

# LAKE LAND COLLEGE

## CONCISE NOTIFICATION OF RIGHTS AND OPTIONS FOLLOWING AN ACT OF SEX DISCRIMINATION

Includes discrimination and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identify or expression, as well as sexual violence, domestic violence, dating 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.

**Medical Services:** Individuals 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

*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).*

**Crisis Response Services (24 Hour Service):** The following resources provide both immediate and ongoing assistance for sexual assault survivors.

**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](mailto:advocate@prevail.org)

**HOPE of East Central Illinois**

*Emergency assistance, shelter, transitional housing, legal advocacy and counseling for victims of domestic violence.*

24-hour crisis line: 1-888-345-3990

Office phone: 217-348-5931

Email: [info@hope-eci.org](mailto:info@hope-eci.org)

### REPORTING OPTIONS AND NOTIFICATION REQUIREMENTS:

The College encourages individuals who have experienced sex discrimination 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 to know that employees on campus have different confidentiality and notification obligations regarding reported behavior that may constitute sex discrimination as follows:

**Confidential Advisors:** The following College offices can provide assistance to individuals without initiating a College investigation. If an individual wants to maintain confidentiality, the confidential advisors can still assist them in receiving necessary protection and support such as 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

217-234-5232

[counsel@lakelandcollege.edu](mailto:counsel@lakelandcollege.edu)

**College Nurse**

Luther Student Center, Room 515

217-234-5276

[healthservices@lakelandcollege.edu](mailto:healthservices@lakelandcollege.edu)

**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 Duties are designated as follows:

**Title IX Coordinator**  
**Dustha Walhs, Director of Human Resources**  
Lensink Hall, Office #2  
217-234-5210  
[dwahls@lakelandcollege.edu](mailto: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](mailto:cwinchester@lakelandcollege.edu)

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

**Reporting to Other College Employees:** Employees who are not designated as Confidential Advisors or Responsible Employees who receive information about sex discrimination must either notify the Title IX Coordinator or provide the reporting party with contact information of the Title IX Coordinator and information about how to make a complaint.

**Electronic and/or Anonymous Reporting:** Although the College encourages individuals who have experienced sex discrimination to talk with someone, the College provides an online system for electronic reporting. Electronic reporting should not be used in emergency situations. The reporter may choose to provide their identify or may report anonymously. Online reports may be filed at [www.lakelandcollege.edu/reporting-sexual-assault](http://www.lakelandcollege.edu/reporting-sexual-assault). An online reporter will automatically receive written notification of his/her rights and options. If the reporter provides his/her name, a College staff member will follow-up the next business day.

**College and Local Police Departments:** In an emergency situation, individuals should always call 911. To file a police report following an incident, individuals 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**  
Police Department Building  
Non-Emergency: 217-234-5066

**Mattoon Police Department**  
1710 Wabash Avenue, Mattoon, IL 61930  
Non-Emergency: 217-235-545

**State of Illinois Sexual Harassment and Discrimination Helpline:** 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.

## **COLLEGE RESPONSE TO ALLEGATIONS OF SEX DISCRIMINATION**

**Upon Notification:** The Title IX Coordinator will analyze the information received. Where it is determined that the alleged conduct reported could constitute sex discrimination, the Title IX Coordinator 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:

- Treat the complainant and respondent equitably;
- Offer and coordinate supportive measures, as appropriate, for the complainant and respondent;
- Notify the complainant, or the individual reporting the alleged conduct if the complainant is unknown, of the grievance procedures and the informal resolution process, if appropriate, and provide concise written information about the complainant's rights and options pursuant to College procedures;
- In response to a complaint, initiate the grievance procedures, or the informal resolution process if appropriate and requested by both parties; and/or
- In the absence of a complaint, the withdrawal of any or all allegations in the complaint, and the absence or termination of an informal resolution process, determine whether to initiate a complaint.
- Notify the complainant and address supportive measures and any safety concerns.

**Supportive Measures:** Individuals, both complainants and respondents, may be offered or request and receive supportive measures including, without limitation, adjustments for assignments or tests, changes to course schedules or working arrangements, increased security or campus escort services, 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 procedures 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 individuals arising from the allegations of sex discrimination 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 in response to allegations of misconduct.

**Complaint Initiation:** The following individuals have a right to make a complaint under these grievance procedures: 1) student; 2) employee; 3) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination while participating or attempting to participate in the College's education program or activity; 4) parent, guardian or other authorized legal representative, with the legal right to act on behalf of the complainant; and 5) the College's Title IX Coordinator.

**Complaint Evaluation:** When a complaint is filed, the Title IX Coordinator will, within ten (10) business day of receipt of the complaint, evaluate whether to investigate or dismiss the complaint, based on whether the alleged conduct could constitute sex discrimination and whether any of the bases for dismissal apply. Where it is determined that the alleged conduct could constitute sex discrimination and none of the bases for dismissal apply, the Title IX Coordinator will initiate the grievance process and issue a Notice of Allegations to both parties. Where it is determined that the alleged conduct would not constitute sex discrimination or that one or more bases for dismissal apply, the Title IX Coordinator will dismiss the complaint or allegations and issue a written notice of the dismissal to the complainant. Dismissal of a complaint does not preclude action under other College policies and procedures.

**Complaint Dismissal:** The College may dismiss a complaint, or any allegations therein, if: (1) the College is unable to identify the respondent after taking reasonable steps to do so; (2) the respondent is not participating in the College's education program or activity and is not employed by the College; (3) 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 (4) the College determines, after reasonable efforts to clarify the allegations, that the conduct alleged in the complaint, even if proven would not constitute sex discrimination. Upon dismissal, the College will promptly notify the complainant in writing of the ground(s) for dismissal. If the respondent has been notified of the allegations, both parties will be notified in writing simultaneously. Information regarding the right to appeal the dismissal will be included.

**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 one party against the other party, where the allegations of sex discrimination arise out of the same facts or circumstances.

**Notice of Allegations:** Upon initiation of an investigation, 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:

- The grievance procedures, including the informal resolution process, where applicable;
- Sufficient information available at the time to allow 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 incidents;
- 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 end 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;
- 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; and
- That Board Policies 07.28.01 and 05.04.18 prohibit 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 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.

**Investigation:** The Title IX Coordinator will appoint one or more trained investigators to undertake an 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 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. 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 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.

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. After completing the investigation, 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 for good cause with a written notice to the parties.

**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.

**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 such that it would change the outcome of the determination or dismissal:

- A procedural irregularity; and/or
- New evidence 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.

A party who wishes to appeal a dismissal or determination regarding responsibility 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 notice of dismissal.

Within seven (7) College 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.

Within ten (10) College business days of the Appellate Decisionmaker's receipt of the appeal and relevant materials, 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.

**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.

In accordance with Board Policy 07.28.01 *Student Code of Conduct and Disciplinary Procedures*, disciplinary sanctions that the College may impose on a student respondent include, but are not limited to: Reprimand; Academic Sanction; Disciplinary Probation; Loss of Privileges; Restitution; Discretionary Sanctions; Administrative Withdrawal; Suspension; Dismissal.

In accordance with Board Policy 05.04.18 *Discipline and Suspension, Demotion or Dismissal for Cause*, disciplinary sanctions that the College may impose on an employee respondent include, but are not limited to: Oral Warning; Written Warning; Suspension with or without pay; Demotion or Dismissal. 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: continuation of supportive measures; alteration of class or work arrangements; campus climate surveys; policy/procedure modification and/or training.

## SUPPLEMENTAL/ALTERNATIVE PROCEDURES FOR SEX-BASED HARASSMENT COMPLAINTS INVOLVING A STUDENT PARTY

The following supplemental/alternative procedures apply only to complaints of alleged sex-based harassment where at least one party (complainant or respondent) is a student. Except where noted, these procedures apply in addition to the procedures outlined in the previous section for the College Response to Allegations of Sex Discrimination.

**Decisionmaker Review, Questioning Procedure and Determination:** For a sex-based harassment complaint involving a student party, upon the appointment of the Decisionmaker, both parties will have the opportunity to request a substitution if the participation of the appointed Decisionmaker poses a conflict of interest. A party wishing to request substitution of the appointed Decisionmaker must notify the Title IX Coordinator, in writing, within three (3) business days after the party's receipt of the name of the appointed Decisionmaker.

The process enabling the Decisionmaker to question parties and witnesses to adequately assess their credibility will consist of an individual question-and-answer meeting(s) facilitated by the Decisionmaker.

Prior to convening the individual meetings, both parties will be notified, in writing, of the opportunity to submit proposed questions to be asked of the other party and any witnesses during the individual meetings. The Decisionmaker will determine whether each proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible to the party who proposed the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Decisionmaker will provide a party with an opportunity to clarify or revise a proposed question that the Decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the proposed question, the question will be asked.

During the individual meetings, the Decisionmaker will pose the submitted questions deemed relevant and appropriate. The Decisionmaker may also pose the Decisionmaker's own questions to the party or witness. If a party has an advisor, the advisor will be permitted to accompany the party to their individual meeting(s); however, the same limitations on the advisor's role that apply during the investigation phase will apply during the individual meeting(s).

The Decisionmaker will create an audio or audiovisual recording or transcript of each individual meeting and will provide each party with the recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

To account for the additional time needed for the Decisionmaker to facilitate the question-and-answer meetings, the Decisionmaker's deadline for making the determination of responsibility for sex-based harassment complaints involving a student party will be thirty (30) business days after the parties' deadline to request substitution of the appointed Decisionmaker (or, if the Decisionmaker is substituted, the parties' receipt of the name of the substituted Decisionmaker), rather than the fifteen (15) business day deadline.

In addition to the components listed in the previous section, the Decisionmaker's written determination regarding responsibility will include, if applicable and to the extent appropriate, other students identified by the College to be experiencing the effects of sex-based harassment.

**Appeals:** In addition to the grounds listed in the previous section, the parties to a sex-based harassment complaint involving a student party may appeal a determination regarding responsibility on the ground that the sanction is disproportionate to the violation.

## INFORMAL RESOLUTION

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 such 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 initiation of a formal resolution process, the College will provide the parties with written notice of:

- The allegations;
- Requirements of the informal resolution process;

- That any party has the right to withdraw from informal resolution and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to 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 or how the College could disclose such information for use in grievance procedures if such procedures are initiated or resumed.

The complete *Procedures for Implementing the College's Policy Prohibiting Sex Discrimination* is available online:

- Student Handbook and Right to Know: <https://www.lakelandcollege.edu/student-handbook/>
- Human Resources: <https://www.lakelandcollege.edu/human-resources/>

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