

LAKE LAND COLLEGE

CONCISE NOTIFICATION OF RIGHTS AND OPTIONS FOLLOWING AN ACT OF SEX-BASED MISCONDUCT

Misconduct on the basis of sex, sexual orientation, gender-related identity and expression, pregnancy, and other protected characteristics related to sex under federal, state, or local law. Such misconduct includes sex discrimination, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, sexual violence, and stalking

RESOURCES FOR IMMEDIATE ASSISTANCE:

Emergency Services: Anyone who experiences or observes an emergency situation should immediately call 911 to contact either the Lake Land College Police or other local police.

Crisis Response Services (24 Hour Service) The following resources provide an immediate confidential* response in a crisis situation, as well as ongoing assistance and support:

Prevail Illinois*

Emergency assistance, advocacy, and counseling for victims of sexual violence

24-hour Crisis Line: 1-888-345-2846

Office Phone: 217-348-5033

Email: advocate@prevail.org

HOPE of East Central Illinois*

Emergency assistance, shelter, transitional housing, legal advocacy, counseling, referrals, and children's services for victims of domestic violence.

24-hour Crisis Line: 1-888-345-3990

Office Phone: 217-348-5931

Email: info@hope-eci.org

Medical Services: Individuals may seek treatment for injuries, preventative treatment for sexually transmitted disease, and/or other health services 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

SBLHC provides 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 who would like an advocate present with them at the hospital may call the Prevail Illinois 24-hour Crisis Line at 1-888-345-2846

REPORTING OPTIONS:

Individuals have the right to report, or not report, an alleged incident to the College, to law enforcement, or both.

The College encourages individuals to talk to someone about what happened so they can get the support they need. Individuals may contact either Prevail Illinois or HOPE as noted above if they wish to maintain privacy and not share information with anyone at the College. If individuals do share information with the College, the College can respond appropriately. It is important for students to know that employees on campus have different notification responsibilities as follows:

Confidential Advisors: Counselors in Counseling Services, the College Nurse and the Student Wellness Center Manager can provide assistance to individuals without submitting a report or requiring a College investigation. If a student wants to maintain confidentiality, the confidential advisors can still assist the student in receiving necessary protection and support such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to working or course schedules. An individual who requests confidentiality may later choose to file a complaint with the College or report the incident to law enforcement, and thus will have the incident fully investigated.

Counselors in Counseling Services

Luther Student Center, room 435

College Nurse

Luther Student Center, room 512

217-234-5232
counsel@lakelandcollege.edu

Student Wellness Center Manager
Luther Student Center, room 511
217-234-5380
kbierman@lakelandcollege.edu

217-234-5276
healthservices@lakelandcollege.edu

Responsible Employees: Most other College employees, including administrators, supervisors, faculty, coaches, advisors of student clubs and organizations, and college police who receive information regarding an incident of sex-based misconduct must report to the Title IX Coordinator all relevant details about the alleged incident that were shared with them.

Title IX Coordinators: Official reports may be made directly to the Title IX Coordinators:

Title IX Coordinator
Dustha Walhs, 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

College and Local Police Departments: In an emergency situation, individuals should always call 911. To file a police report following an incident, survivors may contact either the College police or the Mattoon police department. Individuals may seek assistance in notifying law enforcement through the Title IX Coordinator or the Confidential Advisors.

Lake Land College Police Department
Luther Student Center
Non-Emergency: 217-234-5066

Mattoon Police Department
1710 Wabash Avenue, Mattoon, IL 61930
Non-Emergency: 217-235-5451

Electronic and/or Anonymous Reporting: The College provides an online system for electronic reporting. Electronic reporting should not be used in emergency situations. Although the College encourages individuals who have experienced sex-based misconduct to talk with someone, the reporter may choose to provide their identify or may report anonymously. Entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation. An online reporter who provides their identity and contact information will receive written notification of rights and options within 12 hours. Online reports may be filed at www.lakelandcollege.edu/reporting-sexual-assault.

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.

SUMMARY OF RESOLUTION PROCESS

Processing of Report: Upon receipt of a report, the Title IX Coordinator will analyze the report to determine the appropriate method for processing and reviewing it. For any report alleging sexual harassment, as defined under Title IX, and/or alleging sexual violence, domestic violence, dating violence or stalking pursuant to the *Preventing Sexual Violence in Higher Education Act*, the Title IX Coordinator will promptly contact the person alleged to be the victim (hereinafter "complainant") to:

- 1) Discuss the availability of supportive measures (see below);
- 2) Consider the complainant's wishes with respect to supportive measures;
- 3) Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- 4) Explain to the complainant the process for filing a formal complaint.

Supportive Measures: Individuals, both complainants and respondents, may request and receive supportive measures including, without limitation, extensions of deadlines or other course-related adjustments, leaves of absence, changes to course schedules or working arrangements, and obtaining and enforcing campus-issued orders of protection or no contact orders. The College will also provide assistance, upon the individual's request, in accessing and navigating local health and mental health services, counseling, and advocacy services. The Title IX Coordinator coordinates the College's implementation of supportive measures.

Emergency Removals or Administrative Leave: Prior to initiating or completing the Grievance Process in response to a formal complaint, or in the absence of a formal complaint, the College may remove a respondent from the College's education program or activity on an emergency basis. Where the alleged conduct, if proven, would constitute sexual harassment as defined under Title IX, the College will effectuate an emergency removal only where the College has determined, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In such cases, the College will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. In addition, the College may place an employee on administrative leave during the pendency of the Resolution Process in response to a formal complaint.

Notice of Allegations: Within ten(10) College business days after signing a formal complaint or receiving a formal complaint filed by a complainant, the Title IX Coordinator will provide written notice to the parties who are known of the following:

- 1) This Grievance Process, including the informal resolution process, where applicable.
- 2) The allegations potentially constituting sexual harassment under Title IX and/or sexual violence, domestic violence, dating violence or stalking under the *Preventing Sexual Violence in Higher Education Act*, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
- 3) That the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the resolution process.
- 4) That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- 5) That the parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a party or other source.
- 6) The College Code of Conduct provision(s) that prohibit knowingly making false statements or knowingly submitting false information during the resolution process.

If, during the course of an investigation, the College decides to investigate allegations that are not included in the initial written notice of allegations, the Title IX Coordinator will provide subsequent written notice of the additional allegations to all known parties.

Informal Resolutions: At any time after receiving the initial notice of allegations and prior to a determination regarding responsibility being reached, the complainant and respondent may request to participate in an informal resolution process. Informal resolution will only occur with both parties' voluntary, written consent and with the approval of the College. At any time prior to agreeing to a resolution, any party will have the right to withdraw from the informal resolution process and resume the Grievance Process with respect to the formal complaint. The College does not permit informal resolution in cases involving alleged sexual harassment, sexual violence, domestic violence, dating violence or stalking by a College employee toward a student.

Consolidation of Formal Complaints: The Title IX Coordinator may consolidate formal complaints as to allegations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.

Dismissal of Formal Complaints: If, during the course of an investigation or following an investigation into a formal complaint, the Title IX Coordinator or designated Investigator determines that the conduct alleged in the formal complaint would not constitute sexual harassment as defined in Title IX even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the Title IX Coordinator will dismiss the formal complaint with regard to that conduct for purposes of Title IX. The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, at any time during an investigation if: (1) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the College; or (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, either of a complaint altogether, or of a complaint for purposes of Title IX, the Title IX Coordinator or Investigator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. Dismissal of a formal complaint for the purposes of Title IX does not preclude action under this Grievance Process or other College policies and procedures. In cases where the College determines that Title IX is not applicable but the College still intends to apply this Grievance Process or other policies and procedures to resolve the alleged misconduct, the College will inform the parties that Title IX is inapplicable but that this Process or other applicable policies and procedures will nevertheless be applied.

Investigation of Formal Complaint: The Title IX Coordinator will appoint one or more trained investigators to undertake an investigation into a formal complaint. Throughout the investigation, the parties will be afforded an equal opportunity to present witnesses including fact and expert witnesses, and other inculpatory and exculpatory evidence. The Investigator will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. Any proceeding, meeting, or hearing held to resolve formal complaints pursuant to this Grievance Process will protect the privacy of the participating parties and witnesses.

Both parties will be afforded an opportunity to be accompanied to any meeting or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney. The advisor's role is limited to providing support, guidance and/or advice, and to conducting cross-examination during the live hearing (see following section). A party's advisor may not speak on behalf of the party during any meeting, interview or hearing and must comply with all behavioral rules and expectations set forth in these Procedures. If a party's advisor violates these Procedures or engages in behavior that harasses, abuses or intimidates a party, witness or individual resolving a complaint, that advisor may be prohibited from further participation.

When a party's 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 said interview or meeting at least three (3) College business days prior to the interview or meeting.

At the conclusion of the investigation and prior to the Investigator's completion of his/her investigative report, the Investigator will send to each party (and the party's advisor, if any) the evidence obtained as part of the investigation that is directly related to the allegations described in the formal complaint and notice of allegations, in electronic and/or printed copy. The parties will have ten (10) College business days to submit a written response to the evidence, which the Investigator will consider prior to completion of his/her investigative report.

After receiving and reviewing the parties' written responses, if any, the Investigator will create an investigative report that fairly summarizes the relevant evidence, and will forward a copy of their report to the Title IX Coordinator. Upon receipt of the Investigator's Report, the Title IX Coordinator will schedule a hearing. At least ten (10) College business days prior to the hearing, the Title IX Coordinator will:

- (1) Provide both parties with written notice of the hearing date, time, location, participants (including the name of the appointed Hearing Officer) and purpose of the hearing; and
- (2) Send to each party (and the party's advisor, if any) the investigative report in electronic format and/or hard copy for their review and written response.

Hearings: A hearing will be conducted by a Hearing Officer appointed by the College. Both parties will have the opportunity to request a substitution if the participation of the appointed Hearing Officer poses a conflict of interest. A party wishing to request a substitution must contact the Title IX Coordinator within three (3) College business days after the party's receipt of the notice of hearing to make such a request.

At the request of either party, the College will arrange for the live hearing to occur with the parties located in separate rooms, with technology enabling the Hearing Officer and parties to simultaneously see and hear the party or witness answering questions. A party wishing to request that the live hearing occur with the parties located in separate rooms must contact the Title IX Coordinator to request such an arrangement at least three (3) College business days in advance of the hearing. The College may conduct any live hearing virtually, with the participants in one or more separate geographical locations, and with technology enabling participants simultaneously to see and hear each other.

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and may never be conducted by a party personally.

If a party does not have an advisor who is available to conduct cross-examination on behalf of that party at the live hearing, then the College will provide the party with an advisor of the College's choice, free of charge, to conduct cross-examination on behalf of that party. To invoke this right, the party must notify the Title IX Coordinator at least three (3) College business days in advance of the hearing that the party does not have an advisor to conduct cross-examination. A party who fails to notify the College that he/she does not have an advisor within the required three (3) College business day timeframe may result in a waiver of the right to request that an advisor be appointed.

Only relevant questions, as determined by the Hearing Officer, may be asked of a party or witness. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted, except where:

- 1) The questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
- 2) The questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The College will make all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint or the notice of allegations available for the parties' inspection and review during the hearing. In addition, the College will create an audio or audiovisual recording, or transcript, of the live hearing, which the Title IX Coordinator will make available to the parties for inspection and review upon request.

Determination Regarding Responsibility: Within ten (10) College business days after the conclusion of the hearing, the Hearing Officer will make a decision regarding responsibility. The Hearing Officer will apply a preponderance of the evidence standard when determining responsibility. Within seven (7) College business days of reaching their decision, the Hearing Officer will issue a written determination to both parties simultaneously. The written determination will include:

- 1) Identification of the allegations potentially constituting sexual harassment as defined in 34 C.F.R. § 106.30 (Title IX) and/or constituting sexual violence, domestic violence, dating violence or stalking pursuant to the *Preventing Sexual Violence in Higher Education Act*;
- 2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- 3) Findings of fact supporting the determination;
- 4) Conclusions regarding the application of the College Code of Conduct or other conduct standards to the facts;
- 5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
- 6) The procedures and permissible bases for the complainant and respondent to appeal.

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

- 1) A procedural irregularity occurred;
- 2) New evidence or information exists that could affect the outcome of the matter;
- 3) The Title IX Coordinator, Investigator or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter; and/or
- 4) The sanction is disproportionate with the violation.

A party who wishes to appeal a determination regarding responsibility or a dismissal of a formal complaint or allegations therein must submit a written appeal request to the Title IX Coordinator within seven (7) College business days of the party's receipt of the written determination or written dismissal notice. The written appeal request must identify the ground(s) on which the party seeks to appeal the determination or dismissal.

Within seven (7) College business days of the Title IX Coordinator's receipt of an appeal request, the Title IX Coordinator will forward the appeal request to the appropriate Vice President or designee assigned to hear the appeal and will notify the other party in writing that an appeal has been filed. Before reaching a determination regarding the appeal, the Vice President or designee will afford both parties an equal opportunity to submit a statement in support of, or challenging, the determination or responsibility or dismissal that is the subject of the appeal. Within seven (7) College business days after the Vice President or designee has concluded their review of the appeal, the Vice President or designee will issue a written decision simultaneously to both parties, describing the outcome of the appeal and the rationale for the outcome. The Vice President or designee's decision is final.

Students should review the complete *Sex-Based Misconduct* section of the online *Student Handbook and Right to Know* @ www.lakelandcollege.edu.

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