

**PROCEDURES IMPLEMENTING THE COLLEGE'S
POLICY PROHIBITING SEX DISCRIMINATION**

I. Purpose

The College is committed to maintaining a safe and healthy educational and employment environment that is free from sex discrimination, which includes discrimination and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity or expression, as well as sexual violence, domestic violence, dating violence and stalking.

As part of this commitment, the College does not adopt or implement any policy, procedure, or practice, or take any action regarding a student, employee, or applicant for employment, that discriminates against such individuals on the basis of their current, potential, or past pregnancy or related conditions, or that treats such individuals differently on the basis of sex with regard to their current, potential, or past parental, family, or marital status, or their status as the head of household or principal wage earner in their family unit.

The College Administration has adopted these Procedures to implement the College's Policy Prohibiting Sex Discrimination and Anti-Harassment Policy and Procedures, ensure a safe and healthy educational and employment environment, and meet legal requirements in accordance with Title IX of the *Education Amendments of 1972* ("Title IX"), relevant sections of the *Violence Against Women Reauthorization Act* ("VAWA"), Title VII of the *Civil Rights Act of 1964* ("Title VII"), relevant sections of the *Illinois Human Rights Act*, the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act"), the *Preventing Sexual Violence in Higher Education Act*, and other applicable laws, regulations and ordinances.

The College has an affirmative duty to respond promptly and effectively once it has knowledge of conduct that may reasonably constitute sex discrimination in its education program or activity. The College will promptly and equitably resolve complaints of sex discrimination in accordance with the procedures set forth below.

II. Application and Scope

The College's Policy Prohibiting Sex Discrimination and these implementing Procedures apply to everyone in the College's education programs and activities, including students, faculty and staff, applicants for admission or employment, and third parties, whenever the alleged sex discrimination occurs:

- On College property or any property owned or controlled by a College-recognized student organization;
- Off College property if:
 - The conduct was in connection with a College or College-recognized program or activity; or

- The conduct may have the effect of creating or contributing to the creation of a hostile environment for a member of the College community; or
- Otherwise within the College’s disciplinary authority for students or employees.

These Procedures govern sex discrimination in various forms, many of which may trigger legal obligations under one or more state and federal laws. In no case does the inapplicability of a particular legal framework prevent the College from addressing an act of misconduct that falls within the scope of these Procedures or other applicable College policies and procedures.

III. Administration and Enforcement

A. Title IX Coordinator

The College has designated the Associate Vice President, Enrollment and Student Services as the Title IX Coordinator(s). Contact information for the Title IX Coordinator(s) is as follows:

Associate Vice President, Enrollment and Student Services
Heartland Community College
1500 West Raab Road
Normal, IL 61761
Telephone: (309) 269-8249
Email: amy.munson-pawlik@heartland.edu

Responsibilities of the Title IX Coordinator include, but are not limited to:

- Coordinating the College’s efforts to comply with its responsibilities under Title IX and 34 C.F.R. Part 106, and other applicable laws and regulations, to provide an educational and employment environment that is free from sex discrimination.
- Ensuring that students, employees, applicants for admission and employment, and unions and professional organizations holding collective bargaining or professional agreements with the College are appropriately notified of the College’s prohibition on sex discrimination.
- Overseeing the College’s response to all sex discrimination reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports or complaints.
- Ensuring the prompt and thorough investigation of all sex discrimination complaints.
- Offering and coordinating appropriate supportive measures and ensuring the effective implementation of any remedies.

- Ensuring that appropriate protocols are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Ensuring that adequate training is provided to students, faculty and staff on Title IX and related issues.
- Monitoring students' participation in academic programs and extracurricular activities, including athletics, to identify and proactively address issues related to possible sex discrimination.
- Collaborating with appropriate College officials to assess the campus climate regarding Title IX through surveys and other instruments and to analyze the data collected through such surveys and instruments.
- Maintaining appropriate records of sex discrimination reports and complaints.

Questions regarding these Procedures or the College's compliance with Title IX and related laws should be directed to the Title IX Coordinator. References in these Procedures to the Title IX Coordinator include any individual designee that the Title IX Coordinator may delegate to perform specific duties.

B. Human Resources

The Executive Director, Human Resources will coordinate with the Title IX Coordinator with respect to any complaints of sex discrimination that involve a College employee as the complainant or as the respondent.

For complaints of sex discrimination that involve a College employee as the respondent, investigatory and disciplinary procedures required by any applicable collective bargaining agreement will apply in addition to these Procedures.

C. External Agencies

Inquiries concerning the application of Title IX may be referred to the Assistant Secretary for Civil Rights at the United States Department of Education:

Office for Civil Rights, Chicago Office
 U.S. Department of Education
 Citigroup Center
 500 W. Madison Street, Suite 1475
 Chicago, IL 60661-4544
 Telephone: (312) 730-1560
 Email: OCR.Chicago@ed.gov

Additionally, the Illinois Department of Human Rights has established a helpline for individuals to obtain information about their reporting options and referrals to other resources. The helpline is available Monday through Friday, from 8:30 a.m. to 5:00 p.m., at (877) 236-7703.

IV. Options for Assistance Following an Incident of Sex Discrimination

A. Emergency Services

Anyone who experiences or observes an emergency situation should immediately call 911 and/or one of the phone numbers listed below:

Heartland Community College Public Safety	309-268-8300 (8300 on campus)
Normal Police Department	911

B. Crisis Response Services

The following on- and off-campus resources can provide an immediate confidential* response in a crisis situation, as well as ongoing assistance and support:

On-Campus Confidential Employees:

Student Counseling and Wellness Services Staff (309) 268-8390

Off-Campus Confidential Resources:

Prairie Center Against Sexual Assault
(217) 753-8081
3 West Old State Capitol Suite 206
Springfield, IL 62701 (217) 744-2560, x103
<http://www.prairiecasa.org>

Counties Served: Cass, Christian, Greene, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Sangamon, Scott

Safe Journeys Pontiac Outreach (800) 892-3375
815 North Ladd Street
Pontiac, IL 61764
(815) 844-0982

Stepping Stones Sexual Assault Services YWCA McLean County
(309) 827-4005
1201 N. Hershey Road
Bloomington, IL 61704
(309)662-0461x271
<http://www.ywcamclean.org> Counties Served: McLean

National Sexual Assault Telephone Hotline 1-800-656-4673 (HOPE)

*Indicates Confidential Advisors, as defined in Appendix A.

Note: While the above-listed individuals may maintain a reporting person's confidentiality vis-à-vis the College, they may have reporting or other obligations under State law.

C. Medical Services

Individuals may seek treatment for injuries, preventative treatment for sexually transmitted disease, and/or other health services by contacting one of the following health care providers:

Abraham Lincoln Memorial Hospital-Logan County*
They have 3 SANE nurses that can treat on-site

OSF-Pontiac-Livingston County*
They would transfer patients to OSF in Bloomington for an examination

Carle-McLean County*
They have SANE nurses, but can only see patients over the age of 13. Anything younger they would send to OSF-Bloomington.

*Indicates health care options which provide medical forensic services (rape kits) and/or Sexual Assault Nurse Examiners at no cost, pursuant to the *Sexual Assault Survivors Emergency Treatment Act* (410 ILCS 70).

Seeking medical treatment also serves to preserve physical evidence of sexual violence.

Off-campus health care providers will generally maintain confidentiality and not share information with the College unless the reporting person requests the disclosure and signs a consent or waiver form. Note, however, that while these health care providers may maintain a reporting person's confidentiality vis-à-vis the College, they may have other reporting obligations under State law.

V. Reporting Sex Discrimination

The College encourages individuals who have experienced sex discrimination to talk with someone about what happened so that they can get the support they need and so that the College can respond appropriately.

A. Reporting Options and Notification Requirements

Different employees on campus have different notification obligations when they receive information about conduct that may reasonably constitute sex discrimination. The following sections detail the various reporting options for students, employees and other individuals, along with the applicable notification requirements for each option.

1. Reporting to the Title IX Coordinator

Individuals are encouraged to report alleged incidents of sex discrimination to the Title IX Coordinator directly. The College's Title IX Coordinator(s) is:

Associate Vice President, Enrollment and Student Services

2. Reporting to Responsible Employees

Some College employees (referred to as "Responsible Employees") are required to notify the Title IX Coordinator when they have information about conduct that may reasonably constitute sex discrimination. This notification must include all relevant details about the alleged sex discrimination, including the date, time and specific location of the alleged incident(s) and the names of all involved individuals. To the extent possible, information shared with a Responsible Employee will be disclosed only to the Title IX Coordinator and/or those individuals responsible for handling the College's response to the report.

The following categories of employees are the College's Responsible Employees:

- College Administrators
- Supervisors and Managerial Staff
- Faculty
- Public Safety
- Athletic Coaches
- Student Organization Advisors
- Student Services Staff

3. Confidential Reporting

Individuals who wish to confidentially report an incident of sex discrimination may make a confidential* report to the following on-campus Confidential Employees or off-campus confidential resources:

On-Campus Confidential Employees:

- Director, Student Counseling and Wellness
 - Camille Springer: Camille.springer@heartland.edu; (309) 268-8391
- Licensed Counselors in Student Counseling and Wellness Services

- counseling@heartland.edu; (309) 268-8390
- Counseling Interns and Practicum Students in Student Counseling and Wellness Services
 - counseling@heartland.edu; (309) 268-8390

A Confidential Employee is required to explain the following to any person who informs the Confidential Employee of conduct that may reasonably constitute sex discrimination:

- The employee’s status as confidential, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
- How to contact the Title IX Coordinator and how to make a complaint of sex discrimination; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

Off-Campus Confidential Resources:

See the Student Counseling and Wellness Services webpage for information about off-campus and community resources:

<https://www.heartland.edu/counseling/resources.html>

*Indicates Confidential Advisors, as defined in Appendix A.

The confidential resources listed in this section are not required to report any information about an alleged incident to the Title IX Coordinator without the reporting party’s permission.

Note: While the resources listed above may maintain an individual’s confidentiality vis-à-vis the College, they may have reporting or other obligations under State law. Any College employee who suspects or receives knowledge that a person may be an abused or neglected child must: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

Also Note: If the College determines that a person alleged to be the perpetrator of sex discrimination poses a serious and immediate threat to the College community, the College may be required to issue a timely warning to the College community. Any such warning will not include any information that identifies the person alleged to be the victim.

4. Reporting to Other College Employees

While only designated Responsible Employees are required to notify the Title IX Coordinator when the Responsible Employee has information about conduct that may reasonably constitute sex discrimination, all members of the College community (including students) are encouraged to notify the Title IX Coordinator when they have information about such incidents.

An employee who is not a Responsible Employee or confidential employee and who receives information about conduct that may reasonably constitute sex discrimination is **required** to either:

- Notify the Title IX Coordinator; or
- Provide the reporting party with the contact information of the Title IX Coordinator and information about how to make a complaint under these Procedures.

5. Electronic Reporting and Anonymous Reports

The College maintains an online system for electronic reporting, which can be found at the following link: https://cm.maxient.com/reportingform.php?HeartlandCC&layout_id=1. The reporting party may choose to provide their identity or may choose to report anonymously. The system will notify the reporting party, before they enter information, that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation. Where a reporting party chooses to provide their identity and contact information through the online system, the College will respond to the reporting party within 12 hours with a copy of the notification of rights and options described in Section VI below.

B. Student Participation in Public Awareness Events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents are not considered notice to the College of sex discrimination for purposes of triggering an obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ rights at these events.

C. Knowingly False Reporting and Statements

A person who knowingly makes a false report of sex discrimination may be subject to disciplinary action, up to and including suspension, expulsion, or termination. The College will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether sex discrimination occurred. The College is still permitted to address false reports and statements by initiating a disciplinary process under its Student Code of Conduct or employee policies as long as there is evidence independent of the determination whether sex discrimination occurred.

VI. College Response to Allegations of Sex Discrimination

Upon being notified of alleged conduct that the notifying party believes reasonably may constitute sex discrimination, the Title IX Coordinator will analyze the allegation(s) to determine the appropriate method for processing the allegation(s). Where the Title IX Coordinator reasonably determines that the conduct as alleged could constitute sex discrimination, the Title IX Coordinator or designee will take appropriate action to promptly and effectively end any sex discrimination in the College's education program or activity, prevent its recurrence, and remedy its effects. Such action will include, but not be limited to, the following:

- Treat the complainant and respondent equitably.
- Offer and coordinate supportive measures, as appropriate, for the complainant (see Section VI.A below).
- If the College has initiated the grievance procedures (see Section VII) or offered an informal resolution process to the respondent (see Section VIII), offer and coordinate supportive measures, as appropriate, for the respondent.
- Notify the complainant or, if the complainant is unknown, the individual who reported the alleged conduct, of the grievance procedures and the informal resolution process, if available and appropriate, and concise written information about the complainant's rights and options pursuant to these Procedures.
- In response to a complaint, initiate the grievance procedures, or the informal resolution process if available and appropriate and requested by both parties.
- In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, considering the factors outlined in Section VII.A.2.
- If electing to initiate a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

A. Supportive Measures

Supportive measures (also referred to as "interim protective measures") are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a

complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent, to: (1) restore or preserve a party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; and (2) provide support during the College's grievance procedures or during an informal resolution process.

Examples of supportive measures that the College may offer include, but are not limited to:

- Counseling and mental health support;
- Extensions of deadlines or other course-related adjustments;
- Leaves of absence;
- Changes to academic, extracurricular, living, dining, transportation and/or working schedules or situations;
- Campus escort services;
- Increased security or monitoring of certain areas of campus;
- Issuance and enforcement of campus no contact orders;
- Enforcement of an order of protection or no contact order entered by a State civil or criminal court; and/or
- Training and education programs related to sex discrimination.

1. Coordination of Supportive Measures

The Title IX Coordinator is responsible for the offering and coordination of supportive measures, as appropriate, for the complainant and/or respondent. While the particular supportive measures offered will vary depending on what the College deems reasonably available, any supportive measures offered will be designed to protect the safety of the parties or the College's educational environment, or to provide support during the grievance procedures or during the informal resolution process. Supportive measures will not unreasonably burden either party and will not be imposed for punitive or disciplinary reasons.

If the complainant or respondent is a student with a disability, the Title IX Coordinator may consult, as appropriate, with the Student Access and Accommodation Services office to determine how to comply with Section 504 of the Rehabilitation Act of 1973.

At the conclusion of the grievance procedures or at the conclusion of the informal resolution process, the Title IX Coordinator will determine whether to modify or terminate, as appropriate,

any supportive measures previously implemented, or whether to continue such measures beyond that point.

The Title IX Coordinator will ensure that information about supportive measures are not disclosed to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the College's education program or activity, or as otherwise permitted by law, in conjunction with any response required by these Procedures.

2. Modification or Reversal of Supportive Measures

The Title IX Coordinator will provide the parties with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. A party wishing to seek modification or reversal of a supportive measure decision must submit a written request to the Title IX Coordinator, which the Title IX Coordinator will forward to the designated impartial employee.

Upon the impartial employee's receipt of the written request, the impartial employee will review the request and other relevant information to determine:

- Whether the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures (see Appendix A); and
- If so, whether modification or reversal of the supportive measures decision is appropriate.

Upon conclusion of the review, the impartial employee will notify the requesting party and the Title IX Coordinator of the outcome of the review. As appropriate, the impartial employee will notify the other party of any modifications to a supportive measure applicable to that party that results from the review.

B. Emergency Removal and/or Administrative Leave

Prior to initiating or completing the grievance procedure(s) or the informal resolution process, or in the absence of a complaint, the College may remove a respondent from the College's education program or activity on an emergency basis, where the College determines, based on an individualized safety and risk analysis, that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal. In such a case, the College will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Nothing in these Procedures limits the College's ability to place an employee on administrative leave in response to allegations of misconduct.

C. Clery Act Obligations

In accordance with the Clery Act, the College will issue timely warnings to the campus community about crimes that have already occurred but that may continue to pose a serious or ongoing threat to students and employees. The Clery Act also requires the College to maintain a public crime log and publish an Annual Security Report (“ASR”) available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault.

VII. Grievance Procedures for Sex Discrimination Complaints

This Section provides the College’s grievance procedures for investigating and adjudicating complaints of alleged sex discrimination. The procedures in Section VII.A apply to all complaints of alleged sex discrimination, except as provided in Section VII.B. The supplemental/alternative procedures in Section II.B apply only to complaints of alleged sex-based harassment involving a student party (complainant or respondent), in addition to (or in lieu of, where noted) the procedures outlined in Section VII.A.

A. Procedures for All Sex Discrimination Complaints

1. General Guidelines

The College’s grievance procedures adhere to the following general guidelines:

- The College will treat complainants and respondents equitably.
- The College will ensure that any person designated as a Title IX Coordinator, Investigator, or Decisionmaker has been trained to serve in their designated role consistent with applicable legal requirements.
- The College will require that any person designated as a Title IX Coordinator, Investigator, or Decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- The respondent will be presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
- The College will not impose discipline on a respondent for sex discrimination unless there is a determination at the conclusion of these grievance procedures that the respondent engaged in prohibited sex discrimination.
- The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedure. These steps will not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise

prepare for or participate in the grievance procedures. The parties are expressly prohibited from engaging in any form of retaliation, including against witnesses.

- The College will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence.
- Impermissible evidence will not be accessed, considered, disclosed, or otherwise used, except by the College to determine whether one of the exceptions to impermissibility outlined below applies. The following types of evidence, and questions seeking that evidence, are considered impermissible:
 - Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
 - A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use of such records in the College's grievance procedures.
 - Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is:
 - Offered to prove that someone other than the respondent committed the alleged conduct; or
 - Evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.
 - Note: The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
- The grievance procedures will be implemented in a prompt and equitable manner. Timeframes for the major stages of the grievance procedures are outlined in Sections VII.A and VII.B. The College may reasonably extend timeframes and

deadlines on a case-by-case basis for good cause with a written notice to the parties that includes the reason for the delay. A party wishing to request an extension of a deadline must notify the College in writing of their request, including the reason for the request, at least one (1) business day in advance of the deadline. Both parties will be notified in writing of the College's determination and any amended timeframe and/or deadline that applies as a result of the determination.

- Where an appeal is filed, the College will implement appeal procedures equally for both parties and will ensure that the Appellate Decisionmaker did not take part in the underlying investigation or determination regarding responsibility or dismissal of the complaint.

2. Complaint Initiation

The following individuals have a right to make a complaint under these grievance procedures:

- (a) A complainant, as defined in Appendix A;
- (b) A parent, guardian or other authorized legal representative, with the legal right to act on behalf of a complainant;
- (c) The College's Title IX Coordinator, after making the determination specified in this Section VII.A.2; and
- (d) For complaints of sex discrimination other than sex-based harassment, in addition to the individuals listed under items (a) through (c) above:
 - (i) Any student or employee; or
 - (ii) Any person other than a student or employee who was participating in or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a complaint, considering, at a minimum, the following factors:

- The complainant's request not to proceed with initiation of a complaint;
- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;

- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the College;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred; and
- Whether the College could end the alleged discrimination and prevent its recurrence without initiating the grievance process.

3. Complaint Evaluation

When a complaint is filed, the Title IX Coordinator will, within ten (10) business days of their receipt of the complaint, evaluate whether to investigate or dismiss the complaint. In evaluating the complaint, the Title IX Coordinator will analyze the allegations to determine whether the conduct as alleged could constitute sex discrimination and whether any of the bases for dismissal in Section VII.A.4 apply.

Where the Title IX Coordinator determines that the conduct as alleged could constitute sex discrimination and that none of the bases for dismissal in Section VII.A.4 apply, the Title IX Coordinator will initiate the grievance procedures and issue a notice of allegations to both parties (see Section VII.A.6). Where the Title IX Coordinator determines that the conduct as alleged would not constitute sex discrimination or that one or more bases for dismissal in Section VII.A.4 apply, the Title IX Coordinator will dismiss the complaint, or allegations therein, as provided in Section VII.A.4, and will issue written notice of the dismissal to the complainant. Dismissal of a complaint under these Procedures does not preclude action under other College policies and procedures.

4. Complaint Dismissal

The College may dismiss a complaint if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by the College;

- The complainant voluntarily withdraws any or all of the allegations in writing, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the withdrawn allegations, the remaining alleged conduct, if any, would not constitute sex discrimination even if proven; and/or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination. Before dismissing the complaint on this basis, the College will make reasonable efforts to clarify the allegations in the complaint.

Upon dismissal, the College will promptly notify the complainant in writing of the ground(s) for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will notify the parties simultaneously in writing of the dismissal and the ground(s) for the dismissal. Any written notice of dismissal will include information about the right to appeal the dismissal and the permissible bases for appeal. If a dismissal is appealed, the College will follow the procedures outlined in Section VII.A.9.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant, as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent, as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

5. Consolidation of Complaints

The College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by the one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. If one of the complaints to be consolidated is a complaint of sex-based harassment involving a student party (complainant or respondent), the College will apply the additional/alternative procedures in Section VII.B.

6. Notice of Allegations

Upon initiation of an investigation under these grievance procedures, the College will notify the parties in writing of the following, with sufficient time for the parties to prepare a response before any initial interview:

- These grievance procedures, including the informal resolution process (if applicable);

- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- The College’s prohibition on retaliation;
- That the respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures;
- That prior to a determination regarding responsibility being made, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- That the parties will be afforded an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.
 - Note: If the College provides access to an investigative, the College will offer an equal opportunity to access the relevant and not impermissible evidence upon the request of any party; and
- That the parties may be accompanied to any meeting or proceeding by an advisor of their choice who may be, but is not required to be, an attorney;
- That both the student and employee Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, during the course of an investigation, the College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

7. Investigation

The Title IX Coordinator will appoint one or more trained Investigators to undertake an adequate, reliable, and impartial investigation into the complaint. The burden is on the College—not the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred, if such evidence is available.

When a party’s (complainant or respondent) participation is invited or expected at an investigative interview or other meeting, the Investigator will provide that party with written notice of the date,

time, location, participants, and purpose of the interview or meeting with sufficient time for the party to prepare to participate.

The Investigator will provide the parties with the same opportunity to be accompanied to any meeting or proceeding during the investigation phase by an advisor of their choice, who may be, but is not required to be, an attorney. The Investigator will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding. However, the advisor's role during the investigation phase will be limited to providing support, guidance and/or advice to the party. A party's advisor may not speak on behalf of the party during any interview or meeting and must comply with all behavioral rules and expectations set forth in these Procedures or established by the Investigator. Additionally, in the event that the Investigator allows a party to have a person or persons other than their advisor present at an investigative interview or meeting, the Investigator will provide the same opportunity to the other party.

The Investigator will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. The Investigator has discretion to determine whether the parties may present expert witnesses, so long as the determination applies equally to both parties.

The Investigator will review all evidence gathered through the investigation and determine what, if any evidence is irrelevant or otherwise impermissible in accordance with the guidelines on permissibility outlined in Section VII.A.1.

After the Investigator completes the investigation, including conducting all relevant investigatory interviews and gathering and reviewing all evidence to determine its relevance and permissibility, the Investigator will provide both parties and the parties' advisors, if any with notice of the opportunity to access either the relevant and not otherwise impermissible evidence or a written investigative report that accurately summarizes this evidence, as well as a reasonable opportunity to review and respond to the evidence or investigative report. If the Investigator provides a written investigative report, the Investigator will also provide each party with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

The College will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

The investigation phase, including the timeframe for the parties to access and submit a response to the written investigative report or the relevant and not otherwise impermissible evidence, shall be completed within thirty (30) business days after the Investigator's receipt of the notice of allegations, unless the timeframe is extended pursuant to Section VII.A.1 of these Procedures.

8. Decisionmaker Review and Determination

Upon the conclusion of the investigation phase, the Title IX Coordinator will appoint an impartial Decisionmaker to make a determination regarding responsibility relative to the complaint. The

Title IX Coordinator will provide the Decisionmaker with a copy of the investigative report, if any, the relevant and not otherwise impermissible evidence gathered during the investigation, and the parties' responses to the investigative report or evidence, if any ("investigative materials").

The College will provide a process that enables the Decisionmaker to question parties and witnesses to adequately assess a party's or a witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. For complaints that are not of sex-based harassment involving a student party, the Decisionmaker will have discretion to question parties and witnesses in person, by phone or other remote means, or in writing as necessary to assess the party's or witness's credibility.

The Decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Decisionmaker will not draw an inference about whether sex discrimination occurred based solely on a party's or witness's refusal to respond to such questions.

Following the Decisionmaker's review and evaluation of all relevant and not otherwise impermissible evidence, the Decisionmaker will:

- Within fifteen (15) business days after the Decisionmaker's receipt of the investigatory materials, use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred.
- Within seven (7) business days after making the determination, notify the parties simultaneously in writing of the determination regarding responsibility. The written determination will include:
 - A description of the alleged sex discrimination;
 - Information about the policies and procedures that the Decisionmaker used to evaluate the allegations;
 - The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex discrimination occurred;
 - Any disciplinary sanctions that the Decisionmaker recommends be imposed on the respondent;
 - Whether remedies other than the imposition of disciplinary sanctions will be provided to the complainant; and
 - The College's procedures and permissible bases for the complainant and respondent to appeal.

The determination regarding responsibility will become final either on the date that the College provides the parties with the written appeal determination, or, if no party appeals, the date on which an appeal would no longer be considered timely.

9. Appeals

Both parties will have the right to appeal any determination regarding responsibility, and any dismissal of a complaint or allegations therein, to a designated Appellate Decisionmaker. An appeal must be based on one or more of the following grounds:

- A procedural irregularity that would change the outcome of the determination or dismissal;
- New evidence that would change the outcome of the determination or dismissal and that was not reasonably available when the determination or dismissal was made; and/or
- The Title IX Coordinator, Investigator or Decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome of the determination or dismissal.
- For complaints that do not involve sex-based harassment involving a student party, an appeal can be filed based on the grounds that the sanction is disproportionate with the violation.

A party wishing to appeal a dismissal or determination regarding responsibility must submit a written appeal request to the Title IX Coordinator within seven (7) business days of the party's receipt of the written determination or notice of dismissal.

Within seven (7) business days after the Title IX Coordinator's receipt of an appeal request, the Title IX Coordinator will forward the appeal request and all relevant materials to the appointed Appellate Decisionmaker and will notify both parties in writing of the appeal, including providing the respondent with notice of the allegations, if notice was not previously provided to the respondent. The written notice of appeal will also notify the parties of their reasonable and equitable opportunity to submit a statement in support of, or challenging, the determination or dismissal that is the subject of the appeal.

Within ten (10) business days after the deadline for the parties to submit their statements in support of, or challenging the determination or dismissal, the Appellate Decisionmaker will review the appeal and relevant materials and decide whether to affirm, reverse, or modify the dismissal or determination regarding responsibility. Within seven (7) business days after the conclusion of the review, the Appellate Decisionmaker will notify both parties, in writing, of the result of the appeal and the rationale for the result. The Appellate Decisionmaker's determination is final.

10. Disciplinary Sanctions and Remedies

If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Possible disciplinary sanctions that the College may impose on a respondent include, but are not limited to:

- Suspension or expulsion from the College
- Restrictions on access to College property
- Suspension of employment
- Loss of employment
- Required trainings/Professional Development Plan

Any disciplinary sanctions against a respondent will not be implemented until the conclusion of the grievance procedures.

Possible remedies that the College may provide to a complainant or other individuals include, but are not limited to:

- Financial reimbursement for impacted coursework or salary
- Adjusted academic record
- Extensions for completion of academic requirements
- Relocation of work space
- On-campus counseling services

VIII. Informal Resolution Procedure

In lieu of resolving a complaint through the grievance procedures, the parties may instead request to participate in an informal resolution process. The College will inform the parties in writing of any informal resolution process that it offers and determines is appropriate, if one is available. The

College will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, the College will provide the parties with written notice of:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in grievance procedures if such procedures are initiated or resumed.

IX. Board Member Allegations

Members of the College's Board of Trustees and other elected officials should promptly report claims of sex discrimination against a Board member to the Board Chair or College President. If the report is made to the College President, the President shall promptly notify the Board Chair, or if the Board Chair is the subject of the complaint, the Board Vice Chair. When a complaint of sex discrimination is made against a member of the Board of Trustees, the Board Chair shall consult with legal counsel for the College to arrange for an independent review of the allegations. If the allegations concern the Board Chair, or the Board Chair is a witness or otherwise conflicted, the Board Vice Chair shall so consult with legal counsel. If the allegations concern both the Board Chair and the Board Vice Chair, and/or they are witnesses or otherwise conflicted, the Board Secretary shall so consult with legal counsel.

X. Prevention and Education for Students

The College will review, on an ongoing basis, its sex discrimination and sexual misconduct prevention and education programming to ensure that students are provided with substantive opportunities to learn about sex discrimination (including sex-based harassment), primary prevention, bystander intervention, risk reduction, consent, reporting methods, relevant College

policies and procedures, retaliation, survivor-centered and trauma informed response, relevant definitions, and other pertinent topics.

The College, in conjunction with its campus-wide task force established pursuant to the Campus Security Enhancement Act of 2008 (110 ILCS 12/10), will annually review its prevention and education offerings to identify ways in which to enhance its effectiveness.

XI. Training

All College employees receive annual training on the College's obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination, including the definition of sex-based harassment, and all applicable notification and information requirements under Section V.A of these Procedures.

In addition to the above training, the Title IX Coordinator, campus law enforcement, campus security, and anyone else involved in the receipt of reports of, responding to, investigating or adjudicating alleged incidents of sex discrimination, or in the referral or provision of services to survivors, receive annual education and training on primary prevention, bystander intervention, risk reduction, consent, reporting obligations, investigation procedures, confidentiality requirements, relevant College policies and procedures, retaliation, survivor-centered and trauma-informed response, relevant definitions, and other pertinent topics.

Individuals who investigate or resolve complaints, including through informal resolution, or who have the authority to modify or terminate supportive measures, receive at least 8-10 hours of annual training on issues related to *Preventing Sexual Violence in Higher Education Act* offenses including sexual violence, domestic violence, dating violence, and stalking; the College's obligations under Title IX and related laws; the definitions of sex discrimination and the specific forms of prohibited conduct; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; how to conduct the College's grievance procedures outlined in Section VII of these Procedures; and issues of relevance, including the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the grievance procedures. Decisionmakers also receive training on any technology to be used at question-and-answer meetings, informal resolution facilitators receive training on the rules and practices associated with the College's informal resolution process, and the College's Title IX Coordinator receives training on their specific responsibilities and on the College's recordkeeping system and applicable recordkeeping requirements.

All Confidential Advisors receive 40 hours of training on sexual violence before being designated a Confidential Advisor. Annually thereafter, Confidential Advisors attend a minimum of six (6) hours of ongoing educational training on issues related to sexual violence. Confidential Advisors also receive periodic training on the College administrative process, interim protective measures and accommodations, and the College's grievance procedures pursuant to Section VII above.

The College, in conjunction with its campus-wide task force established pursuant to the *Campus Security Enhancement Act of 2008* (110 ILCS 12/10), will annually review its training offerings to identify ways in which to enhance its effectiveness.

The training provided to College employees will not rely on sex stereotypes and will promote impartial investigations and adjudications of complaints of alleged sex discrimination.

APPENDIX A
Definitions

- A. **Bystander Intervention:** see Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- B. **Complainant:** (1) a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination; or (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and who was participating or attempting to participate in the College’s education program or activity at the time of the alleged sex discrimination.
- C. **Complaint:** an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged sex discrimination.
- D. **Confidential Advisor:** a person who is employed or contracted by the College to provide emergency and ongoing support to student survivors of sexual violence, as outlined in Section 20 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/20](#). Confidential Advisors may include persons employed by a community-based sexual assault crisis center with which the College partners. All Confidential Advisors receive 40 hours of training on sexual violence before being designated a Confidential Advisor. Annually thereafter, Confidential Advisors attend a minimum of six (6) hours of ongoing educational training on issues related to sexual violence. Individuals designated as “Responsible Employees” in these Procedures are not Confidential Advisors. A Confidential Advisor may or may not also be a Confidential Employee.
- E. **Confidential Employee:** an employee of the College who has confidential status with respect to information received while the employee is acting within the scope of the following duties and functions: (1) a person who is employed by the College whose communications are privileged or confidential under Federal or State law; (2) an employee whom the College has designated as confidential under Title IX for the purpose of providing services to persons related to sex discrimination; (3) an employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination. A Confidential Employee may or may not also be a Confidential Advisor.
- F. **Consent:** knowing and freely given agreement to engage in sexual activity. Coercion, force, or the threat of either invalidates consent. Consent may not be inferred from silence, passivity, or a lack of verbal or physical resistance. A person’s manner of dress does not constitute consent. Past consent to sexual activities does not imply ongoing or future consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. Consent may be withdrawn at any time. A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation

the following: 1) the person is incapacitated due to the use or influence of alcohol or drugs; 2) the person is asleep or unconscious; 3) the person is underage; or 4) the person is incapacitated due to a mental disability.

- G. **Dating Violence:** violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- H. **Disciplinary Sanctions:** consequences imposed on a respondent following a determination that the respondent violated the College's prohibition on sex discrimination.
- I. **Domestic Violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.
- J. **Hostile Environment Sex-Based Harassment:** unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity. Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following: (1) the degree to which the conduct affected the complainant's ability to access the College's education program or activity; (2) the type, frequency, and duration of the conduct; (3) the parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (4) the location of the conduct and the context in which the conduct occurred; and (5) other sex-based harassment in the College's education program or activity.
- K. **Incapacitation:** when a person is incapable of giving consent due to the person's age, use of drugs or alcohol, or an intellectual or other disability which prevents the person from having the capacity to give consent.
- L. **Intimidation:** to intentionally make another timid or fearful, to compel or deter by or as if by threats. Intimidation is a form of retaliation prohibited by the College's Policy Prohibiting Sex Discrimination and these Procedures.
- M. **Peer Retaliation:** retaliation by a student against another student.
- N. **Pregnancy or Related Conditions:** includes (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth,

termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.

- O. **Preponderance of the Evidence:** when considering all the evidence in the case, the Decisionmaker is persuaded that the allegations are more probably true than not true. The standard of proof requires the Decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under this standard that sex discrimination occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that sex discrimination occurred.
- P. **Relevant:** related to the allegations of sex discrimination under the investigation as part of these grievance procedures. Questions are relevant where they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.
- Q. **Remedies:** measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after the College determines that sex discrimination occurred.
- R. **Respondent:** a person who is alleged to have violated the College's prohibition on sex discrimination.
- S. **Responsible Employee:** a College employee who (a) has the authority to institute corrective measures on behalf of the College, or (b) has responsibility for administrative, leadership, teaching, or advising in the College's education program or activity. Section V.A.2 of these Procedures lists categories of employees who are Responsible Employees for the College.
- T. **Retaliation:** intimidation, threats, coercion, or discrimination by the College, a student, or an employee or other person authorized by the College to provide aid, benefit or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by the College's Policy Prohibiting Sex Discrimination and/or the laws and regulations cited therein, or because the person reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under these Procedures. Retaliation may result in disciplinary or other action independent of the sanctions, remedies or supportive measures imposed in response to the allegations of sex discrimination.
- U. **Sexual Assault:** an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- V. **Sex Discrimination:** discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.
- W. **Sex-Based Harassment:** a form of sex discrimination that is harassment on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity. Types of sex-based harassment include, but are not limited to, quid pro quo harassment, hostile environment harassment, and the specific offenses defined in Appendix A.
- X. **Sexual Violence:** physical sexual acts attempted or perpetuated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the person's age, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion. All such acts of sexual violence are forms of prohibited sex discrimination.
- Y. **Specific Offenses:** sexual assault, sexual violence, dating violence, domestic violence, and stalking, as defined in Appendix A.
- Z. **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.
- AA. **Supportive Measures:** individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) restore or preserve a party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment, or (2) provide support during the College's grievance procedures or during an informal resolution process.
- BB. **Survivor:** an individual who has experienced sexual violence, domestic violence, dating violence, or stalking while enrolled, employed, or attending an event at a higher education institution.
- CC. **Survivor-Centered:** See Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).
- DD. **Threat:** any oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause harm to persons or property.
- EE. **Trauma-Informed Response:** See Section 5 of the *Preventing Sexual Violence in Higher Education Act*, [110 ILCS 155/5](#).

FF. **Quid Pro Quo Harassment:** when an employee, agent, or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity explicitly or impliedly conditions the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct.