days following the receipt of the written decision to indicate their intention to appeal. Requests for appeal, with reasons, should be sent in writing to the President. The President may uphold the prior findings and recommendation(s) or may determine a different response.
- The results of any appeal will be communicated simultaneously and in writing to the accuser and the accused by the Title IX Coordinator or Deputy Coordinator within seven business days after the review of findings or sanctions.

Both parties have full access to the support services available in Counseling Services throughout the process, so long as they are enrolled students. Employees have support services available through the Employee Assistance Program.

Retaliation:

Retaliation of any kind against any person for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct is a serious offense and strictly prohibited. Any retaliatory actions such as intimidation, threats, or coercion against any such individual will be subject to disciplinary action that may include but is not limited to suspension or dismissal from the College and/or termination of employment.

Sexual Misconduct Prevention and Awareness

The College provides numerous education programs and awareness campaigns to prevent and promote awareness of domestic violence, dating violence, sexual assault, and stalking. In addition to covering the information addressed in this policy, these programs, among other things, provide information regarding options for bystander intervention and information on risk reduction strategies. Descriptions of these prevention and awareness programs can be found in the College's Annual Security Report located at:

<http://www.heartland.edu/documents/studentRightToKnow/annualSecurityReport.pdf>