

LAKE LAND COLLEGE

PROCEDURES IMPLEMENTING THE COLLEGE'S POLICY ON SEXUAL HARASSMENT AND SEX DISCRIMINATION (BOARD POLICY 11.04.01)

The following procedures support Lake Land College Board Policy 11.04.01 Sexual Harassment and meet legal requirements in accordance with: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the College's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; relevant sections of the Illinois Human Rights Act, which prohibits discrimination on the basis of sex or sexual orientation, including gender-related identity; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which requires timely warning to the community of certain immediate threats; and the Illinois Preventing Sexual Violence in Higher Education Act. The College has an affirmative duty to take immediate and appropriate action once it knows of any act of sexual harassment/misconduct, or sex discrimination in any of its educational or employment programs or activities. The College will promptly and thoroughly investigate any complaints of sexual harassment/ misconduct and/or sex discrimination in accordance with the procedures set forth below.

TABLE OF CONTENTS

I.	Scope.....	2
	A. Students.....	2
	B. Non-Students.....	2
II.	Definitions.....	2
III.	Administration.....	5
	A. Title IX Complaints.....	5
	1. Title IX Coordinator.....	5
	2. Vice President for Student Services.....	6
	B. Complaints Solely Involving Employees and/or Visitors to the College.....	6
IV.	Options of Assistance Following an Incident of Sexual Harassment /Misconduct and Sex Discrimination .	6
	A. Immediate Assistance.....	6
	B. Ongoing Assistance for Students.....	7
	C. Ongoing Assistance for Employees.....	8
V.	Procedures Governing Student Complaints.....	8
	A. Student Reporting and Confidentiality.....	8
	1. Student Privileged and Confidential Communications.....	9
	2. Student Reporting to Responsible Employees.....	10
	3. Electronic or Anonymous Reporting.....	11
	4. Student Requesting Confidentiality from the College: How the College Will Respond.....	11
	B. Employee Reporting and Disclosing Sexual Harassment/Misconduct of a Student.....	12
	C. Interim Measures.....	12
	D. False Complaints.....	13
	E. Public Awareness Events.....	13
	F. Clery Reporting Obligations.....	13
VI.	Student Complaint Investigation Procedures.....	13
	A. Investigation Procedures.....	13
	B. Determination.....	14
	C. Disciplinary Sanctions, Protective Actions and Remedies.....	14
	D. Retaliation.....	15
VII.	Appeal Procedures for Student Victims and/or Complainants and Student Respondents.....	16
VIII.	Prevention and Education for Students.....	17
IX.	Employee Training.....	17

I. SCOPE

A. Students: Sections I-VIII of these Procedures govern sexual harassment/misconduct or sex discrimination involving students, such as:

1. A student victim and/or complainant and a student respondent;
2. A student victim and/or complainant and an employee or third-party respondent;
3. An employee victim and/or complainant and a student respondent; and
4. A third-party victim and/or complainant and a student respondent.

B. Non-Students: Sections I-IV of these Procedures govern sexual harassment/misconduct or sex discrimination which solely involves employees, elected officials, consultants, contractors, vendors, and/or visitors to the College.

II. DEFINITIONS

Awareness Programming: institutional action designed to communicate the prevalence of sexual violence, including without limitation training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions.

Bystander Intervention: the act of challenging the social norms that support, condone, or permit sexual harassment/misconduct or sex discrimination. A bystander is anyone who observes an emergency or a situation that looks like someone could use some help. They must then decide if they are comfortable stepping in and offering assistance.

Confidential Advisor: a person who is employed or contracted by the College to provide emergency and ongoing support to student survivors of sexual violence. Confidential advisors receive 40 hours of training on sexual violence before being designated as confidential advisors, and thereafter receive a minimum of six hours of annual training on issues related to sexual violence. Confidential advisors also receive periodic training on the College administrative process, interim protective measures and accommodations, and complaint resolution procedures. Confidential advisors may include persons employed by a community-based sexual assault crisis center with whom the College partners. Individuals designated as "Responsible Employees" are not confidential advisors.

Consent: Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. 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, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). 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 under age; or 4) the person is incapacitated due to a mental disability. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Coercion, force, or the threat of either invalidates consent.

Dating Violence: The term dating violence means 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.

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.

Hate Crime: an act or an attempted act that violates a criminal statute by any person that in any way constitutes an expression of hostility toward the victim because of his or her sex, race, ethnicity, religion, age, disability, national origin, sexual orientation, or gender-related identity, color, marital status, military status or unfavorable military discharge.

Hostile Environment Caused by Sexual Harassment: a sexually harassing hostile environment is created when conduct by an individual is so severe, pervasive or persistent that it denies or limits an individual's ability to participate in or receive the benefits, services or opportunities of the College's educational programs or activities or the individual's employment access, benefits or opportunities. In determining whether a hostile environment has been created, the conduct in question will be considered from both a subjective and an objective perspective of a reasonable person in the alleged victim's position, considering all the circumstances.

Incapacitation: When a person is incapable of giving consent due to the person's age, use of drugs or alcohol, or because an intellectual or other disability which prevents the person from having the capacity to give consent.

Intimidation: To make timid or fearful, to compel or deter by or as if by threats. Intimidation is a form of retaliation prohibited by the College's Sexual Discrimination, Harassment and Misconduct Policy and Procedures.

Preponderance of the Evidence: When considering all the evidence in the case, the decision maker is persuaded that the allegations are more probably true than not true.

Primary Prevention Programming: Institutional action and strategies intended to prevent sexual violence before it occurs by means of changing social norms and other approaches, including without limitation training, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions.

Retaliation: Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperating in the investigation of such allegations (including testifying, assisting or participating in any manner in an investigation) is strictly prohibited. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by the College's Sexual Harassment Policy (11.04.01) and Procedures. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the allegations of sexual harassment/misconduct or sex discrimination.

Sexual Assault: Any type of sexual contact or behavior that occurs by force or coercion or without consent of the recipient of the unwanted sexual activity. It includes sexual acts against a person who is unable to consent either due to age or lack of capacity or impairment. Examples include forced sexual intercourse, sodomy, child molestation, incest, fondling, attempted rape, statutory rape and rape. Sexual assault can occur between members of the same or opposite sex. Sexual assault includes any forced act against one's will where sex is the weapon.

- "Non-consensual sexual contact" is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. Sexual contact is intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts;

any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

- “Non-consensual sexual intercourse” is any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sex Discrimination: Discrimination on the basis of sex, sexual orientation or gender-related identity. Sex discrimination includes sexual harassment, sexual misconduct and sexual violence.

Sexual Exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual’s sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or a sexually transmitted disease to another, or exposing one’s genitals to another in non-consensual circumstances.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or any other verbal, non-verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic advancement, evaluation, or grades;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting that individual;
3. Such conduct has the purpose or effect of substantially interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Examples of conduct of a sexual nature include:

1. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion or academic advancement, evaluation, or grades;
2. Suggesting sexual involvement to, or demanding sexual involvement of, another individual where such person has made it clear that such a suggestion or demand is unwelcome;
3. Any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendos about an individual’s clothing, appearance or activities; jokes about sex or gender-specific traits; public conversations about sexual activities or exploits; suggestive sounds such as howling, catcalls, and whistles;
4. Unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
5. Unwelcome leers, stares, gestures or slang that are sexually suggestive, sexually degrading or imply sexual motives or intentions;
6. Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another’s body parts, cornering or blocking an individual, standing too close, following, stalking, kissing, hugging, pinching, etc.;
7. Any coerced sexual act or physical assault;
8. Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
9. Any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning or that is based on sexual stereotypes and attitudes.

Sexual Misconduct: Includes sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence and stalking.

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 sex discrimination prohibited by Title IX.

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.

Survivor-Centered: a systematic focus on the needs and concerns of a survivor of sexual violence, domestic violence, dating violence, or stalking that: 1) ensures the compassionate and sensitive delivery of services in a nonjudgmental manner; 2) ensures an understanding of how trauma affects survivor behavior; 3) maintains survivor safety, privacy, and, if possible, confidentiality; and 4) recognizes that a survivor is not responsible for the sexual violence, domestic violence, dating violence, or stalking.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for his or her safety or the safety of others; or 2) suffer substantial emotional distress.

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.

Trauma-Informed Response: a response involving an understanding of the complexities of sexual violence, domestic violence, dating violence, or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual violence, domestic violence, dating violence, or stalking, and understanding the behavior of perpetrators.

III. ADMINISTRATION

A. TITLE IX COMPLAINTS INVOLVING STUDENTS

Title IX complaints include complaints alleging sexual harassment/misconduct and or sex discrimination (as those terms are defined herein) which involve a College student as the victim and/or complainant or as the respondent.

1. **Title IX Coordinator:** The College has designated Title IX Coordinator duties as follows.

Title IX Coordinator
Dustha Wahls, Director of Human Resources
Lensink Hall, Office #2
217-234-5210
dwahls@lakelandcollege.edu

Deputy Title IX Coordinator
Colleen Winchester, Senior Human Resources
Generalist and College Compliance Coordinator
Lensink Hall, Office #4
217-234-5000
cwinchester@lakelandcollege.edu

Responsibilities of the Title IX Coordinator include:

- Overseeing the College's response to all Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.
- Being informed of all reports and complaints raising Title IX issues, including those initially filed with another individual or office or if the investigation will be conducted by another individual or office.
- Ensuring that adequate training is provided to students, faculty and staff on Title IX issues.
- Conducting Title IX investigations, including investigating facts relative to a complaint and recommending appropriate sanctions against the perpetrator and remedies for the complaint.
- Ensuring appropriate interim measures for a victim and/or complainant upon learning of a report or complaint of sexual violence.

- Ensuring that appropriate policies and procedures are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Promoting an educational and employment environment which is free of sexual discrimination and gender bias.

Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to the United States Department of Education’s Office for Civil Rights:

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

2. Vice President for Student Services: The Vice President for Student Services implements student disciplinary procedures related to this policy in accordance with Board Policy 07.28.01 Student Code of Conduct and Disciplinary Procedures.

Dr. Tina Stovall
 Vice President for Student Services
 Board and Administration Center, Office #6
 Lake Land College
 5001 Lake Land Blvd.
 Mattoon, IL 61938
 Phone: 217.234-5230
 Email: tstovall@lakelandcollege.edu

B. COMPLAINTS SOLELY INVOLVING EMPLOYEES, ELECTED OFFICIALS, CONSULTANTS, CONTRACTORS, VENDORS AND/OR VISITORS TO THE COLLEGE

An employee, elected official (trustee), consultant, contractor, vendor or visitor to the College should notify the Director of Human Resources if he or she believes that the College, its employees or agents have engaged in sexual harassment/misconduct or sex discrimination, of an employee or visitor to the College in violation of Board Policy 11.04.01.

The Director of Human Resources may attempt to resolve complaints informally. However, if a formal complaint is filed, the Director will address the complaint promptly and equitably in accordance with the procedures outlined in Board Policy 11.04.

IV. OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL HARASSMENT/MISCONDUCT AND/OR SEX DISCRIMINATION

A. Immediate Assistance

Emergency Response: Anyone who experiences or observes an emergency situation should immediately call 911.

Medical Treatment and Other Health Care Options: Victims may seek treatment for injuries, preventative treatment for sexually transmitted disease, and other health care options at their local hospital*. Seeking medical treatment also serves to preserve physical evidence of sexual violence. The hospital nearest to the Lake Land College campus:

Sarah Bush Lincoln Health Center
1000 Health Center Drive
Mattoon, IL 61938
Telephone: 217-258-2525

*Hospital emergency rooms provide medical forensic services (rape kits) and/or Sexual Assault Nurse Examiners at no cost pursuant to the Illinois Sexual Assault Survivors Emergency Treatment Act (410 ILCS 70).

Advocate Support: Anyone assaulted who would like an advocate present with them at the hospital, may call the Sexual Assault Counseling and Information Services (SACIS) Toll-Free Hotline at 1-888-345-2846.

24 Hour Crisis and Help-Lines: The following resources can provide both immediate and ongoing assistance for sexual assault victims.

Sexual Assault Counseling and Information Services (SACIS)

Provides crisis and on-going services to victims of sexual violence. Counseling services are also available to the victims' significant other. Services include individual and group counseling, medical and criminal justice advocacy, information and referral, institutional advocacy, public education and professional training. All services are free and confidential!

1505 18th Street, Suite 2, Charleston, Illinois 61920

Charleston, Illinois 61920

24-hour hotline: 1-888-345-2846

Office Phone Number: 217-348-5033

Email: advocate@sacis.org

Facebook: [Sexual Assault Counseling and Information Service](#)

HOPE of East Central Illinois – Coalition Against Domestic Violence

The mission of HOPE is to empower persons to live independent, non-violent lives through the provisions of Housing, Outreach, Prevention, and Education. HOPE maintains a 24-hour, 7 day a week, 365 day a year toll-free crisis hotline providing support, intervention, information, and referrals.

24-hour hotline: 1-888-345-3990.

<http://www.hope-eci.org>

National Sexual Assault Hotline

Live help for sexual assault victims and their friends and families. Free. Confidential. Secure.

Available online or by telephone.

24-hour hotline: 1-800-656-HOPE (4673)

<https://ohl.rainn.org/online/>

National Domestic Violence Hotline

Provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse. Callers to the Hotline can expect highly trained experienced advocates to offer compassionate support, crisis intervention information and referral services in over 170 languages. Visitors to the website can find information about domestic violence, safety planning, local resources and ways to support the organization.

24-hour hotline: 1-800-799-SAFE (7233)

<http://www.thehotline.org>

B. Ongoing Assistance for Students

On Campus Advocacy and Support – Confidential Advisors

Counseling Services

Luther Student Center, room 435

217-234-5232

counsel@lakelandcollege.edu

College Nurse

Luther Student Center, room 512

217-234-5276

suphoff@lakelandcollege.edu

Academic Accommodations and Interim Measures

Counseling Services

Luther Student Center, room 435

217-234-5232

counsel@lakelandcollege.edu

Community Counseling, Advocacy and Support Resources

Illinois Coalition Against Sexual Assault (ICASA)

Including SACIS, ICASA coordinates 29 community-based sexual assault crisis centers, providing 24/7 intervention and support. For additional centers throughout Illinois, visit ICASA at www.icasa.org.

HOPE of East Central Illinois – Coalition Against Domestic Violence

The mission of HOPE is to empower persons to live independent, non-violent lives through the provisions of Housing, Outreach, Prevention, and Education. HOPE maintains a 24-hour, 7 day a week, 365 day a year toll-free crisis hotline providing support, intervention, information, and referrals.

701 6th Street, Charleston, IL 61920

24-hour hotline: 1-888-345-3990

Office Phone: 217-348-5931

<http://www.hope-eci.org>

C. Ongoing Assistance for Employees

In addition to the Community Counseling, Advocacy and Support Resources previously listed, employees may contact:

Employee Assistance Program-Sarah Bush Lincoln Health Center

Prairie Pavilion 1

1005 Health Center Drive, Suite 102

Mattoon, IL 61938

217- 258-4040 or 217-348-4040; After hours, weekends and holidays (800) 500-HELP

V. PROCEDURES GOVERNING STUDENT COMPLAINTS

A. Student Reporting and Confidentiality

The College encourages student victims of sexual harassment/misconduct or sex discrimination, including sexual violence, to talk to somebody about what happened so that victims can get the support

they need and so that the College can respond appropriately. Different employees on campus have different abilities to maintain a student victim's confidentiality:

- Some employees are required to maintain near complete confidentiality.
- Some employees may talk to a student victim in confidence and generally only report to the College that an incident occurred without revealing any personally identifying information.
- Some employees are required to report all the details of an incident (including identities of the student victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees, called "Responsible Employees", constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

The various reporting and confidential disclosure options available are set forth in further detail below. Regardless of to whom a report is made, the College is obligated to provide the student victim with concise information, written in plain language, concerning the student victim's rights and options pursuant to this procedure.

Immunity for Good Faith Reporting: Students who in good faith report an alleged violation of the College's prohibition of sexual harassment/misconduct or sex discrimination will be granted immunity and will not receive a disciplinary sanction for a student conduct violation (for example, underage drinking) revealed in the course of reporting. Immunity will not be provided for student conduct violations which the College determines are egregious, including without limitation misconduct which places the health or safety of another person at risk.

1. Student Privileged and Confidential Communications

Confidential Advisors: Academic Counselors and the College Nurse. A student victim can seek assistance and support from an academic counselor or the college nurse without triggering a College investigation that could reveal the student victim's identity or that the student victim has disclosed the incident.

While maintaining a student victim's confidentiality, these individuals, or their office, should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the student victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual discrimination, harassment and misconduct on and off campus so the Title IX Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

A student victim who speaks to an academic counselor or the college nurse must understand that, if the student victim wants to maintain confidentiality, the College's ability to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator(s) may be diminished.

Even so, the academic counselors and college nurse will still assist the student victim in receiving other necessary protection and support, such as student victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A student victim who at first requests confidentiality may later decide to file a complaint with the College or report the incident to law enforcement, and thus will have the incident fully investigated. These counselors and advocates will provide the student victim with assistance if the student victim wishes to do so.

Other individuals who work or volunteer in the Counseling offices, including front desk staff and students, may assist students with locating assistance without revealing any personally identifying information about an incident to the College.

Note: While the academic counselors and college nurse may maintain a student victim'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 minor student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, is required to: 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 the alleged perpetrator(s) pose a serious and immediate threat to the College community, College Police may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

Off-Campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form. Contact information for such off-campus resources is as follows:

Sexual Assault Counseling and Information Services (SACIS)

1505 18th Street, Suite 2, Charleston, Illinois 61920

Charleston, Illinois 61920

Toll Free Hotline 24/7: 1-888-345-2846

Office Phone Number: 217-348-5033

Email: advocate@sacis.org

Facebook: [Sexual Assault Counseling and Information Service](#)

HOPE of East Central Illinois – Coalition Against Domestic Violence

701 6th Street, Charleston, IL 61920

24-hour crisis hotline: 1-888-345-3990.

Office Phone: 217-348-5931

<http://www.hope-eci.org>

Note: While these off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law.

2. Student Reporting to "Responsible Employees"

A College employee who has the authority to redress sexual harassment/misconduct or sex discrimination, who has the duty to report incidents of such or other student misconduct, or who a student could reasonably believe has this authority or duty is a Responsible Employee. When a student victim tells a Responsible Employee about an incident of sexual harassment/misconduct or sex discrimination, the student victim 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.

A Responsible Employee must report to the Title IX Coordinator all relevant details about the alleged sexual misconduct shared by the student victim and that the College will need to determine what happened – including the names of the student victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report.

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

- College Administrators

- Title IX Coordinator and Deputy Coordinator
- Supervisors and Managerial Staff
- Faculty
- Campus Police
- Coaches
- Advisors of student clubs and organizations

Before a student victim reveals any information to a Responsible Employee, the employee should ensure that the student victim understands the employee's reporting obligations – and, if the student victim wants to maintain confidentiality, direct the student victim to the Confidential Advisors listed previously.

If the student victim wants to tell the Responsible Employee what happened but also maintain confidentiality, the employee should tell the student victim 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 Title IX Coordinator of the student victim's request for confidentiality.

3. **Electronic and/or Anonymous Reporting.** Although the College encourages victims to talk to someone, the College provides for an online system for electronic reporting. The electronic reporting system should not be used in emergency situations. The reporter may choose to provide his/her identity or may choose to report anonymously. The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation. Online reports can be filed at www.lakelandcollege.edu/col/title_ix/sexual_assault/report.cfm. Upon submitting the online request, the reporter will automatically receive written notification of his/her rights and options as described in this policy. Where a reporter chooses to provide his/her identity and contact information, a College staff member will contact the student for follow-up the next business day. At the time of the report, students will be notified to contact the Lake Land College Police Department or Sexual Assault Counseling and Information Services (SACIS) if they need immediate assistance.

4. **Student Requesting Confidentiality From the College: How the College Will Weigh the Request and Respond**

If a student victim discloses an incident to a Responsible Employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students and employees, including the student victim.

If the College honors the request for confidentiality, a student victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be diminished.

Although rare, there are times when the College may not be able to honor a student victim's request in order to provide a safe, non-discriminatory environment for all students and employees.

The College has designated the following individual(s) to evaluate requests for confidentiality:

- Title IX Coordinator/Director of Human Resources
- Vice-President for Student Services
- Chief of College Police

When weighing a student victim's request for confidentiality or that no investigation or discipline be pursued, a range of factors will be considered, including the following:

- The increased risk that the alleged perpetrator(s) will commit additional acts of sexual discrimination, harassment or misconduct, such as:
 - Whether there have been other sexual discrimination complaints about the same alleged perpetrator;
 - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of misconduct or violence;
 - Whether the alleged perpetrator threatened further sexual discrimination or violence against the student victim or others;
 - Whether the sexual discrimination was committed by multiple perpetrators;
- Whether the sexual discrimination, harassment or misconduct was perpetrated with a weapon;
- Whether the student victim is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual discrimination, harassment or misconduct (e.g., security cameras or physical evidence); and
- Whether the student victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the student victim's request for confidentiality.

If the College determines that it cannot maintain a student victim's confidentiality, the College will inform the student victim at the earliest point possible and will, to the extent possible, only share information with people responsible for handling the College's response.

If the College determines that it can respect a student victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the student victim.

If a victim's request for confidentiality limits the College's ability to formally investigate a particular allegation, the College may take steps to limit the effects of the alleged sexual harassment/misconduct and/or sex discrimination and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Such action may include, but is not limited to:

- Providing increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred;
- Providing training and education materials for students and employees;
- Revising and publicizing the College's policies regarding sexual discrimination, harassment and misconduct; and
- Conducting climate surveys regarding sexual misconduct.

B. Employee Reporting and Disclosing Sexual Harassment/Misconduct and/or Sex Discrimination of a Student

In addition to the reporting requirements for Responsible Employees, all College employees who have information regarding sexual harassment/misconduct and/or sex discrimination of a student are encouraged to report it to the Title IX Coordinator or any Responsible Employee.

C. Interim Measures

The College will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling disability, health or mental health services, and legal assistance both on and off campus;

- Provide other security and support, which could include the College obtaining a no-contact order, helping to change working arrangements or course schedules (including for the alleged perpetrator(s) pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to campus or law enforcement – and provide the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any Title IX investigation or in a disciplinary proceeding against a student.

Because the College is under a continuing obligation to address the issue of sexual discrimination, harassment and misconduct campus-wide, reports of such incidents (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision, or security at locations where the reported incident occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

- D. **False Complaints.** Allegations of sexual harassment/misconduct and/or sex discrimination are extremely serious. Therefore, all claims or harassment must be made in good faith. Any claims that are brought while knowingly false, with malicious intent, or out of retaliation are a violation of Board Policy 11.04.01. Individuals who violate the policy by filing a knowingly false complaint shall be subject to disciplinary sanctions, up to and including termination or dismissal.
- E. **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 sexual discrimination, harassment or misconduct for purposes of triggering its 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’ Title IX rights at these events.
- F. **Clery Act Reporting Obligations**
Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act,” 20 U.S.C. 1092(f)), the College maintains a public crime log and publishes 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. The Clery Act also requires the College to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees.

VI. STUDENT COMPLAINT INVESTIGATION PROCEDURES

A. Investigation Procedures

1. **Initiation of Investigation by Title IX Coordinator:** Upon receipt of a Title IX complaint of sexual harassment/misconduct and/or sex discrimination, including sexual violence, the Title IX Coordinator will initiate a prompt, fair and thorough investigation. The investigation will be conducted by the Title IX Coordinator or his/her designee, and the College will conclude the investigation within 60 calendar days or less. Where the allegations are complex or other factors delay the investigative process, an extension may be granted.
2. **Interim Measures Provided:** During the investigation, the Title IX Coordinator, in collaboration with the Vice President for Student Services, will ensure the victim and/or complainant receive written notice of and the opportunity to obtain Interim Measures as set forth previously in this policy, and will advise the victim and/or complainant of the right to file a complaint with Campus Police or law enforcement agencies.

3. **Notice to Respondent:**
 - a. Within 10 business days of receipt of a complaint, the respondent will be given written notice of the charges against him/her.
 - b. The respondent will be advised of the nature of the evidence against him/her (unless release of the evidence would endanger the health or safety of victim(s) or witness(es)).
4. **Due Process Rights of Victim and/or Complainant and Respondent**
 - a. The victim and/or complainant and student respondent will each be notified of the individual(s) with authority to make a finding or impose a sanction in their proceeding before the individual(s) initiate contact with either party. Both parties will have the opportunity to request a substitution if the participation of an individual with authority to make a finding or impose a sanction poses a conflict of interest.
 - b. The victim and/or complainant and student respondent will each be afforded the right to present information and witnesses relevant to his or her case.
 - c. When the victim and/or complainant or student respondent is requested to appear at an investigatory meeting or proceeding related to a complaint, he or she may be accompanied by an advisor of his/her choice to advise him/her but not to act as a spokesperson.
 - d. If the respondent is a College employee, any employee misconduct investigation procedures outlined in applicable employee guidebooks and/or collective bargaining agreements will apply.
5. **Evidence Considered:** Investigators will interview and receive evidence from the victim, complainant, respondent and any witnesses identified during the course of the investigation. The victim's prior sexual history with anyone other than the respondent will not be considered during the investigation or any proceeding related to a complaint. The mere fact of a current or previous consensual dating or sexual relationship between the victim and respondent does not itself imply consent or preclude a finding of sexual violence.
6. **Preservation of Evidence:** The Title IX Coordinator will provide the victim and/or complainant with information regarding the importance of preserving physical evidence of sexual violence and the availability of medical forensic services on at no charge pursuant to the Illinois Sexual Assault Survivors Emergency Treatment Act (410 ILCS 70). Any physical evidence gathered by the investigator will be preserved by Campus Police.
7. **Concurrent Criminal Investigation:** The existence of a concurrent criminal investigation by law enforcement agencies will not necessarily delay or interrupt the investigation procedures outlined herein. However, the law enforcement agency may request that the College investigation be temporarily suspended. In such cases, the College will evaluate the law enforcement agency's request to determine whether and for how long to suspend its investigation. It is understood that during an ongoing criminal investigation, information relevant to the pending case or prosecution may not be permitted to be shared with the College until the criminal investigation is closed.
8. **Report of Investigation:** At the conclusion of the investigation, the investigator will prepare a thorough report outlining: the complaint, investigation conducted and all relevant evidence obtained; investigator's conclusions with an explanation of reasoning and/or support for such conclusions; and recommendations for disciplinary or other remedial action as appropriate. The investigator will submit his/her report to the Title IX Coordinator.

B. Determination

1. **Determination Based Upon Preponderance of the Evidence:** The Title IX Coordinator shall review the investigator's report and all evidence gathered to determine whether the respondent engaged

in sexual discrimination, harassment and/or misconduct in violation of Board Policy 11.04.01. The determination of violations shall be made based on the preponderance of evidence, meaning whether it is more likely than not that this policy was violated.

2. **Report to Vice President for Student Services:** The Title IX Coordinator shall submit a final report of the investigation and determination of violation of Board Policy 11.04.01 to the Vice President for Student Services for consideration for disciplinary sanctions, protective actions and remedies in accordance with the Student Code of Conduct and Disciplinary Procedures.

C. Disciplinary Sanctions, Protective Actions and Remedies

1. **Sanctions.** Student respondents who have violated the College's prohibition of sexual harassment/misconduct and/or sex discrimination are subject to any sanctions set forth in Board Policy 07.28.01 Student Code of Conduct and Disciplinary Procedures up to and including dismissal.
2. **Protective Actions.** The College may take protective measures as appropriate, including no-contact orders, trespass notices, or other protective measures. College Police will enforce court ordered no-contact, restraining and/or protective orders to the fullest extent of the law.
3. **Remedies.** The College will administer remedies for the victim and/or complainant depending upon the specific nature of the complaint. In addition, the College may administer remedies for the College community as a whole.

Remedies for the victim and/or complainant may include, but are not limited to:

- Assisting the victim and/or complainant to change his/her academic and/or work environment if requested and if reasonably available;
- Providing an escort to ensure that the victim and/or complainant can move safely between classes and activities;
- Ensuring that the victim and/or complainant and the respondent do not attend the same classes;
- Providing counseling services;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Arranging for the victim and/or complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the victim and/or complainant's academic record; and
- Reviewing disciplinary actions taken against the victim and/or complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the victim and/or complainant being disciplined.

Remedies for the College community as a whole may include, but are not limited to:

- Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students and employees affected by sexual harassment/misconduct and/or sex discrimination;
- Designating an individual from the College's counseling center to be available to assist victims of sexual harassment/misconduct and/or sex discrimination when needed;
- Developing materials on sexual harassment/misconduct and/or sex discrimination for campus-wide distribution to students, employees, and/or third-parties;
- Creating a committee of students and College officials to identify strategies for preventing and addressing sexual harassment/misconduct and/or sex discrimination; and
- Conducting periodic climate surveys to identify how students and employees perceive and experience sexual harassment/misconduct and/or sex discrimination at the College.

4. **Notice to Respondent:** Within seven (7) days after receipt of the Title IX Coordinator's report, in accordance with the Student Code of Conduct and Disciplinary Procedures, the Vice President for

Student Services will notify the student respondent in writing of the Title IX Coordinator's determination based on the investigation. If the Vice President determines that the student respondent has violated the Student Code of Conduct through violation of Board Policy 11.04.01, this notification will also advise the student respondent of:

- Disciplinary sanctions; and
- The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth in Section VII, as follows.

5. **Notice to Victim and/or Complainant:** Concurrently with the notice provided to respondent, the Vice President for Student Services will notify the victim and/or complainant in writing of the Title IX Coordinator's determination. If the Vice President determines that the respondent has violated the Student Code of Conduct through violation of Board Policy 11.04.01, this notification will also advise the victim and/or complainant of:

- Any individual remedies offered or provided to the victim and/or complainant;
- Disciplinary sanctions imposed on the respondent that directly relate to the victim and/or complainant;
- In sexual violence cases only, any disciplinary sanctions imposed on the respondent;
- The right to appeal the determination and sanctions in accordance with the Appeal Procedures set forth in Section VII, as follows.
- If the College determines that a hostile environment exists, it will inform the victim and/or complainant of steps it has taken to eliminate the hostile environment and to prevent recurrence.

D. RETALIATION

Any form of retaliation, including intimidation, threats, harassment and other adverse action taken or threatened against any complainant or person filing a complaint alleging sexual discrimination, harassment or misconduct or any person cooperating in the investigation of such allegations is strictly prohibited. Anyone found to engage in unlawful retaliation will be subject to discipline up to and including termination or dismissal.

VII. APPEAL PROCEDURES FOR VICTIMS AND/OR COMPLAINANTS AND STUDENT RESPONDENTS

A victim and/or complainant or a student respondent who wishes to appeal the decision reached by the Title IX Coordinator or the Vice President for Student Services at the conclusion of a formal investigation must submit a written appeal to the College President within ten (10) business days of having received notification from the Vice President for Student Services.

The written appeal must state the grounds for appeal. Appeals must be made on the basis of one or more of the following grounds:

1. Procedural error was committed.
2. The finding of facts contained in the decision included inaccurate information.
3. Specific evidence considered during the investigation is objectionable.
4. New evidence not offered during the investigation that would substantially change the outcome of the finding is now available. In such cases, the new evidence must be described.
5. The sanction imposed is lenient, excessive or otherwise disproportionate with the violation.

Within ten (10) business days after receipt of the appeal request, the President will decide whether to grant the appeal based on whether the appeal meets one of the above enumerated grounds for appeal and shall inform the appellant by certified mail, return receipt request.

If the appeal is granted, the President will not hold a hearing. Rather, the President will review and consider written findings and decision from the Title IX Coordinator and Vice President for Student Services, any written documentation submitted by either party to the Title IX Coordinator and Vice

President for Student Services, all evidence considered by the Title IX Coordinator and Vice President for Student Services, the written appeal and, if applicable, new evidence offered for consideration. The Title IX Coordinator and Vice President for Student Services will provide all relevant documentation to the President. The President shall render a decision within seven (7) days after receipt of the appeal and shall inform both the victim and/or complainant and the student respondent, concurrently, by certified mail. The decision of the President shall be final.

In the event a victim and/or complainant or a student respondent does not appeal within the required ten (10) business day period, the decision of the Title IX Coordinator and Vice President for Student Services will be final.

VIII. PREVENTION AND EDUCATION FOR STUDENTS

The College will review on an ongoing basis, its sexual harassment/misconduct and/or sex discrimination prevention and education programming to ensure students and employees are provided substantive opportunities to learn about sexual harassment/misconduct and/or sex discrimination, including 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. Training will include access to educational resources through the online Student Handbook and Right to Know available through the College website and distributed to students via email each semester.

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.

IX. EMPLOYEE TRAINING

The Title IX Coordinator, Title IX Deputy Coordinator, Vice President for Student Services, College Police, and other employees involved in the receipt of reports of, responding to, investigating or adjudicating alleged incidents of sexual discrimination, harassment and misconduct, or involved 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.

In addition to the above training, individuals who resolve complaints receive at least 8-10 hours of annual training on issues related to sexual violence, domestic violence, dating violence, and stalking and how to conduct the College's complaint investigation and appeal procedures pursuant to Board Policy 11.04.01.

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 complaint investigation and appeal procedures.

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.